

*Government Notice No. 122 of 2022***THE ALLIED HEALTH PROFESSIONALS COUNCIL ACT****Regulations made by the Minister, after consultation with the Allied Health Professionals Council, under section 39 of the Allied Health Professionals Council Act**

1. These regulations may be cited as the Allied Health Professionals Council (Psychologist) Regulations 2022.
2. In these regulations –
“Act” means the Allied Health Professionals Council Act.
3. For the purpose of section 5(d) of the Act, the Code of Practice for a psychologist shall be the Code set out in the Schedule.
4. A psychologist shall comply with the Code of Practice.
5. (1) Where a psychologist fails to comply with the Code of Practice, the Council may, by notice in writing served on him, require him to comply with the Code of Practice.

(2) A psychologist who fails to comply with the Code of Practice may be called by the Council to explain his non-compliance with the Code of Practice.
6. These regulations shall come into operation on 1 June 2022.

Made by the Minister, after consultation with the Allied Health Professionals Council, on 16 May 2022.

SCHEDULE
[Regulation 3]
CODE OF PRACTICE
PSYCHOLOGIST
PART I – INTRODUCTION

1. Our Expectations – A note

(1) The Code of Practice determines whether the psychologist is adhering to standards proper to his or her profession.

(2) It is important that you read and understand this document. If your practice is called into question we will consider the standards defined in this document (and the Code of Ethics) in deciding what action, if any, we need to take. The standards set out in this document complement information and guidance issued by other organisations, such as your professional body or your employer.

2. Language

We recognise that our registrants work in a range of different settings, which include direct practice, management, education, research and roles in industry and the professional will adapt his/her language accordingly.

3. Scope of practice

Your scope of practice is the area or areas of your profession in which you have the competence, knowledge, skills and experience to practice lawfully, safely and effectively, in a way that meets our standards and does not pose any danger to the public or to yourself. We recognise that a registrant's scope of practice will change over time and that the practice of experienced registrants often becomes more focused and specialised than that of newly practitioner colleagues. This might be because of specialisation in a certain

clinical area or with a particular client group, or a movement into roles in management, education or research.

4. Your particular scope of practice also means that you are unable to continue to demonstrate that you meet all of the standards that apply for the whole of your profession.

As long as you make sure that you are practicing safely (ensuring physical and psychological safety at all times of people who access services offered) and effectively within your given scope of practice and do not practice in the areas where you are not proficient to do so, this will not be a problem. If you want to move outside of your scope of practice you should be certain that you are capable of working lawfully, safely and effectively. This means that you need to exercise personal judgement by undertaking any necessary training and experience. For example: before developing the ability to offer therapy to sexual perpetrators, one must undertake specialized training in this field.

5. Meeting the standards

(1) It is important that our registrants meet our standards and are able to practice lawfully, safely and effectively. However, we do not dictate how you should meet our standards. There is normally more than one way in which each standard can be met and the way in which you meet our standards might change over time because of improvements in technology or changes in your practice. As an autonomous professional you need to make informed, reasoned decisions about your practice to ensure that you meet the standards that apply to you. This includes seeking advice and support from education providers, employers, colleagues and others to ensure that the wellbeing of service users is safeguarded at all times. This is strongly advised to enhance the professional and personal

development of psychologist competence, and ensure the protection of clients/patients and the public.

(2) In particular, we recognise the role played by the Council in representing and promoting the interests of their registrants. This often includes guidance and advice about good practice which can help you meet the standards laid out in this document.

6. Service users

We recognise that our registrants having received training in different countries work in a range of different settings, which include clinical practice, education, research and roles in industry. We recognise that the title psychologist may have various interpretations, can be working in different professions using different terms in regards to their practice. The use of terminology can be a sensitive and challenging issue.

PART II – STANDARDS OF PROFICIENCY

7. General

A psychologist shall adhere to the following standards in addition to the Code of Ethics for professional psychologists under the Act.

Any psychologist who fails to comply with the Code of Practice, Standards of Proficiency and Code of Ethics shall be liable to disciplinary proceedings of their respective associations and/or of the Allied Health Professional Council.

8. Professional competence

(1) A psychologist holds the qualifications required for the professional practice of his discipline in the country where these qualifications were obtained, as defined in First Schedule of the Act.

(2) A psychologist operates in an organisation and private practice. He can fulfill different scopes of services, such as psychotherapy, evaluation, guidance, counselling, clinical assessments, expertise according to their field of training, teaching, training, research, human development in business.

(3) A psychologist shall develop, maintain and encourage high standards of professional competence to ensure that clients are protected from professional practices that fall short of international and national best practice standards.

(4) A psychologist shall aim to regularly update his/her skills with theoretical and practical knowledge and through ongoing education and the ability to discern his/her personal involvement in the understanding of others.

(5) It is with rigor and caution that a psychologist uses his/her competence in producing observations, analysing, make observations and conclusions in the evaluation of clients relying on evaluation-based and scientific research.

(6) A psychologist shall be accountable for professional actions in all domains of his or her professional life.

9. Competence specificity and limits

(1) A psychologist shall limit his or her practice to areas within the boundaries of his or her competence based on his or her formal education, training, supervised experience and/or appropriate professional experience.

(2) The methods and techniques used by a psychologist are for a specific purpose, this must be clearly explained to clients beforehand outlining the methods that are going to be used and its objective. This ensures that consent of the client is based on detailed information in regards to the treatment plan.

(3) A psychologist shall only accept cases which are compatible with his skills, techniques, professional responsibilities and scope of practice.

(4) In the case the psychologist judges that he/she does not have the appropriate competencies to respond to the client's request, he/she is expected to refer the client to other professionals who have the required competencies.

(5) The psychologist respects the specificity of his/her practice, respects the scope of intervention of other professionals and does not interfere in the treatments established by them. It could be in the best interest of the client that professionals come to work together as some therapeutic approaches can be very complimentary and thus more effective.

(6) A psychologist shall ensure that his or her work is based on established scientific and professional knowledge and evaluation-based research of the discipline of psychology.

10. Maintaining competence

A psychologist shall maintain up-to-date competence in his or her areas of practice through continued professional development, consultation and/or other procedures in conformity with current standards of scientific or professional knowledge.

