

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)

**ETHICAL RULES OF CONDUCT FOR PRACTITIONERS REGISTERED UNDER THE HEALTH
PROFESSIONS ACT, 1974**

The Health Professions Council of South Africa has, in consultation with the professional boards and with the approval of the Minister of Health, under section 49 read with section 61(2) and 61A (2) of the Health Professions Act, 1974 (Act No. 56 of 1974), made the rules in the Schedule.

Definitions

1. In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

“Act” means the Health Professions Act, 1974(Act No. 56 of 1974);

“annexure” means an annexure to these rules;

“association” means a form of practising where two or more practitioners practise for their own account, but share communal assets or facilities;

“board” means a professional board established in terms of section 15 of the Act;

“canvassing” means conduct which draws attention, either verbally or by means of printed or electronic media, to one’s personal qualities, superior knowledge, quality of service, professional guarantees or best practice;

“close collaboration” means consultation by a practitioner at one stage or another in the treatment of a patient with another practitioner and the furnishing by the latter practitioner, at the end of such treatment, of a report on the treatment to the practitioner whom he or she consulted;

“dental specialist” means a dentist who has been registered as a specialist in a speciality or subspeciality in dentistry in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001 as amended;

“dispensing optician” means a person registered as such in terms of the Act and the Rules for the registration of Dispensing Opticians, published under Government Notice No. R. 2339 of 3 December 1976;

“impairment” means a mental or physical condition which affects the competence, attitude, judgement or performance of professional acts by a registered practitioner;

“independent practice” means a practice where a registered health profession is conducted by a health practitioner without the supervision of another health practitioner;

“itinerant practice” means a practice which a practitioner conducts on a regular basis at a location other than at his or her resident practice address;

“medical scientist” means a person registered under the Act as a biomedical engineer, clinical biochemist, genetic counsellor, medical biological scientist or medical physicist;

“medical specialist” means a medical practitioner who has been registered as a specialist in a speciality or subspeciality in medicine in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001 as amended;

“optometrist” means a person registered as such under the Act;

“pharmaceutical concern” means a company registered as such under the Pharmacy Act, 1974 (Act No. 53 of 1974);

“practitioner” means a person registered as such under the Act and, in the application of rules 5, 6 and 9 of these rules, also a juristic person exempted from registration in terms of section 54A of the Act;

“private practice” means the practice of a health practitioner who practises for his or her own account, either in *solus* practice, or as a partner in a partnership, or as an associate in an association with other practitioners, or as a director of a company established in terms of section 54A of the Act;

“psychological act” means a professional act performed by persons registered in terms of the Act, in a register of the Professional Board for Psychology

“public company” means a company registered as such under the Companies Act, 1973 (Act No. 61 of 1973);

“public service” means a service rendered by the state at the national, provincial or local level of government and includes organizations which function under its auspices or are largely subsidized by the state or recognized by a board for the purposes of these rules;

“resident practice” means a place where a registered health practitioner conducts his or her practice on a daily basis;

“section” means a section of the Act;

“specialist” means a practitioner who is registered as a specialist in a speciality or subspeciality (if any) in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001 as amended, and who confines his or her practice to such speciality or subspeciality;

“supervision” means the acceptance of liability by a supervising practitioner for the acts of another practitioner; a practitioner in training or a practitioner registered under supervised practice; and

“touting” means conduct which draws attention, either verbally or by means of printed or electronic media, to one’s offers, guarantees or material benefits.

2. ANNEXURE 12

PROFESSIONAL BOARD FOR PSYCHOLOGY**RULES OF CONDUCT PERTAINING SPECIFICALLY TO THE PROFESSION OF PSYCHOLOGY**

A psychologist shall adhere to the following rules of conduct in addition to the rules of conduct referred to in rules 2 to 27. Failure by such psychologist to comply with the rules of conduct listed herein shall constitute an act or omission in respect of which the board may take disciplinary steps in terms of Chapter IV of the Act.

Definitions

1. In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates –

“Act” means the Health Professions Act, 1974(Act No.56 of 1974);

“**barter**” means the acceptance of goods, services or other non-monetary remuneration from client/patient in return for psychological services;

“**board**” means the Professional Board for Psychology established in terms of section 15 of the Act;

“**children**” means persons 18 years and younger; and the word “child” has a similar meaning;

“**Client/patient**” means a user of psychological services, irrespective of whether the recipient of such services is an individual, a family, a group, an organisation or a community; this also applies to ‘patient’ when the user of the psychological service is treated in a relevant setting.

