

**CODE OF PROFESSIONAL CONDUCT
1 November 2004**

Pursuant to Section 19 Psychologists Act 2001

Purpose

This Code of Professional Conduct was developed in terms of the provisions of Section 19 of the Psychologists Act 2001 and is a response to Section 3 of that Act that states the objective "to protect the health and safety of members of the public by providing mechanisms to ensure that Psychologists are fit to practice." This Code of Professional Conduct provides principles and guidelines that should be observed by registered Psychologists in their professional practice, and that guide the interpretations relevant to Part 4 of the Psychologists Act 2001 (Complaints and Disciplinary Proceedings).

While disciplinary proceedings under the Psychologists Tribunal, the Psychological Care Assessment Committee and Board Inquiry, and non disciplinary proceedings under the Impaired Registrants Panel, are guided by this Code of Professional Conduct, whether an act or omission is stated or not stated in this Code shall not be the sole determinant of any question of professional conduct.

A. General Principles

1. Psychologists will demonstrate continuing competence in their practice of psychology that includes adequate knowledge, skill, judgement and care.
2. Psychologists will aim to maximise benefit and do no harm in their practice of psychology.
3. Psychologists will respect the dignity and welfare of individuals and groups with whom they have professional contact.
4. Psychologists will act ethically and properly and will promote accuracy, fairness and honesty in their practice of psychology.

B. Minimum Standards

To further elaborate general principles of professional psychological conduct, the Code of Professional Conduct outlines a number of minimum standards with which Psychologists should comply.

1. Consent

Nothing of a psychological nature should be done with, for or to clients, students, supervisees or research participants without obtaining proper informed voluntary consent from them preferably in writing, as required by other legislation or

Guidelines. If the client does not have this capacity (eg. is a child, developmentally disabled, or incapacitated by dementia) informed consent should be obtained from the person legally responsible for him or her. In relation to situations involving a third party, there is an obligation to explain to the client on whose behalf the service is being provided (who requested it, who paid for it etc), as well as to explain the purpose of the consultation, when the client themselves did not seek the consultation on their own behalf.

Specifically:

- i. Psychologists shall not make excessive, unrealistic or groundless claims for the effectiveness and outcomes of their methods generally, or by way of eliciting consent.
- ii. Psychologists shall allow clients to withdraw consent at any time during the professional relationship without any negative consequence.
- iii. Research should be carried out only with the informed consent of the research participants and approval of the properly constituted Ethics Committee.
- iv. Psychologists should ensure that clients are fully appraised of the fees to be charged for a particular service and have a clear understanding of the cost of treatment to which they are agreeing.

2. Confidentiality

Unless required by law, or by duty of care to the client or others, Psychologists must not release information about clients unless the client specifically authorises the release, in writing.

Specifically:

- i. Psychologists should always respect the autonomy of clients. However if a client is judged to be dangerous to self or others, then careful analysis of the psychological costs of intervention and non-intervention need to be made, bearing in mind the duty of care to the client and the provisions of the law. In other words, Psychologists must determine whether the duty to protect or to warn justifies a breach of the client's confidentiality. In particular, Psychologists must determine whether the duties to protect or to warn take precedence over the autonomy of the client with reference to appropriate professional Guidelines.
- ii. When a breach of confidentiality is required, Psychologists should be aware of the need to preserve as much confidentiality as possible. For example, in courts, tribunals, or other bodies having the power to compel the attendance of witnesses, Psychologists should request the presiding officer to permit the suppression of information not relevant to the matter being decided. However, there is no scope for a Psychologist to withhold from the court, tribunal etc, information sought under a valid subpoena.
- iii. Psychologists may withhold specific information from an agency that refers a client to a Psychologist if, in their judgement, it has no relevance to the purpose of the referral and provided always that the withholding of the information does not cause the report to become misleading.
- iv. In the case of adolescent clients between 14 - 16 years, judgements of whether they should be treated as adults or children need to be made on the basis of the individual client's psychological development and particular circumstances.

- v. Psychologists shall take all reasonable steps to ensure that information obtained in the practice of psychology remains personally identifiable only when in the interest of the client. Efforts should be made to prevent any identification of individuals or organisations in the communication of such information when such identification is no longer necessary.
- vi. The Psychologist's place of practice should provide confidentiality for clients and adequate security for their records (including computerised records and data bases). These records should be adequate to communicate clearly with other Psychologists. Where control over access to records is limited, the Psychologist should give serious consideration to the implications of specific information entered on the records, and inform clients of likely limits to confidentiality. In the case where records are shared by treating teams, Psychologists should have particular regard for information that a client thought was confidential to a particular member of a team. Standards relating to record keeping should comply with the relevant legislation.
- vii. The recording, subsequent use of, and conditions of access to audio, video, or photographic recordings obtained in psychological practice requires written voluntary consent.
- viii. In regard to the provision of reports in the forensic context, Psychologists will have regard to the legal requirements and Court Rules, particularly in regard to expert witnesses.