11. Adding new competencies

(1) When a psychologist is developing competence in recent psychological services/techniques that is either new to him or her or to the profession, he or she shall engage in regular consultation with other colleagues/relevant professions, and seek ongoing expertise and practical training in the particular field.

(2) A psychologist shall inform a client of the innovative nature of and the known risks associated with such new psychological services or techniques, so that the client may give informed consent concerning such services or application of this particular technique. In such cases, a written consent might be necessary.

12. Extraordinary circumstances

A psychologist may be asked, when in an emergency (e.g: person might be at risk of self-harming, having serious suicidal thoughts etc), to provide psychological services for which he has not obtained the necessary competence. He shall provide such services to ensure that the client is not denied essential care.

13. Personal impairment

A psychologist who, in the opinion of the Council, appears to be “impaired”.

The impairment must be assessed by an Independent body and/or by an independent medical practitioner/council. This is defined as follows –

- (a) shall refrain from undertaking professional activities when there is the likelihood that his personal circumstances (including mental, emotional or physiological conditions, or pharmacological or substance abuse considerations) may prevent him from performing such professional activities in a competent manner;
- (b) shall be alert to signs of, and obtain appropriate professional assistance for, his personal problems at an early stage in order to prevent impaired performance;
- (c) shall, if he becomes aware of personal circumstances that may interfere with in the performance of his professional duties adequately, take appropriate measures, such as consulting and obtaining the assistance of a professional as determined by the Council, to determine whether he should limit, suspend or terminate his professional duties; and
- (d) in the event of impediment to perform his duties, the psychologist will take appropriate actions so that the continuity of his practice is ensured by a colleague with the agreement of the clients and provided that this handover is done as ethically as possible.

14. Delegation of work

A psychologist who delegates work to an employee, supervisee, psychomotor therapist, counsellor, psychotherapist, research or teaching assistant or any other professional in the medical or paramedical field shall take all reasonable steps –

- (a) to avoid delegating such work to a person who has a multiple relationship with the client that is likely to lead to exploitation or loss of objectivity;
- (b) to authorise only those responsibilities that such a person can be expected to perform competently on the basis of his education, training and experience; and
- (c) to ensure that the person performs those services competently with appropriate supervision and guidance, if required/needed.

15. Use of interpreters

An interpreter is a person who translates the words that someone is speaking into a different language. It can be orally or into sign language.

(1) When it is clear that a client is not fluent in the psychologist's language, the psychologist shall propose the use of an interpreter to that client.

(2) An interpreter engaged by a psychologist as contemplated in subparagraph (1) shall be fluent in at least the 2 languages concerned and shall, in particular, be proficient in the client's language of preference.

(3) A psychologist who engages an interpreter as specified in subparagraph (1) shall take all reasonable steps to ensure that –

- (a) the interpreter does not have a multiple relationship with the client concerned that is likely to lead to exploitation or loss of objectivity; and
- (b) the interpreter performs the interpretation tasks competently.

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- (c) a confidentiality/non-disclosure agreement may be signed with the interpreter if required/needed.

PART III – PROFESSIONAL RELATIONS

16. Respect for human rights and others

(1) A psychologist shall, in all his professional activities, respect the dignity and human worth of a client and shall strive to preserve and protect the client's fundamental human rights. He must respect the client with dignity regardless of religion, gender, age, ethnicity, political affiliation, sexual orientation/identity, education, language, nationality, social status, family status, professional status, social and cultural background and with or without a disability.

(2) A psychologist shall respect the right of a client to hold values, attitudes, beliefs and opinions that differ from his own.

(3) A psychologist shall recognise a client's inalienable human right to bodily and psychological integrity, including security in and control over his body and person, and a client's right not to be subjected to any procedure or experiment without his informed consent as referred to in Rule 17 and such consent shall be sought and given in a language that is easily understood by the client.

(4) A psychologist shall not coerce a client into agreeing that a psychological service be rendered to him nor compel a client to give self-incriminating evidence through the use of psychological techniques or otherwise.

(5) A psychologist shall ensure intellectual accessibility and understanding of professional services for people with special needs, in order to have their agreed consent, and thus protect their rights to personal decision (as stated in the UN Convention for the Rights of Persons with Disabilities).

17. Informed consent to professional procedures

(1) When a psychologist conducts research or provides assessment, psychotherapy, counselling or consulting services in person or via electronic transmission or other forms of communication, he or she is strongly recommended to obtain the informed consent of the client concerned, using a language that is reasonably understandable to such client. The consent may be in writing.

(2) While the content of the informed consent referred to in subparagraph (1) will vary depending on the circumstances, informed consent ordinarily requires that a client –

- (a) has the capacity to consent;
- (b) has been provided with information concerning participation in the activity that might reasonably be expected to affect his or her willingness to participate, including exceptions to the requirement of confidentiality and monetary or other costs or remuneration;
- (c) is aware of the voluntary nature of participation and has freely and without undue influence given his consent; and
- (d) has had the opportunity to ask questions and be given answers regarding the activities concerned,

provided that, in the case of a client who is legally incapable of giving informed consent, a psychologist shall nevertheless –

- (i) provide an appropriate explanation;
- (ii) seek the client's assent;

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- (iii) consider such client's preferences and best interests; and
 - (iv) obtain appropriate permission from a person legally authorised to give consent if such substitute consent is permitted or required by law, but if consent by a legally authorised person is not permitted or required by law, a psychologist shall take all reasonable steps to protect the client's rights and welfare.

In case a client is incapable, it is imperative for the psychologist to get the consent of the guardian of that person or in the case of a minor, to get the consent of one or both parents or the parent who has "*la garde*/the responsibility" of the child.

(3) Where psychological services are ordered by a court or required administratively or ordered through mediation or arbitration, a psychologist shall –

- (a) before proceeding, inform the individual concerned of the nature of the anticipated services, including whether the services were ordered and whether there are any exceptions to the requirement of confidentiality; and
- (b) appropriately document written or oral consent, permission or assent. If ordered by the Court of Justice no consent is needed however the psychologist will ensure that the client's identity is protected when revealing information to the court. The psychologists personal notes are to remain confidential.