“**competency**” means the ability to conduct the psychological acts in which a psychologist was formally trained, educated and experienced and in which she/he obtained a qualification as prescribed in terms of the Act;

“**confidential information**” means any information conveyed in confidence to a psychologist by a client, patient, colleague, collateral source or another professional;

“**health committee**” means a committee established by the council in terms of section 15(5);

“**informed consent**” is an expressed written, or verbal contract between practitioners and their client/patient whereby the client/patient has a full understanding of the risks and benefits of a psychological intervention.

“intern” means a person registered as an intern in psychology under the Act;

“psychological services” means the acts of psychological assessment, diagnosis and intervention rendered to a client/patient;

“psychologist” includes a person registered under the Act as a psychologist, registered counsellor, psychometrist, psycho-technician, intern in psychology or student in professional psychology;

“psychometrist” means a person registered as a psychometrist in terms of the Act;

“psycho-technician” means a person registered as a psycho-technician in terms of the Act;

“registered counsellor” means a person registered as a registered counsellor in terms of the Act;

“section” means a section of the Act;

“sexual harassment” means any act of sexual solicitation, physical advances, or verbal or non-verbal conduct that is sexual in nature that is committed by a psychologist in the course of his or her professional activities and that is unwelcome or offensive or creates an untenable situation in the workplace or educational environment;

“student” means a person registered under the Act as a student in professional psychology;

“test data” means the test protocols, record forms, scores and notes regarding an individual's responses to test items in any medium;

“the code” means these rules.

PROFESSIONAL COMPETENCE

CHAPTER 1

2. General

- (1) A psychologist shall develop, maintain and encourage high standards of professional competence to ensure that client/patient are protected from professional practices that fall short of international and national best practice standards.
- (2) A psychologist shall be accountable for professional actions in all domains of his or her professional life.
- (3) A psychologist shall take all reasonable steps to avoid harming a client and patient that may be affected.

3. Competency limits

- (1) A psychologist shall limit his or her practice to areas within the limits of professional competency, based on his or her education, training and appropriate experience.
- (2) A psychologist shall ensure that his or her work is based on established scientific and professional knowledge of the discipline of psychology.

4. Maintaining competency

- (1) A psychologist shall maintain up-to-date competency 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.

5. Adding new competencies

- (1) When a psychologist is developing competency in a psychological service or technique that is either new to him or her or new to the profession, he or she shall engage in ongoing consultation with other psychologists or relevant professions and shall seek and obtain appropriate education and training in the new area.
- (2) A psychologist shall inform a client/patient the innovative nature of and the known risks associated with such new psychological services or techniques, so that the client/patient may have freedom of choice concerning such services or the application of such techniques.

6. Extraordinary circumstances

6. A psychologist may, wherein extraordinary circumstances, he or she is asked to provide psychological services for which he or she has not obtained the necessary competency, provide such services to ensure that the client/patient is not denied services, provided that referral to an appropriate professional is made as soon as possible.

7. Personal impairment

- (1) A psychologist who, in the opinion of the health committee, declared impaired as defined in the Act–
- (a) fully comply with the requirements;
 - (b) unless explicitly indicated, shall refrain from undertaking unauthorised professional activities;
 - (c) ensure that they health committee is informed of any relapse or and difficulties in complying with the requirements.
- (2) shall be alert to signs of, and obtain appropriate professional assistance for, his or her personal problems at an early stage in order to prevent impaired performance.

8. Delegation of work

- (1) A psychologist who delegates work to an employee, supervisee, psychometrist, registered counsellor or research or teaching assistant shall take all reasonable steps –
- (a) to authorise only those responsibilities that such a person can be expected to perform competently on the basis of his or her education, training and experience; and
 - (b) to ensure that such a person performs those services competently;
 - (c) 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;

9. Use of interpreters

- (1) Use of interpreter is encouraged where there is communication or language challenges;
- (2) The interpreter engaged by a psychologist shall be fluent in at least the language used by the client/patient and the psychologist concerned and shall, in particular, be proficient in the client/patient's language of preference.
- (3) The psychologist who engages an interpreter shall take all reasonable steps to ensure that –
- (a) the interpreter does not have a multiple relationship with the client/patient concerned that is likely to lead to exploitation or loss of objectivity; and
 - (b) the interpreter performs the interpretation of tasks competently.

- (4) Psychologists who rely on interpreters shall ensure that the interpreter is duly competent to perform the task.
- (5) The client/patient should also consent to the use of particular interpreter and their involvement in the consultation process.

