
Government Notice No. 124 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 (Psychotherapist) 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 psychotherapist shall be the Code set out in the Schedule.
4. Every psychotherapist shall comply with the Code of Practice.
5. (1) Where a psychotherapist 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 psychotherapist 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**PSYCHOTHERAPISTS****PART I – STATEMENT OF ETHICAL PRINCIPLES****1. Preamble**

(1) A psychotherapist respects the dignity and worth of the individual and strive for preservation and protection of fundamental human rights.

(2) He is committed to increasing knowledge of human behaviour and of people's understanding of themselves and others and the utilisation of such knowledge for the promotion of human welfare.

(3) While pursuing these objectives he makes every effort to protect the welfare of those who seek his services, of people related to those using his services (where that does not conflict with needs of his clients) and of any research participants that may be object of study.

(4) A psychotherapist respects other members of his profession and of related professions and makes every effort, in so far as he is able and where that does not conflict with the interests of his client, to provide full information and give mutual respect.

(5) He uses his skills only for purposes consistent with these values and does not knowingly permit his misuse by others.

(6) While demanding for themselves freedom of inquiry and communication, a psychotherapist accepts the responsibility this freedom requires: competence, objectivity in the application

of skills, and concern for the best interest of clients, colleagues, students, research participants and society members.

(7) In the pursuit of these ideals, a psychotherapist subscribes to detailed ethical principles in the following areas which follow –

- (a) responsibility;
- (b) competence;
- (c) moral and legal standards;
- (d) confidentiality;
- (e) welfare of the consumer;
- (f) professional relationships;
- (g) public statements;
- (h) assessment techniques; and
- (i) research.

(8) A psychotherapist cooperates fully with his own professional and national organisations by responding promptly and completely to inquiries from and requirements of any duly constituted ethics of professional committees of such organisation to which he belongs.

PART II – RESPONSIBILITY

2. General principle

(1) In providing services, a psychotherapist maintains the highest standards of his profession.

(2) He accepts the responsibility for the consequences of his acts and makes every effort to ensure that his services are used appropriately.

3. (1) As practitioner, a psychotherapist knows that he bears a heavy social responsibility because his recommendations and professional actions may alter the lives of others.

(2) He is alert to personal, social, organisational, financial, environmental, or political situations and pressure that might lead to misuse of his influence.

(3) A psychotherapist clarifies in advance with his clients all matters that might pertain to his working together.

(4) He avoids relationships that may limit his objectivity or create a conflict of interest.

(5) A psychotherapist has the responsibility to attempt to prevent distortion, misuse, suppression of his finding by an institution or agency of which he is employed.

(6) As member of national organisational bodies a psychotherapist is accountable as individuals to the highest standards of his profession.

PART III – COMPETENCE

4. General competence

(1) The maintenance of high standards of competence is a responsibility shared by a psychotherapist in the interest of the public and the profession as a whole.

(2) A psychotherapist recognises the boundaries of his competence and the limitations of his techniques.

(3) He only provides services and only uses techniques for which he is qualified by training and experience.

(4) In those areas in which recognised standards do not yet exist, a psychotherapist takes whatever precautions are necessary to protect the welfare of his clients.

(5) He maintains knowledge of current health, scientific and professional information related to the services he renders.

(6) A psychotherapist accurately represents his competence, education, training and experience.

(7) He claims as evidence of educational and professional training qualifications, only those degrees and qualifications obtained from reputable educational institution.

(8) He ensures that he adequately meets the organisation's criteria and he respects the other sources of education, training and experience that he has received.

(9) As practitioners and as teachers or trainers, a psychotherapist performs his duties on the basis of careful preparation and readiness so that his practice is of the highest standard and communication is accurate, current and relevant.

(10) A psychotherapist recognises the need for continuing education and personal development and is open to new procedure and changes in expectations and values over time.

(11) A psychotherapist recognises differences among people, such as those that may be associated with age, sex, socio-economic, and ethnic backgrounds or the special needs of those who might have been specifically disadvantaged.

(12) He obtains suitable training, experience, or counsel to assure competent and appropriate service when relating to all such persons.

(13) A psychotherapist is responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems, and test research.

(14) A psychotherapist recognises that personal problems and conflicts may interfere with professional effectiveness.

(15) Accordingly, he refrains from undertaking any activity in which his personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant.