18. Unfair discrimination

(1) A psychologist shall not impose on a client, an employee, a research participant, student, supervisee, trainee or any other person over whom he or she has or had authority any stereotypes of behaviour, values or roles relating to age, belief, birth, conscience, colour, culture, disability, disease, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation, socio-economic status or any other factor prohibited by law.

(2) A psychologist shall not discriminate on the basis of age, belief, birth, colour, conscience, culture, disability, disease, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation, social and economic status or any other factor prohibited by law. A psychologist however may not feel that he or she has the competencies to work with a specific population e.g. children, and might in such cases refer to a colleague.

(3) A psychologist shall make every effort to ensure that language-appropriate and culture-appropriate services are made available to a client and that acceptable standards of language proficiency are met in rendering a service to a client whose primary language differs from that of the psychologist.

19. Sexual harassment

Based on existing laws in the Republic of Mauritius, psychologists shall not sexually harass, use language having sexual connotation or commit any act of sexual nature towards any client.

20. Other harassment

A psychologist shall not behave in a manner that is harassing or demeaning to a person with whom he interacts in his work on the basis of factors such as those persons' age, belief, birth, colour,

conscience, culture, disability, disease, ethnic or social origin, gender, language, marital status, professional status, pregnancy, race, religion, sexual orientation or socio-economic status.

21. Avoiding harm

(1) A psychologist shall take all reasonable steps to avoid harming a client, an employee, a research participant, student, supervisee, trainee or other person with whom he or she works, including any form of harm.

(2) Harm may be defined as causing physical or mental damage to someone else. In this context there might be various forms of harms such as victimisation, coercion, discrimination, judgment, physical, sexual, psychological, emotional or moral abuse, injury, neglect, ill-treatment, degradation, exploitation or impairment of health or development.

22. Conflict of interest

A psychologist shall refrain from assuming a professional role when personal, professional, legal, scientific, financial or other interests or relationships could reasonably be expected to –

- (a) impair his objectivity, competence or effectiveness in performing his functions as a psychologist; or
- (b) expose the client concerned to harm or exploitation.

23. Third-party requests for service

(1) Where a psychologist agrees to render a psychological service to a client at the request of a third party, the psychologist shall clarify at the outset of such service the nature of the relationship with each of the parties involved (whether individuals or organisations).

(2) The clarification referred to in subparagraph (1) shall cover the role of the psychologist (such as therapist, consultant, diagnostician, expert witness), the probable uses of the psychological service provided or the information obtained, and the fact that there may be exceptions to the requirement of confidentiality.

(3) If there is a foreseeable risk of the psychologist's being called upon to fulfil conflicting roles because of the involvement of a third party, the psychologist shall clarify the nature of his or her responsibilities, keep all parties properly informed as matters develop, and resolve the situation in accordance with these standards.

24. Multiple relationships

(1) A multiple relationship occurs when a psychologist fulfils a professional role with respect to a person, family member and/or organisation and at the same time –

- (a) fulfils or fulfilled another role with respect to the same person or organisation;
- (b) is in a relationship with a person or organisation closely associated with or related to the person or organisation with whom he or she has the professional relationship; or
- (c) promises to enter into another relationship in the future with that person or organisation or a person or organisation closely associated with or related to that person or organisation.

(2) A psychologist shall refrain from entering into a multiple relationship if that multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence or effectiveness in performing his or her functions as psychologist or cause a risk of

exploitation of or harm to the person or organisation with whom the professional relationship exists.

(3) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has developed, he shall attempt to resolve the problem with due regard to the best interests of the client concerned and maximum compliance with these standards.

(4) In the circumstances referred to in subparagraph (3), the psychologist shall assist the client in obtaining the services of another professional, and shall not enter into any professional or other relationship with such client until at least 24 months have elapsed after termination of such multiple relationship, provided that where the client is emotionally or cognitively vulnerable to influencing by such psychologist, no such relationship shall be established between the psychologist and the client. A psychologist must also be cautious of contacts with clients via social networks ex: being friends on facebook with a current client.

(5) When a psychologist is required by law, institutional policy or other circumstances to fulfil more than one role in judicial or administrative proceedings, he shall, at the outset, clarify the role expectations and any exceptions to the requirement of confidentiality.

25. Exploitative relationships

A psychologist shall not exploit a person over whom he has supervisory, evaluative, or other authority, such as a client, employee, research participant, student, supervisee or trainee. Exploitation may be defined as: make full use of or derive benefit from, make use or a situation in a way considered unfair or underhand; take advantage of someone in order to profit from them or otherwise benefit oneself; etc.

26. Cooperation with other professionals

Where indicated and professionally appropriate, a psychologist shall –

- (a) cooperate with such professionals as approved by the Council in order to serve his or her clients effectively and appropriately; and
- (b) arrange for appropriate consultations and referrals based on the best interests of his or her clients, subject to such consent and other relevant considerations as may be appropriate, including the applicable legal and contractual obligations.

27. Interruption of psychological services

A psychologist shall not abandon a client by terminating the professional relationship prematurely or abruptly, but shall –

- (a) make appropriate arrangements for another psychologist to deal with the needs of the client in the event of an emergency during periods of foreseeable absence when the psychologist will not be available; and
- (b) make every reasonable effort to plan for continuity of service in the event that such service is interrupted by factors such as the psychologist's illness, death, unavailability or relocation or by the client's relocation or financial limitations.

28. Psychological services rendered to or through organisations

(1) A psychologist who provides psychological services to or through an organisation shall, in advance, provide a client with information and obtain his or her consent about –

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- (a) the nature and objectives of the psychological services concerned;
 - (b) the relationship between the psychologist and every individual affected by the psychological services concerned;
 - (c) the uses to which the psychological information provided by a client will be put;
 - (d) the persons who will have access to the information referred to in paragraph (c); and
 - (e) exceptions to the requirement of confidentiality.

(2) As soon as is feasible, a psychologist shall provide the appropriate persons with information about the results and conclusions of the psychological service concerned and if the law or organisational rules prohibit the psychologist from providing particular individuals or groups with information, the psychologist shall so inform the individuals or groups concerned at the outset of the psychological service.

(3) The consent of the individual is still necessary even if the services are requested by an organization.