CHAPTER 2

PROFESSIONAL RELATIONS

10. Respect for human rights and others

- (1) A psychologist shall, in all his or her professional activities, respect the dignity, freedom, equality of a client/patient, patient and significant others affected by his her decisions and actions and shall strive to preserve their fundamental human rights.
- (2) A psychologist shall respect the right of a client/patient to hold values, attitudes, beliefs and opinions that differ from his or her own.
- (3) A psychologist shall recognise a client/patient inalienable human right to bodily and psychological integrity, including security in and control over his or her body and person, and a client/patient's right not to be subjected to any procedure or experiment without his or her informed consent as referred to in rule 11 and such consent shall be sought and given in a language that is easily understood by the client/patient.
- (4) A psychologist shall not coerce a client/patient into agreeing that a psychological service be rendered to him or her nor compel a client/patient to give self-incriminating evidence through the use of psychological techniques or otherwise.

11. Informed consent to professional services

- (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 shall obtain the written informed consent of the client/patient concerned, using a language that is reasonably understandable to such client/patient.
- (2) While the content of the written informed consent referred to in subrule (1) will vary depending on the circumstances, informed consent ordinarily requires that a client/patient –
 - (a) has the capacity to consent;
 - (b) has been provided with all the relevant information and potential consequences thereof 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 or her 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/patient who is legally incapable of giving informed consent, a psychologist shall nevertheless –
 - (i) provide an appropriate explanation;
 - (ii) seek the client/patient's assent;
 - (iii) consider such client/patient'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 rights and welfare of the client/patient.
- (3) When 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.

12. Unfair discrimination

- (1) A psychologist shall not impose on a client/patient, 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 unfairly 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, socio-economic status or any other factor prohibited by law.
- (3) A psychologist shall make every effort to ensure that language-appropriate and culture-appropriate services are made available to a client/patient and that acceptable standards of language proficiency are met in rendering a service to a client/patient whose primary language differs from that of the psychologist.

13. Sexual harassment

- (1) A psychologist shall not sexual harassment.

14. Other harassment

- (1) A psychologist shall not behave in a manner that is harassing or demeaning to persons with whom he or she interacts in his or her work on the basis of factors such as those persons' age, belief, birth, colour, conscience, culture, disability, disease, nationality, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation or socio-economic status.

15. Conflict of interest

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

16. Third-party requests for service

- (2) When a psychologist agrees to render a psychological service to a client/patient 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).
- (3) The clarification referred to in subrule (1) shall specify 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.
- (4) 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 rules.

17. Multiple relationships

- (1) A multiple relationship occurs when a psychologist fulfils a professional role with respect to a person 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, owing to unforeseen factors, a potentially harmful multiple relationship has developed, he or she shall attempt to resolve the problem with due regard to the best interests of the client/patient concerned and maximum compliance with these rules.
- (4) In the circumstances referred to in subrule (3), the psychologist shall assist the client/patient in obtaining the services of another professional, and shall not enter into any professional or other relationship with such client/patient until at least twenty-four months have elapsed after termination of such multiple relationship: Provided that where a client/patient is emotionally or cognitively vulnerable to influencing by such psychologist, no such relationship shall be established between the psychologist and the client/patient.
- (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 or she shall, at the outset, clarify the role.

18. Exploitative relationships

- (1) A psychologist shall not exploit a person over whom he or she has supervisory, evaluative, or other authority, such as a client/patient, employee, research participant, student, supervisee or trainee.
- (2) A psychologist shall not exploit users of psychological services or payers with regard to fees.

19. Cooperation with other professionals

- (1) Where indicated and professionally appropriate, a psychologist shall –
 - (a) cooperate with other professionals in order to serve his or her client/patient effectively and appropriately; and
 - (b) arrange for appropriate consultations and referrals based on the best interests of his or her client/patient, subject to such consent and other relevant considerations as may be appropriate, including the applicable legal and contractual obligations.

20. Interruption of psychological services

- (1) A psychologist shall not abandon a client/patient by terminating the professional relationship prematurely or abruptly, but shall –
 - (a) make appropriate arrangements for another practitioner to deal with the needs of the client/patient in the event of an emergency during periods of foreseeable absence when the psychologist will not be available; and

- (c) make every reasonable effort to plan for continuity of service in the event that such service is interrupted.

21. Psychological services rendered to or through organisations

- (1) A psychologist who renders psychological services to or through an organisation shall, in advance, provide a client/patient with information about –
 - (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 persons that will have access to the information referred to in paragraph (c); and
 - (e) In such cases where psychological services are rendered to or through the organisation, the psychologist primary ethical obligations are to the individual recipients of psychological services.