(16) If engaged in such activity when he becomes aware of his personal problems, he seeks competent professional assistance to determine whether he should suspend, terminate, or limit the scope of his professional activities.

(17) A psychotherapist entering into new fields of activity ensures that he has completed all the training and professional requirements related to that field of activity, prior to practising, and that his activity in this new field is of the highest possible standard.

(18) He ensures that there is no dilution of, confusion or conflict with any current activity.

PART IV – MORAL AND LEGAL STANDARDS

5. (1) A psychotherapist's moral and ethical standards of behaviour are a personal matter to the same degree as he is for any other citizen, except where these may compromise the fulfillment of his professional responsibilities or reduce the public trust in psychotherapy and psychotherapists.

(2) Regarding his own personal behaviour, a psychotherapist is sensitive to prevailing community standards and to the possible

impact that conformity to or deviation from these standards may have upon the quality of his performance as psychotherapist.

(3) A psychotherapist is also aware of the possible impact of his public behaviour upon the ability of colleagues to perform his professional duties.

(4) As professionals, a psychotherapist acts in accord with the principles of EAP and his National Awarding Organisation's (NAO) and his institute or association's standards and guidelines related to practice.

(5) A psychotherapist also adheres to relevant governmental laws and regulations.

(6) When European, national, provincial, organisational, or institutional laws, regulations, or practices are in conflict with EAP, NAO, or his institution or association's standards and guidelines, a psychotherapist makes known his commitment to EAP, his NAO and his institute or association's standards and guidelines and, wherever possible, work toward a resolution of the conflict.

(7) As professional, he is concerned with the development of such legal and quasi-legal regulations that best serve the public interest, and he works toward changing existing regulations that are not beneficial to the public interest.

(8) As employee or employer, a psychotherapist does not engage in or condone any practices that are inhumane or that result in illegal or unjustifiable actions.

(9) Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual preference, religion, or national origin in practice, in hiring, promotion, or training.

(10) In his professional roles, a psychotherapist avoids any action that will violate or diminish the human, legal and civil rights of clients or others who may be affected.

(11) As practitioner, teacher, trainer and researcher, a psychotherapist is aware of the fact that his personal values may affect his communication, the use of techniques, selection and presentation of views or materials and the nature or implementation of research.

(12) When dealing with topics that may give offence, he recognises and respect the diverse attitudes and individual sensitivities that clients, students, trainees or subjects may have towards such matters.

PART V – CONFIDENTIALITY

6. (1) A psychotherapist has a primary obligation to respect the confidentiality of information obtained from persons in the course of his work as psychotherapist.

(2) He reveals such information to others only with the consent of the person (or the person's legal representative), except in those unusual circumstances in which not to do so would probably result in clear danger to the person or to others.

(3) A psychotherapist informs his clients of the legal limits of confidentiality.

(4) Consent to reveal information to others would normally be obtained in writing from the person concerned.

(5) Information obtained in clinical or consulting relationships, or evaluating data concerning children, students, employees, and others, is discussed only for professional purposes and only with persons clearly concerned with the case.

(6) Written and oral reports present only data generated to the purposes of the evaluation or for a referral, and every effort is made to avoid undue invasion of privacy.

(7) A psychotherapist who presents personal information obtained during the course of professional work in writings, lectures, or other public forums either obtain adequate prior consent to do so or adequately disguise all identifying information.

(8) A psychotherapist makes provisions for maintaining confidentiality in the storage and disposal of records, and in the event of his own unavailability.

(9) When working with minors or other persons who are unable to give voluntary, informed consent, a psychotherapist takes special care to protect these person's best interests and consult others involved appropriately.

PART VI – WELFARE OF CLIENT

7. A psychotherapist respects the integrity and protect the welfare of the people and groups with whom he works.

(1) When conflicts of interest arise between clients and a psychotherapist's employing institutions, psychotherapists clarify the nature and direction of his loyalties and responsibilities and keep all parties informed of his commitments.

(2) A psychotherapist fully inform clients as to the purpose and nature of any evaluative, treatment, educational, or training procedure, and he openly acknowledges that clients, students, trainees, or participants in research have freedom of choice with regard to participation.

(3) Coercion of people to participate or to remain in receipt of services is unethical.