29. Delegation and supervision of psychological services

(1) A psychologist shall not delegate professional responsibilities to any person who is not qualified to assume such responsibilities.

(2) A psychologist may delegate to a supervisee, with the appropriate level of supervision, only such professional responsibilities as the supervisee can reasonably be expected to perform competently and ethically on the basis of that supervisee's education, training and experience.

(3) In order to perform the responsibilities contemplated in subparagraph (2), a supervisee shall have education and training that was accredited by the Council, including all ethical considerations. Training in ethical issues should be delivered either by the council, a national or an international institution.

(4) A psychologist shall be responsible for determining the competence of a supervisee and shall not assign to such supervisee, or allow such supervisee to undertake responsibilities beyond the scope of that supervisee's training and/or competence.

(5) A psychologist shall be responsible for providing a supervisee with specific instructions regarding the limits of his role as a supervisee.

(6) A supervisee shall fully inform a client receiving psychological services of his or her status as supervisee and of the right of the client to confer with the supervising psychologist with regard to any aspect of the psychological services being performed.

(7) When a psychological service is rendered, a psychologist shall –

- (a) take part in the psychological intake process;
- (b) personally make a diagnosis when and if required; and
- (c) personally approve a treatment plan for each client.

(8) A psychologist shall, on a continuous and regular basis, personally meet with a supervisee concerning challenging/complex cases and shall review the treatment record, including progress notes, on a regular basis as appropriate to the task to be performed.

PART IV – PRIVACY, CONFIDENTIALITY AND RECORDS

30. Rights to confidentiality

(1) A psychologist shall safeguard the confidential information obtained in the course of his practice, teaching, research or other professional duties, subject only to such exceptions to the requirement of confidentiality as may be determined by law or a court of law.

(2) A psychologist may disclose confidential information to other persons only with the written consent of the client concerned. **The consent must be in writing.**

31. Discussing exceptions to the requirement of confidentiality

(1) A psychologist is obliged to discuss with persons and organisations with whom he establishes a scientific or professional relationship (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) the exceptions to the requirement of confidentiality, including any such exceptions that may apply to group, marital or family therapy or to organisational consulting and the foreseeable uses of the information obtained.

(2) A psychologist shall, unless it is contraindicated, discuss confidentiality at the outset of the relationship and thereafter as new circumstances warrant its discussion.

(3) A psychologist shall, prior to doing so, obtain written permission from the client concerned to record interviews electronically or to transmit information electronically and shall inform the client of the risk of breach of privacy or confidentiality inherent in the electronic recording or transmission of information.

(4) A psychologist shall, when engaging in electronically transmitted services, ensure that confidentiality and privacy are

maintained and shall inform a client of the measures taken to maintain confidentiality.

(5) A psychologist shall not withhold information from a client who is entitled to that information, provided it does not violate the right to confidentiality of any other person and provided the information requested is required for the exercise or protection of any rights.

32. Limits on invasion of privacy

A psychologist may, in any written report, oral report or consultations with a third party, disclose only such information as is relevant to the purpose for which that communication is made and may discuss confidential information obtained in his work only for appropriate scientific or professional purposes and then only with persons with a legitimate interest in such matters.

33. Disclosure

- (1) A psychologist may disclose confidential information –
 - (a) only with the permission of the client concerned;
 - (b) when permitted by law to do so for a legitimate purpose, such as providing a client with the professional services required;
 - (c) to appropriate professionals and then for strictly professional purposes only;
 - (d) to protect a client or other persons from harm; (e.g: self-harm, harm to others, etc)
 - (e) to obtain payment for a psychological service, in which instance disclosure is limited to the minimum necessary to achieve that purpose.

(2) When required to do so by law or a court of law, a psychologist shall disclose the confidential information so required.

34. Multiple clients

(1) When more than one client is provided with a psychological service during a joint session (for example with a family or couple, or a parent and child, labour disputants, or a group), a psychologist shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality will be handled.

(2) All clients referred to in subparagraph (1) shall be given the opportunity to discuss with the psychologist what information is to remain confidential and what information the psychologist is obliged to disclose.

35. Legally dependent clients

(1) A psychologist shall bear in mind that a child's best interest is of paramount importance in the provision of psychological services that have bearing on the psychological well-being of such child.

(2) A psychologist shall take special care and consideration when dealing with children.

(3) A psychologist shall, at the beginning of a professional relationship, inform a child or a client who has a legal guardian or who is otherwise legally dependent, of the limits the law imposes on that child's or client's right to confidentiality with respect to his or her communication with the psychologist.

36. Release of confidential information

A psychologist shall release confidential information when ordered to do so by a court of law or when required to do so by law

or when authorised to do so in writing by the client concerned or the parent or legal guardian of a minor client.

37. Reporting abuse of children

A psychologist shall, in terms of any relevant law or by virtue of professional responsibility, report the abuse of any child.

38. Professional consultations

(1) When a psychologist renders professional psychological services as part of a team or when he or she interacts with other professionals concerning the welfare of a client, the psychologist may share confidential information about that client with such team members or other professionals, provided that the psychologist take all reasonable steps to ensure that all persons who receive such information are informed of its confidential nature and are bound by the rule of professional confidentiality.

(2) When consulting with colleagues, a psychologist –

- (a) shall not disclose confidential information that could reasonably be expected to lead to the identification of a client, research participant or other person or organisation with whom he or she has a confidential relationship unless –
 - (i) he or she has obtained the prior consent of the client, research participant, person or organisation concerned; or
 - (ii) the disclosure cannot be avoided; and
- (b) may disclose information only to the extent necessary to achieve the purposes of the consultation.

39. Disguising confidential information used for didactic or other purposes

A psychologist shall not disclose, in his writings or lectures or in any other public way, any confidential information or information that can be linked to an identifiable person which he obtained in the course of his work with a client, organisation, research participant, supervisee, student or other recipient of his or her psychological services, unless –

- (a) he has taken all reasonable steps to disguise the identity of such client, organisation, research participant, supervisee, student or other recipient;
- (b) such client, organisation, research participant, supervisee, student or other recipient has consented to such disclosure in writing; or
- (c) there is other ethical or legal authorisation to do so.