3. Professional Relationships

Psychologists should safeguard a relationship of trust with their clients, students or supervisees across all stages of their professional relationship, and have regard to future personal relationships under the principle of the primary welfare of the client.

Specifically:

- i. Psychologists must give serious consideration to, and avoid where possible, the professional boundary implications of specific behaviours within their relationships with clients such as social contacts, physical contact, and financial or material transactions.
- ii. Psychologists must not have a sexual relationship with a client during the professional relationship. In some cases, sexual relationships may never be appropriate at any time after the termination of the professional relationship.
- iii. Psychologists must not have a sexual relationship with a former client when less than two years have expired since the ending or termination of the professional relationship, and then only after consultation with suitably experienced colleagues.
- iv. Psychologists must give serious consideration to the potential vulnerability of specific groups (eg. children, prisoners and parolees, people in a life crisis, people with disabilities and in abusive relationships or relationships of differential power).
- v. Psychologists should safeguard the welfare of clients, especially during the termination of a therapeutic relationship, which can be stressful for them.
- vi. Psychologists should help clients secure second opinions, and refer, for more specialised service, those clients whose needs or requests are outside their professional competencies.
- vii. Psychologists should recommend alternative services when it is clear that the client is not benefiting from the current service. Long-term clients should be reviewed regularly in this regard.

Psychologists are also advised to seek advice from suitably experienced colleagues and consult appropriate Guidelines when requiring further elaboration of standards regarding professional relationships.

Psychologists should recognise conflicts of interest that might subvert the integrity of the professional relationship.

Specifically:

- viii. Psychologists should strive to avoid dual relationships, but if unavoidable, should seek to identify potential conflicts of interest and speedily address the issues to achieve optimal outcomes for both client and Psychologist.
- ix. Psychologists should fully declare all conflicts of interest in Psychological Reports.
- x. Psychologists should respect the ethics, values, gender, age, sexual preference, religion, nationality, culture and politics of their clients, students, supervisees and research participants. If this respect is not achieved with clients and others listed in this clause, and such issues seem likely to affect the professional relationship, Psychologists should consider their involvement and where appropriate refer them to a more suitable Psychologist.
- xi. Psychologists should not engage in financial transactions that compromise the welfare of the client or the professional practice of colleagues.

4. Personal and professional welfare

The manner in which Psychologists relate to colleagues in their own and related fields will have an impact on the profession generally, and thereby on the quality of service to clients and the furtherance of the objectives of the Act. Good professional relations and professional development are therefore important in the practice of psychology.

Specifically:

- i. Psychologists are expected to maintain competence in their area of psychological practice through ongoing supervision and professional development.
- ii. Psychologists should not engage in misleading or deceptive advertising, lay claim to psychological qualifications they do not possess, or claim competence in any area of psychological practice in which they have not established their competence.
- iii. Psychologists should ensure that they have appropriate indemnity against claims for negligence.
- iv. Psychologists should withdraw from practice (and seek professional help where appropriate for their impairment) when a physical or psychological condition (for example, as a result of alcohol, drugs, illness or personal stress) seriously impairs their abilities or professional judgement. In cases of less serious impairment, Psychologists should consult with colleagues about the extent they should withdraw from or adjust their practice.
- v. If a Psychologist has sufficient evidence to raise serious concerns about the well-being or safety of people with diminished capacity to identify wrongs against them (such as children, people with developmental disability, dementia, those abused as children, or people in relationships of differential power), the Psychologist has a duty to communicate this information to appropriate professionals or organisations. While consent is preferable, it may be impossible or impracticable to seek consent in sufficient time to prevent harm.
- vi. Should a Psychologist disagree with a colleague on professional issues, he or she must refrain from criticising the colleague in a manner that casts doubt on the colleague's professional competence. This does not apply to the critical evaluation

of published works, nor to expert testimony in adversarial or inquisitorial proceedings, nor to opinions offered in the investigation of a complaint against a Psychologist.

- vii. If a Psychologist has reason to believe that a colleague is impaired, is behaving unethically, or that his or her standards of practice fall substantially below acceptable standards, if appropriate, the colleague can initially be approached in a helpful way. A continuing failure to maintain standards should be reported to an appropriate body, such as the Psychologists Registration Board. Some breaches (eg, sexual offences, offences against children etc) should be reported even if on a one off basis.

C. Guidelines

Psychologists are expected to be acquainted with and comply with guidelines produced by the Board and the Psychologist's professional associations that are relevant to their professional practice. These guidelines set out models of good practice for satisfying the minimum standards outlined in this Code of Professional Conduct and clarify the foregoing standards. Examples include the Australian Psychological Society Guidelines and Position Papers which address a range of areas including Indigenous and CALD Clients, Sexual Relationships, Research, Reporting Child Abuse Neglect and Criminal Activity, and so on. Additional documents include the Board's "Psychologists and Sexual Behaviour in Professional Relationships", Court Rules, and relevant legislation.