(4) A psychotherapist is continually cognizant of his own needs and of his potentially influential position vis à vis persons such as clients, students, trainees, subjects and subordinates.

(5) He avoids exploiting the trust and dependency of such persons.

(6) A psychotherapist makes every effort to avoid dual relationships that could impair his professional judgment or increase the risk of exploitation.

(7) Examples of such dual relationships include, but are not limited to, professional treatment of or research with employees, students, supervisees, close friends, or relatives.

(8) Sexual intimacies with any such clients, students, trainees and research participants are unethical.

(9) When a psychotherapist agrees to provide services to a client at the request of a third party, the psychotherapist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

(10) Where the demands of an organisation require psychotherapists to violate these or any ethical principles, psychotherapists clarify the nature of the conflict between the demands and the principles.

(11) He informs all parties of his ethical responsibilities as psychotherapists and takes appropriate action.

(12) A psychotherapist makes advance financial arrangements that safeguard the best interests of and are clearly understood by his clients, students, trainees or research participants.

(13) He neither gives or receives remuneration for referring clients for professional services.

(14) He contributes a portion of his services to work for which he receives little or no financial return.

(15) A psychotherapist terminates a clinical or consulting relationship as soon as it is reasonably clear that the client is not benefiting from it, or whenever the client requires.

(16) He offers to help the client locate alternative sources of assistance.

PART VII – PROFESSIONAL RELATIONSHIPS

8. (1) A psychotherapist acts with due regard for the needs, special competencies, and obligations of his colleagues in psychotherapy, psychology, medicine and other professions.

(2) He respects the prerogatives and obligations of the institutions or organisations with which these other colleagues are associated.

(3) A psychotherapist understands the areas of competence of related professions.

(4) He makes full use of all the professional, technical, and administrative resources that serve the best interests of clients.

(5) The absence of formal relationships with other professional workers does not relieve a psychotherapist of the responsibility for securing for his clients the best possible professional service, nor does it relieve them of the obligation to exercise foresight, diligence, and tact in obtaining the complementary or alternative assistance needed.

(6) Psychotherapists know and take into account the traditions and practices of other professional groups with whom they work and they cooperate fully with such groups.

(7) If a person is receiving similar services from another professional, the psychotherapist carefully considers that professional relationship and proceeds with caution and sensitivity to the therapeutic issues as well as the client's welfare.

(8) The psychotherapist discusses these issues with the client so as to minimise the risk of confusion and conflict, and seeks, where possible, to maintain clear and agreed relationships with other involved professionals.

(9) A psychotherapist who employs or supervises other professionals or professionals in training accepts the obligation to facilitate the further professional development of these individuals and take action to ensure his competence.

(10) He provides appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

(11) A psychotherapist does not exploit his professional relationships with clients, supervisees, students, employees or research participants sexually or otherwise.

(12) A psychotherapist does not condone or engage in sexual harassment.

(13) Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

(14) When a psychotherapist knows of an ethical violation by another psychotherapist, and it seems appropriate, he informally

attempts to resolve the issue by bringing the behaviour to the attention of the psychotherapist.

(15) If the misconduct is of a minor nature and/or appears to be due to lack of sensitivity, knowledge, or experience, such an informal solution is usually appropriate.

(16) Such informal corrective efforts are made with sensitivity to any rights to confidentiality involved.

(17) If the violation does not seem amenable to an informal solution, or is of a more serious nature, psychotherapists bring it to the attention of the appropriate institution, association or committee on professional ethics and conduct.

(18) Publication credit is assigned to those who have contributed to a publication in proportion to their professional contributions.

(19) Major contributions of a professional character made by several persons to a common project are recognised by joint authorship with the individual who made the principle contribution listed first.

(20) Minor contributions of a professional character and extensive clerical or similar non-professional assistance may be acknowledged in footnotes or in an introductory statement.

(21) Acknowledgement through specific citations is made for unpublished as well as published material that has directly influenced the research or writing.

(22) Psychotherapists who compile and edit material of others for publication publish the material in the name of the originating group, if appropriate, with his own name appearing as chairperson or editor.

(23) All contributors are acknowledged and named.

(24) In conducting research in institutions or organisations, a psychotherapist secures appropriate authorisation to conduct such research.

(25) He is aware of his obligation to future research workers and ensure that host institutions receive adequate information about the research and proper acknowledgements of his contributions.