40. Maintenance, dissemination and keeping of records

(1) A psychologist shall create, maintain, store, disseminate and retain records and data relating to his or her scientific and professional work in order to –

- (a) facilitate the efficacious provision of services by him or another professional;
- (b) allow for replication of research design and analysis;
- (c) meet institutional requirements;
- (d) ensure accuracy of billing and payments;
- (e) facilitate subsequent professional intervention or inquiry; and
- (f) ensure compliance with all applicable legal provisions.

(2) A psychologist shall maintain confidentiality in creating, storing, accessing, transferring and disposing of records under his control, whether these are kept in written, automated or any other form.

(3) A psychologist shall, if confidential information concerning users of psychological services is entered into a database or system of records available to persons whose access has not been consented to by the user, use coding or other techniques to avoid the inclusion of personal identifiers.

(4) A psychologist shall plan in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of his unavailability through factors such as death, incapacity or withdrawal from practice.

(5) Psychologist shall store all clients' records for a period of minimum 5 years.

PART V – FEES AND FINANCIAL ARRANGEMENTS

41. Agreement about fees

Notwithstanding the provisions of rule 36, a psychologist and client or other user of the psychological services concerned may negotiate a fee as early as is feasible in a professional or scientific relationship.

42. Overcharging

A psychologist shall not exploit users of psychological services or payers with regard to fees.

43. Accuracy in billing

A psychologist shall not misrepresent his fees, nor bill for psychological services partially rendered or not rendered at all.

44. Limitations

If limitations on the provision of psychological services are anticipated because of financial limitations, a psychologist shall, as early as is feasible, discuss such limitations with the client or other user of the psychological services concerned.

45. Collection of outstanding fees

If a client does not pay for psychological services as agreed with the psychologist concerned, and if the psychologist wishes to use a collection agency or take legal steps to collect any outstanding fees, he shall first inform the client that such measures will be taken and shall afford the client the opportunity to make prompt payment.

46. Withholding information, reports or records owing to non-payment

A psychologist shall not, on the grounds of non-payment of fees, withhold information, reports or records under his control which are required for the treatment of the client concerned or for any court action.

47. Account itemisation

(1) A psychologist shall submit billing claims to third-party funders which clearly state the name of the person who provided the psychological services.

(2) When a psychologist supervises another professional, including the intern, counsellor or student who primarily provided the psychological services, the itemised bill and/or reimbursement form shall contain such psychologist's signature as supervisor. In cases where there needs to be an attestation that payment has been made, initials of the service provider can be asked. There may be no ambiguity as to who the direct service provider was.

48. Barter with clients

A psychologist may barter only if –

- (a) it is not professionally contraindicated;
- (b) the resulting arrangement is not exploitative; and
- (c) it is the client's only mode of remuneration for the psychological service provided.

49. Withholding of emergency services

A psychologist shall not withhold emergency psychological services because the client is unable to guarantee remuneration for such services. In case the psychologist cannot attend to the emergency case, he shall refer the client to another practitioner or suitable health care institution.

PART VI – ASSESSMENT ACTIVITIES**50. Assessment in professional context**

(1) All professionals who form part of the AHPC law shall perform evaluations and diagnostic services only in the context of a defined professional relationship.

(2) Assessments, recommendations, reports and psychological diagnostic or evaluative statements by a psychologist shall be based on information and techniques sufficient to substantiate his or her findings.

(3) All professionals who form part of the AHPC may provide an opinion of the psychological characteristics of a client only after he or she has conducted an examination of such a client that is professionally adequate to support his findings.

(4) When, despite reasonable efforts, an examination referred to in subparagraph (3) is not practical, a psychologist shall document the efforts made, and shall state the probable impact of his limited information on the reliability and validity of his or her opinions, and limit the nature and extent of his findings accordingly.

(5) When a group assessment is conducted, the psychologist concerned shall declare the limits to his or her findings taking into account that “limits” implies that the score of a group has less reliability and validity than an individually-derived score.

(6) When a psychologist conducts a review of records and the examination of a client is not warranted or necessary to give an opinion, the psychologist shall declare the limits to his findings taking into account that “limits” implies that the score of a group has less reliability and validity than an individually-derived score.

(7) When any electronic, internet or other indirect means of assessment is used, the psychologist concerned shall declare this and appropriately limit the nature and extent of his or her findings.

51. Appropriate use of assessment methods

A psychologist who develops, administers, scores, interprets or otherwise uses psychological assessment techniques, interviews, tests, instruments or other measures referred –

- (a) do so in a manner and for purposes that are appropriate in light of the research or evidence of the usefulness and proper application of such assessment methods;
- (b) refrain from misusing assessment techniques, interventions, results and interpretations and take all reasonable steps to prevent others from misusing the information such methods provide, and such misuse includes releasing raw

test results or raw data to persons, other than the clients concerned, who are not qualified to use that information.

52. Informed consent in assessments

(1) A psychologist shall obtain an informed consent of a client for assessments, evaluations or diagnostic services. It is highly recommended that a written, informed consent is obtained.

(2) The written, informed consent referred to in subparagraph (1) shall contain at least the following –

- (a) personal details of the client concerned;
- (b) the exact nature of the psychological service(s) to be provided; and
- (c) any limits inherent in providing psychological services to the client, for example –
 - (i) a client's right to refuse participation;
 - (ii) exceptions to the requirement of confidentiality; or
 - (iii) any potential harmful effects inherent in providing the psychological services concerned.

(3) Written, informed consent as contemplated in subparagraph (1) is not necessary when –

- (a) testing is a legal requirement;
- (b) informed consent is implied because testing is conducted as a routine educational, institutional or organisational activity (as in job-interview testing); or
- (c) the purpose of the testing by the psychologist is to evaluate decision-making and mental incapacity.

(4) A psychologist shall inform a client with questionable capacity to consent or for whom testing is required by law, of the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the client being assessed.

(5) (a) A psychologist shall, when using the services of an interpreter, obtain the informed consent of a client to use the interpreter, and shall take all reasonable steps to ensure that the confidentiality of test results and test security are maintained, and shall discuss any limitations of the data obtained.

(b) A psychologist shall remain cognisant of the limits to data obtained via the use of an interpreter and frame his conclusions and recommendations accordingly.

