

## A Typology of Dishonesty

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Few would disagree that honesty is an essential trait for practitioners. Dishonesty undermines the trust that clients must have in order to be open and candid with practitioners. Clients will not accept and follow the advice they receive unless they believe its source. In addition, dishonesty compromises the reputation of a profession and its regulator. Also, third parties (e.g., courts, third-party payers, employers) rely on the honesty of practitioners in making important decisions (e.g., sentencing for crimes, payment of claims, modifying an employee's work duties).

The United Kingdom's Professional Standards Authority conducts research into professional regulation as one of its many functions. The PSA recently released a study by two academics, Ann Gallagher and Robert Jago, on dishonesty by regulated practitioners. This research included a review of 151 discipline cases involving practitioner dishonesty.

The authors began by suggesting that the concept of honesty is not always straightforward. For example, while the belief that withholding information about a patient's diagnosis for the patient's own good is declining rapidly in favour of patient autonomy, it has not completely disappeared (i.e., hope is important to health). In addition, the timing, bluntness and level of detail of disclosure of bad news to clients can vary.

The study identifies six categories of dishonesty by practitioners:

- "Dishonesty by omission - not disclosing - where the truth is withheld;
- Dishonesty by commission - lying - where a registrant tells an untruth;
- Impersonation - impersonating - assuming the identity of another person;
- Theft - stealing;
- Fraud - deceiving; and
- Academic dishonesty - cheating."

The authors found examples of discipline cases for each category of dishonesty. The examples included both dishonesty in practice and dishonesty in the practitioner's private lives. For example, in the impersonation category, a nurse was found guilty of impersonating both a physician (who can use flashing green lights in the UK when attending to an emergency) and a police officer to facilitate speeding through traffic. The equipment was stolen from work. Another example of impersonation, in the private domain, was a practitioner who impersonated his brother in order to sit examinations in his stead.

The authors suggested that this typology could be useful in training practitioners. While one wonders how much candour can be taught, there may be benefits to having students and practitioners reflect on:

- the wide variety of forms in which dishonesty can arise,
- the rationales given for acting in a way that is untruthful (e.g., "that rule is bureaucratic and unfair anyway"),
- the challenges in being candid (e.g., forgetting to obtain a client's signature for a document and having to choose between chasing down the client or forging the client's signature), and

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- the consequences of dishonesty to one's clients, one's profession and oneself.

The study identified the most prevalent examples of dishonesty as follows:

Of the 151 cases reviewed the three most particular kinds of dishonest activities were firstly, failure to disclose convictions/cautions to the regulator either upon registration or for the purposes of retention on the register (19 cases). Secondly, simple theft of identified monies, prescription pads and medication or drug paraphernalia (18 cases) and finally, receiving sick pay and salary from a 2<sup>nd</sup> employer simultaneously (13 cases).

The study noted a wide variety a sanctions being imposed for various incidents of dishonesty by practitioners. They ranged from what we in Canada would call reprimands to revocation; the majority of sanctions involved moderate suspensions.

The authors suggested that regulators use the following educational framework for assessing dishonesty (using the acronym HONEST):

- **“Highlight the type of dishonesty and domain of offence**
- **Organisational [environmental] issues that may have impacted on the offence?**
- **Negative or aggravating individual factors that contributed to offence? ...**
- **Explanations offered as possible mitigation? ...**
- **Sanction applied – Is it fair? Too lenient? Too severe? ... Is the sanction proportionate?**
- **Training or professional education that may remedy?”**

The authors discussed how organisational factors can play a role in dishonesty cases, including whether the employer ever verified the accuracy of the information provided by practitioners, whether there was too much “opportunity” given (e.g., unsupervised handling of cash) and whether it was perceived that “everyone” did it.

In terms of mitigating factors, the most common ones observed in the cases studied were the youth of the practitioner and whether the practitioner had a disability (e.g., addiction) that contributed to the dishonest conduct.

The report concluded:

We strongly recommend that educators and regulators capitalise on the rich resource of cases in their databases to illustrate types of dishonesty and also to urge reflection on strategies that registrants may use to develop their moral resilience.

On this point, regulators can use case studies from their own complaints and discipline files to educate the profession (e.g., newsletters, social media, mandatory online professional development) as to the most common challenges within their profession and strategies to avoid being placed in a situation where the “easy way out” is to be dishonest.

The study can be found at:

<http://www.professionalstandards.org.uk/docs/default-source/publications/research-paper/a-typology-of-dishonesty---illustrations-using-the-fitness-to-practise-database.pdf?sfvrsn=6>