PART VIII – PUBLIC STATEMENTS

9. (1) Public statements, announcements of services, advertising, and promotional activities of a psychotherapist serve the purpose of helping the public make informed judgments and choices.

(2) A psychotherapist represents accurately and objectively his professional qualifications, affiliations, and functions, as well as those of the institutions or organisations with which he or the statements may be associated.

(3) In public statements providing psychotherapeutical information or professional opinions or providing information about the availability of techniques, products, publications, and services, a psychotherapist bases his statements on generally acceptable findings and techniques with full recognition of the limits and uncertainties of such evidence.

(4) When announcing or advertising professional services, a psychotherapist may list the following information to describe the provider and services provided: name, highest relevant academic degree or training certificate earned from an accredited institution, date, type, award of the ECP, membership of psychotherapy organisations and professionally relevant or related bodies, address, telephone number, office hours, a brief listing of the type

of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, policy with regards to insurance or third party payments and other brief and pertinent information.

(5) Additional relevant or important consumer information may be included if not prohibited by other sections of these ethical principles.

(6) In announcing or advertising the availability of psychotherapeutic services or publications, a psychotherapist does not present his affiliation with any organisation in a manner that falsely implies sponsorship or certification by that organisation.

(7) In particular and for example, a psychotherapist does not state European, national registration or institutional or associational status in a way to suggest that such status implies specialised professional competence or qualifications.

(8) Public statements include, but are not limited to, communication by means of periodical, book, list, directory, internet, television, radio, or motion picture.

(9) It does not contain –

- (a) a false, fraudulent, misleading, deceptive, or unfair statement;
- (b) a misinterpretation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclose of relevant facts;
- (c) a testimonial from a patient regarding the quality of a psychotherapist's services or products;
- (d) a statement intended or likely to create false or unjustified expectations of favourable results;

- (e) a statement implying unusual, unique, or one-of-a-kind abilities;
- (f) a statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;
- (g) a statement concerning the comparative desirability of offered services; or
- (h) statement of direct solicitation of individual clients.

(10) A psychotherapist does not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item.

(11) A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement.

(12) If communicated to the public by use of radio or television, an advertisement is pre-recorded and approved for broadcast by the psychotherapist.

(13) Copies of advertisements and recordings of broadcasts are retained by the psychotherapist.

(14) Announcements or advertisements of "personal growth groups," special interest group sessions, courses, clinics, trainings and agencies give a clear statement of purpose and a clear description of the experiences or training to be provided.

(15) The education, training, and experience of the staff members are appropriately specified and available prior to the commencement of the group, training course or services.

(16) A clear statement of fees and any contractual implications is available before participation.

(17) A psychotherapist associated with the development or promotion of psychotherapeutic techniques, products, books, or other such offered for commercial sale makes reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, ethical and factually informative manner.

(18) A psychotherapist does not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of proprietary or single-source products or services when that participation is based solely upon his identification as psychotherapists.

(19) A psychotherapist presents the science and art of psychotherapy and offers his services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality.

(20) A psychotherapist is guided by the primary obligation to aid the public in developing informed judgments, opinions, and choices.

(21) As teachers, a psychotherapist ensures that statements in catalogues and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and the nature of course experiences.

(22) Announcements, brochures or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered.

(23) These announcements also accurately represent the education, training, and experience of the psychotherapists presenting the programs and any fees involved.

(24) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(25) A psychotherapist accepts the obligation to correct others who represent the psychotherapist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

(26) Individual diagnostic and therapeutic services are provided only in the context of a professional psychotherapeutic relationship.

(27) When personal advice is given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or similar media, the psychotherapist utilises the most current relevant data and exercises the highest level of professional judgment.

(28) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or similar media meet the same recognised standards as exist for products used in the context of a professional relationship.

PART IX – ASSESSMENT TECHNIQUES

10. (1) In the development, publication, and utilisation of psychotherapeutic or psychological assessment techniques, a

psychotherapist makes every effort to promote the welfare and best interests of the client.

(2) He guards against the misuse of assessment results.

(3) He respects the client's right to know the results, the interpretations made, and the bases for his conclusions and recommendations. A psychotherapist makes every effort to maintain the security of tests and other assessment techniques within the limits of legal mandates.

(4) He strives to ensure the appropriate use of assessment techniques by others.