(6) A psychologist shall, when conducting automated or internet-based testing, obtain the informed consent of the client and shall –

- (a) ensure that the confidentiality of test results and test security are maintained; and
- (b) discuss with the client any limitations of the data obtained.

53. Test development

A psychologist who develops and conducts research with tests and other assessment methods shall use scientific procedures and current professional knowledge for test design, standardisation, validation, reduction or elimination of bias, and recommendations for use.

54. Cultural diversity

A psychologist who performs interventions or administers, scores, interprets or uses assessment methods shall –

- (a) be familiar with the reliability, validation and related standardisation or outcome studies and the proper applications and uses of the methods he or she uses;
- (b) recognise limits to the , especially where there are linguistic, cultural and social and economic variances; and
- (c) make every effort to identify situations in which particular assessment methods or norms may not be applicable or may require adjustment in administration, scoring and interpretation because of factors such as age, belief, birth, colour, conscience, culture, disability, disease, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation or social and economic status.

55. Communication of results

A psychologist shall ensure that the communication of results of assessment procedures to a client, parent, legal guardian or other person legally authorised to receive such results on behalf of the client is accompanied by such adequate interpretative aids or explanations as may be necessary.

56. Information for professional users

(1) A psychologist who offers an assessment procedure or automated interpretation service to another professional shall conduct such service in accordance with the best-practice guidelines for psychometry applicable at the time.

(2) A psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify any special qualifications required to administer, score and interpret it properly, and shall ensure that any advertisements for the assessment procedure or interpretative service are factual and descriptive.

57. Interpreting results of psychometric tests

(1) When a psychologist interprets assessment results, including automated interpretations, he shall take into account the various test factors and characteristics of the client being assessed, such as situational, personal, linguistic and cultural differences that might affect the client's judgements and reduce the validity of the psychologist's interpretations.

(2) A psychologist shall indicate any significant reservations he may have about the accuracy of his or her interpretation.

58. Explaining assessment results

(1) Unless the nature of the relationship is clearly explained in advance to the client being assessed by the psychologist concerned and precludes providing an explanation of the results, for instance in some organisational consulting, pre-employment or security screening and forensic evaluations, the psychologist shall ensure that the explanation of the results is given in language that is reasonably understandable to the client concerned or to another person legally authorised to receive such explanation on behalf of the client.

(2) Regardless of whether the administration, scoring and interpretation of tests are done by a psychologist or by others working with or under such a psychologist, or by automated or other outside services, the psychologist concerned shall take all reasonable steps to ensure that appropriate explanations of results are given.

59. Test scoring and interpretation services

A psychologist who offers assessment or scoring procedures to other professionals shall –

- (a) accurately describe the purpose, norms, validity, reliability and applications of the procedures and any special qualifications applicable to their use, provided that the psychologist shall explicitly state the language, cultural and any other limitations of the norms (where/when/if needed) ;
- (b) select scoring and interpretation services, including automated services, on the basis of evidence of the validity and reliability of the programme and procedures, as well as other appropriate considerations; and
- (c) retain responsibility for the appropriate safety, administration, application, interpretation and use of assessment instruments, whether he or she administers, scores and interprets such tests himself or herself or uses automated or other services.

60. Release of test data

(1) A psychologist may release test data to another psychologist or another qualified professional by virtue of informed written consent by the client concerned.

(2) A psychologist shall not release test data to a person who is not qualified to use such information, except –

- (a) as required by law or a Court Order;
- (b) by virtue of informed written consent by the client concerned; and
- (c) to the client concerned.

(3) A psychologist may refrain from releasing test data referred to in subparagraph (2) to protect his client from harm.

61. Obsolete tests and outdated test results

A psychologist shall not base –

- (a) his or her assessment or intervention decision or recommendation on data or test results that are outdated for the current purpose; or
- (b) such a decision or recommendation on tests and measures that are obsolete and not useful for the current purpose, but shall ensure that tests used have been classified and updated by the Council, if necessary with the help of colleagues from other associations (e.g: Societe des Professionnel en Psychologie). As long as the tests are validated (by a national or International body) they shall be included in the Council list, and the type of professionals allowed to administer the tests should be specified.

62. Maintaining test security

A psychologist shall take all reasonable steps to maintain the integrity and security of tests and other assessment techniques consistent with the law and the code of ethics.

PART VII – THERAPEUTIC ACTIVITIES

63. Informed consent to therapy

When obtaining informed consent to therapy as specified in paragraph 11(1), any professionals who forms part of the AHPC shall, forthwith provide the client concerned with appropriate information, including information about the nature and anticipated course of therapy, the fees, the involvement of third parties and confidentiality, and when –

- (a) obtaining the informed consent of a client for treatment involving emerging areas in which generally recognised techniques and procedures have not been established, the psychologist shall inform the client of the developmental nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of the client's participation; and
- (b) the psychologist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client shall, as part of the informed consent procedure, be informed that the therapist is in training and is being supervised and the client shall be given the name of the supervisor.

64. Couples or family therapy

(1) When a psychologist agrees to render psychological services to two or more persons who have a relationship, such as spouses, parents or children, the psychologist –

- (a) shall clarify at the outset which of the individuals are clients and the relationship such psychologist will have with each person;
- (b) may be called on to perform potentially conflicting roles such as a family therapist and then as a witness in divorce proceedings; and
- (c) shall clarify and modify or withdraw from roles when appropriate.

(2) The clarification referred to in subparagraph (1)(a) includes the psychologist's role and the probable use of the psychological services provided or the information obtained.

65. Group therapy

When a psychologist provides psychological services to several persons in a group setting, the psychologist shall, at the outset, describe the roles and responsibilities of all parties and any exceptions to the requirement of confidentiality.

66. Therapy for those served by others

(1) In deciding to render psychological services to those already receiving mental health services, a psychologist shall carefully consider the treatment issues and the potential client's welfare.

(2) A psychologist shall discuss the issues contemplated in subparagraph (1) with the potential client or the legally authorised person of such client, for example parent, guardian, attorney or juristic person in a correctional services or juvenile justice setting such as a reformatory, in order to minimise the risk of confusion and conflict, consult with the other service providers when appropriate and proceed with caution and sensitivity to the therapeutic issues.

67. Sexual intimacies with current therapy clients

A psychologist shall not engage in sexual intimacies of any nature (whether verbal, physical or both) with a current client for at least 24 months after termination of the professional relationship.

68. Sexual intimacies with relatives or significant others of current clients or patients

(1) A psychologist shall not engage in sexual intimacies with an individual he or she knows to be the parent, guardian, spouse, significant other, child or sibling of a current client.

(2) A psychologist shall not terminate therapy to circumvent the prohibition referred to in subparagraph (1).

69. Therapy for former sexual partners

A psychologist shall not accept as a client any person with whom he or she has engaged in sexual intimacies.

70. Sexual intimacies with former clients

A psychologist shall not engage in sexual intimacies with a former client for at least 24 months after termination of the professional relationship and the onus rests on a psychologist who enters into a sexual relationship with a former client after such a period to demonstrate that there has been no exploitation, bearing in mind all relevant factors, including –

- (a) the period of time that has elapsed since the professional relationship was terminated;
- (b) the nature and duration of the professional relationship;
- (c) the circumstances of the termination of the professional relationship;
- (d) the client's personal history;
- (e) the client's current mental status;
- (f) the likelihood of an adverse effect on the client; and
- (g) any statements made or actions taken by the psychologist in the course of the professional relationship suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

71. Interruption of professional services

When entering into employment or contractual relationships, or where third-party payers are involved, a psychologist shall take all reasonable steps to provide for the orderly and appropriate resolution of his or her responsibility for client care in the event that

the employment or contractual relationship ends, with paramount consideration given to the welfare of the client.

72. Terminating professional services

(1) A psychologist shall terminate professional services inclusive of therapy for a client when it becomes reasonably clear that the client no longer needs the psychological service concerned or is not likely to benefit or is being harmed by continuing that psychological service.

(2) A psychologist may terminate psychological services when threatened or endangered in any way by a client or another person with whom that client has a relationship, in which circumstances careful thought shall be given to an appropriate referral or disposition plan.

(3) Except where precluded by the actions of a client or third-party payer, a psychologist shall, prior to termination, provide pre-termination counselling and suggest alternative service providers, if appropriate.

PART VIII – PSYCHO-LEGAL ACTIVITIES

73. Competence

(1) A psychologist who performs psycho-legal (including forensic) functions, such as assessments, interviews, consultations, reports or expert testimony, shall comply with all the provisions of these standards to the extent that they apply to such activities.

(2) A psychologist shall base his or her psycho-legal work on appropriate knowledge of and competence in the areas underlying such work, including specialised knowledge concerning specific populations.

74. Basis for psycho-legal opinion

A psychologist shall ensure that psycho-legal assessments, recommendations and reports are based on information and techniques sufficient to provide appropriate substantiation for the findings.

75. Qualified opinions

A psychologist may provide written or oral psycho-legal reports or testimony about the psychological characteristics of a client only after he or she has conducted an examination of the client which is adequate to support his or her findings provided that when, despite reasonable efforts, such an examination is not feasible, the psychologist shall clarify the effect of his or her limited information on the reliability and validity of his or her reports and testimony, and limit the nature and extent of his or her findings accordingly.

76. Truthfulness and candour

In psycho-legal testimony and reports, a psychologist shall –

- (a) testify truthfully, honestly and candidly and in a manner consistent with the applicable legal procedures; and
- (b) describe fairly the basis for his or her testimony and conclusions based on evaluation-based research and documentation.

77. Conflicting roles

(1) A psychologist shall avoid performing multiple and potentially conflicting roles in psycho-legal matters.

(2) When a psychologist may be called on to serve in more than one role in legal proceedings, for example as a consultant or expert for one party or for the Court and as a witness on the facts,

he or she shall, in advance and to the extent feasible, clarify his or her role expectations and any exceptions to the requirement of confidentiality in order to avoid compromising his or her professional judgement and objectivity.

78. Maintenance of expert-witness role

A psychologist shall be aware of the conflicting demands made on him or her by the code of ethics and the requirements of the court system, and shall attempt to resolve such conflict by making known to the law representative of his or her commitment to these standards and by taking steps to resolve such conflict in a responsible manner.

79. Prior relationships

(1) A prior professional relationship with a client shall not preclude a psychologist from testifying as a witness on the facts to the extent permitted by law.

(2) A psychologist shall take into account the ways in which a prior relationship might affect his or her professional objectivity or opinion and disclose the potential conflict to the attorney or presiding officer whether a client or not.

80. Role as witness on the facts

(1) When a psychologist is required by a Court to appear as a witness on the facts, the psychologist is legally obliged to present evidence (e.g. professional notes taken during the session and clinical observations). In the case that the notes of the psychologist have been destroyed (e.g. after 5 years), no written evidence will be presented to the Court.

(2) A psychologist may declare his or her reluctance to appear as a witness on the facts by appearing as a witness under protest.

(3) Irrespective of whether a psychologist appears as a witness under protest or not, he or she shall be a truthful and fully disclosing witness.

(4) In giving evidence, the psychologist cannot disclose confidential information except with the consent of the client or the responsible party of the child (unless required by the Court of Justice).

PART IX – ACTIVITIES IN RESPECT OF ADVERTISING AND OTHER PUBLIC STATEMENTS

81. Accuracy in professional representation

(1) A psychologist shall not misrepresent in any manner his or her professional qualifications with regard to education, experience or areas of competence.

(2) A psychologist shall not make false, deceptive or fraudulent statements concerning –

- (a) his education and training, experience or field of competence;
- (b) his academic or professional qualifications and institution and country where he/she has qualified;
- (c) his credentials;
- (d) his institutional, association or professional society affiliations;
- (e) the psychological services he provides;
- (f) the clinical or scientific basis for or the results or degree of success of his psychological services;
- (g) his fees; or

(h) his publications or research findings.

(3) A psychologist may claim a qualification as a credential for his psychological services only if such qualification –

(a) was obtained from a nationally and internationally accredited institution; or

(b) formed the basis for his or her registration with the Council.