(5) In using assessment techniques, a psychotherapist respects the right of clients to have full explanations of the nature and purpose of the techniques in language the clients can understand, unless an explicit exception to this right has been agreed upon in advance.

(6) When the explanations are to be provided by others, a psychotherapist establishes procedures for ensuring the adequacy of these explanations.

(7) A psychotherapist responsible for the development and standardisation of psychological tests and other assessment techniques utilises established scientific procedures and observe the relevant EAP, national, and institutional or organisational standards.

(8) In reporting assessment results, a psychotherapist indicates any reservations that exist regarding the validity or reliability because of the circumstances of the assessment or the inappropriateness of the norms for the person tested.

(9) A psychotherapist strives to ensure that the results of assessments and his interpretations are not misused by others.

(10) A psychotherapist recognises that assessment results may become obsolete and do not represent a complete picture of the assessed.

(11) He makes every effort to avoid and prevent the misuse of obsolete measures or incomplete assessments.

(12) A psychotherapist, offering scoring and interpretation services, is able to produce appropriate evidence for the validity of the programs and procedures used in arriving at interpretations.

(13) The public offering of an interpretation service is considered a professional-to-professional consultation. Psychotherapists make every effort to avoid misuse of assessment reports.

(14) A psychotherapist does not encourage or promote the use of psychotherapeutic or psychological assessment techniques by inappropriately trained or otherwise unqualified persons through teaching, sponsorship, or supervision.

PART X – RESEARCH

11. (1) The decision to undertake research rests upon a considered judgment by the individual psychotherapist about how best to contribute to human science and human welfare.

(2) Having made the decision to conduct research, the psychotherapist considers alternative directions in which research energies and resources might be invested.

(3) On the basis of this consideration, the psychotherapist carries out the investigation with respect and concern for the dignity and welfare of the people who participate and with cognizance of regulations and professional standards governing the conduct of research with human participants.

(4) In planning a study, the psychotherapist who carries out the investigation (the investigator) has the responsibility to make a careful evaluation of its ethical acceptability.

(5) To the extent that the weighing of scientific and human values suggests a compromise of any principle, the investigator incurs a correspondingly serious obligation to seek ethical advice and observe stringent safeguards to protect the rights of human participants.

(6) Considering whether a participant in a planned study will be a “subject at risk” or a “subject at minimal risk”, according to recognised standards, is of primary ethical concern to the investigator.

(7) The investigator always retains the responsibility for ensuring ethical practice in research.

(8) The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur similar obligations.

(9) Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to his participation that clarifies the obligation and responsibilities of each.

(10) The investigator has the obligation to honour all promises and commitments in that agreement.

(11) The investigator informs the participants of all aspects of the research that might reasonably be expected to influence willingness to participate and explains all other aspects of the research about which the participants inquire.

(12) Failure to make full disclosure prior to obtaining informed consent requires additional safeguards to protect the welfare and the dignity of the research participants.

(13) Research with children or with participants who have impairments that would limit understanding and/or communication requires special safeguarding procedures.

(14) Methodological requirements of a study may make the use of concealment or deception seem necessary. Before conducting such a study, the investigator has a special responsibility to –

- (a) determine whether the use of such techniques is justified by the study's prospective scientific, educational, or implied value;
- (b) determine whether alternative procedures are available that do not use concealment or deception; and
- (c) ensure that the participants are provided with sufficient explanation as soon as possible.

(15) There exists a presumption not to use such techniques.

(16) The investigator respects the individual's freedom to decline to participate in or withdraw from the research at any time.

(17) The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant.

(18) Such positions of authority include, but are not limited to, situations in which research participation is required as part of employment or in which the participation is a student, client, or employee of the investigator.

(19) The rights of the individual predominate over the needs of the investigator to complete the research.

(20) The investigator protects the participant from physical and mental discomfort, harm, and danger that may arise from research procedures. If risks of such consequences exist, the investigator informs the participant of that fact.

(21) Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use these procedures might expose the participant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from each participant.

(22) The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm, or related questions or concerns arise.

(23) Consent obtained from the participant does not limit his legal rights or reduce the investigator's legal responsibilities.

(24) After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove any misconceptions that may have arisen.

(25) Where scientific or humane values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

(26) Where research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

(27) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance.

(28) When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent.