82. Statements by others

A psychologist who engages others to create or place a public statement that promotes his professional practice, products or activities shall retain professional responsibility for such statements and –

(a) shall not compensate employees of the press, radio, television or other communication medium in return for publicity in a news item;

(b) if a paid advertisement pertaining to the psychological services rendered by that psychologist is published, such services must be identified or be clearly recognisable unless such services are already apparent from the context of that advertisement;

(c) when a psychologist provides advice or comment by means of a public lecture, demonstration, radio or television programme, pre-recorded tape, printed article, mailed material, internet or other electronic transmission, or any other media, he shall take all reasonable precautions to ensure that –

(i) such advice or comment is based on appropriate psychological literature and practice and is consistent with these standards; and

- (ii) the recipients of such advice or comment are not encouraged to infer that a personal relationship has been established between the psychologist concerned and them;
- (d) shall not solicit testimonials from a current client or any other person who, because of his particular circumstances, is vulnerable to undue influence; and
- (e) shall take immediate steps to correct any misrepresentation of himself or herself that may be made by others in any media; and
- (f) take into account that the Council will be held responsible for any comment which is posted by a psychologist. E.g. If a psychologist creates a social media platform to offer services, comments posted on this media by the psychologist might impact on the Council.

83. In-person solicitation

(1) A psychologist shall not engage, directly or through an agent, in uninvited in-person solicitation of business from actual or potential clients or other persons who, because of their particular circumstances, are vulnerable to undue influence.

(2) The prohibition contained in subparagraph (1) does not preclude a psychologist from –

- (a) attempting to establish appropriate collateral contacts for the purpose of benefiting the client; or
- (b) providing emergency, disaster or community outreach psychological services.

84. Description of workshops and educational programmes

(1) Any professional who form part of the AHPC law associated with an announcement, flyer, brochure or advertisement which describes a workshop, seminar or educational programme for non-degree purposes shall ensure that such announcement, flyer, brochure or advertisement accurately describes –

- (a) the audience for which such workshop, seminar or programme is intended;
- (b) the objectives;
- (c) the presenters;
- (d) the fees involved; and
- (e) the restrictions on practice namely that such a workshop, seminar or programme does not allow people to claim competencies beyond those provided by the workshop.

(2) A workshop, seminar or programme referred to in subparagraph (1) shall not create any impression with a person not registered with the council as a psychologist that such workshop, course or programme will lead to registration as a psychologist.

PART X – RESOLVING ETHICAL ISSUES**85. Uncertainty about ethical issues**

When a psychologist is uncertain whether a particular situation or course of action would violate these standards, he shall consult with another psychologist knowledgeable about ethical issues, with an appropriate national psychology ethics committee, or with another appropriate authority in order to make the proper decision.

86. Conflicts between ethics and law

(1) If a psychologist's ethical responsibilities conflict with the law, such psychologist shall make known his or her commitment to these standards and take steps to resolve the conflict.

(2) If the conflict referred to in subparagraph (1) cannot be resolved, the psychologist concerned shall comply with the requirements of the law.

87. Conflicts between ethics and organisational demands

If the demands of an organisation with which a psychologist is affiliated, conflict with these standards, the psychologist shall clarify the nature of the conflict, shall make known his commitment to these standards and shall, to the extent feasible, seek to resolve the conflict in a way that permits the fullest compliance with these standards.

88. Informal resolution of ethical violations

When a psychologist believes that there may have been an ethical violation by another psychologist, he shall attempt to resolve the issue by bringing it to the attention of that other psychologist if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved.

89. Reporting ethical violations

(1) If the informal resolution of an apparent ethical violation is not appropriate or if such a violation cannot properly be resolved in that fashion, a psychologist shall take such further action as is appropriate to the situation, unless that action conflicts with confidentiality rights in a manner that cannot be resolved.

(2) Any action referred to in subparagraph (1) may include referral to an appropriate professional ethics committee or colleague for arbitration, conciliation, or advice on a further course of action.

90. Reporting colleague impairment

(1) If a psychologist has a reasonable basis for suspecting that a colleague is professionally impaired owing to a psychological disturbance, a physical illness or substance abuse or any other illegal behaviour, he shall timeously encourage that colleagues whose professional abilities seem to be impaired (for health reasons or personal issues) to seek the necessary assistance and/or inform the Council of his concerns.

(2) Where a psychologist informs the Council as contemplated in subparagraph (1), factual proof shall not be required, provided the psychologist has bona fide concerns.

(3) The Council shall consider the matter and may initiate an investigation by the appropriate organ of the Council.

(4) The Council needs to be cautious when treating such sensitive and delicate information as it could give way to frivolous denunciation of a psychologist against another.

91. Co-operating with ethics committees

(1) A psychologist shall give his or her full cooperation with respect to an ethics investigation, any proceedings or any related requirements of the Council and shall, for purposes of such investigation, proceedings or requirements, make a reasonable effort to resolve any issues relating to confidentiality.

(2) Failure by a psychologist to cooperate as specified in subparagraph (1) shall in itself be an ethics violation.

92. Improper complaints

A psychologist shall not file or encourage the filing of an ethics complaint that is frivolous and is intended to harm the psychologist against whom the complaint is brought rather than protect the public.

93. Discrimination against complainant or respondent

(1) A psychologist shall not deny any person treatment, employment, advancement, promotion or admission to a training programme on the grounds of that person's having made or having been the subject of an ethics complaint.

(2) Subparagraph (1) does not preclude a psychologist from taking any action based on the outcome of an inquiry held in accordance with the Act.

94. Disciplinary sanctions

(1) Behaviour by a psychologist that is unprofessional, immoral, unethical, negligent or deceptive or that fails to meet the minimum reasonable standards of acceptable and prevailing psychology practice shall include, but not be limited to, any act or practice that violates these standards, or the Act, or any regulations that are made under the Act and that are applicable to a psychologist, or Council notices or Council resolutions.

(2) Subparagraph (1) shall apply to a psychologist and to anyone under his supervision.

(3) The Disciplinary Tribunal shall have the power to impose any sanction that is provided for in the Act and the regulations made in the Act.

(4) Any psychologist who contravenes the Code of Ethics may be subject to disciplinary procedure against him or her. The

steps of the disciplinary procedures will be clearly outlined by the Council and communicated to all its members.