22. 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 subrule (2), a supervisee shall have education and training that was accredited by the board, including training in ethical issues.
- (4) A psychologist shall be responsible for determining the competency 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 competency.
- (5) A psychologist shall be responsible for providing a supervisee with specific instructions regarding the limits of his or her role as a supervisee.
- (6) A supervisee shall fully inform a client/patient receiving psychological services of his or her status as supervisee and of the right of the client/patient to confer with the supervising psychologist with regard to any aspect of the psychological services being performed.
- (8) A psychologist shall, on a continuous and regular basis, personally meet with a supervisee concerning each client/patient and shall review the treatment record, including progress notes, on a regular basis as appropriate to the task to be performed.

CHAPTER 3
PRIVACY, CONFIDENTIALITY AND RECORDS

23. Confidentiality and disclosure

- (1) A psychologist shall safeguard the confidential information obtained in the course of his or her practice, teaching, research or other professional duties, subject only to such exceptions to the requirement of confidentiality as may be determined by law, express consent, public interest, emergency. A psychologist may disclose confidential information –
- (a) only with the permission of the client/patient concerned;
 - (b) when permitted by law to do so for a legitimate purpose, such as providing a client/patient with the professional services required;
 - (c) to appropriate professionals and then for strictly professional purposes only;
 - (d) to protect a client/patient or other persons from harm; or
 - (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.
- (3) A psychologist shall, at the beginning of a professional relationship, inform a child or a client/patient who has a legal guardian or who is otherwise legally dependent, of the limits the law imposes on that child's or client/patient's right to confidentiality with respect to his or her communication with the psychologist.

25. Limits on invasion of privacy

- (1) 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 or her work only for appropriate scientific or professional purposes and then only with persons with a legitimate interest in such matters.

26. Multiple client/patients

- (1) When more than one client/patient 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 client/patient referred to in subrule (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.

27. Legally dependent client/patients

- (1) A psychologist shall bear in mind that a child's best interest paramount.
- (2) A psychologist shall take special care when dealing with children.

28. Reporting abuse of children and vulnerable adults

- (1) A psychologist shall, in terms of any relevant law or by virtue of professional responsibility, report the abuse of any child or vulnerable adult.

29. 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/patient, the psychologist may share confidential information about that client/patient 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/patient, 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/patient, 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.

30. Disguising confidential information used for didactic or other purposes

- (1) A psychologist shall not disclose in his or her writings or lectures or in any other public way confidential information or information that can be linked to an identifiable person which he or she obtained in the course of his or her work with a client/patient, organisation, research participant, supervisee, student or other recipient of his or her psychological services, unless –
 - (a) he or she has taken all reasonable steps to disguise the identity of such client/patient, organisation, research participant, supervisee, student or other recipient;
 - (b) such client/patient, 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.

31. 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 her 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 or her 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 or her unavailability through factors such as death, incapacity or withdrawal from practice.

CHAPTER 4

FEES AND FINANCIAL ARRANGEMENTS

32. Fees

- (1) Having regard to the provisions in this chapter, before the rendering of any services, a fee and the terms thereof including cancellation, shall be agreed between the psychologist and the client/patient or other user of the psychological services in language that the client/patient or the user fully understands. This should form part of informed consent, express consent before commencing any psychological service.

33. Account

- (1) A psychologist shall not misrepresent his or her fees, nor bill for psychological services partially rendered or not rendered at all
- (2) A psychologist shall not overservice a client/patient or patient of psychological services
- (3) A psychologist shall submit billing claims to third-party funders which clearly state the name of the person who provided the psychological services.

- (4) When a psychologist supervises another professional, including the intern, registered counsellor, psychometrist, psycho-technician or student who primarily provided the psychological services, the itemised bill and/or reimbursement form shall contain such psychologist's signature as supervisor and the other professional's signature as service provider. There may be no ambiguity as to who the direct service provider was.
- (5) A psychologist shall not withhold emergency psychological services because the client/patient is unable to guarantee remuneration for such services.
- (6). If limitations on the provision of psychological services are anticipated because of financial constraint, a psychologist shall, as early as is feasible, discuss such limitations with the client/patient or patient of the psychological services concerned.

34. Collection of outstanding fees

- (1) If a client/patient 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 or she shall first inform the client/patient that such measures will be taken and shall afford the client/patient the opportunity to make prompt payment.
- (2) A psychologist shall use only a collection agent who is reputable and registered in terms of the Debt Collectors Act.

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

- (1) A psychologist shall not, on the grounds of non-payment of fees, withhold information, reports or records under his or her control.

36. Barter with client/patients

- (1) A psychologist may not barter.

CHAPTER 5 ASSESSMENT ACTIVITIES

37. Assessment in professional contexts

- (b) A psychologist 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) A psychologist may provide an opinion of the psychological characteristics of a client/patient only after he or she has conducted an examination of such client/patient that is professionally adequate to support his or her findings.
- (4) When, despite reasonable efforts, an examination referred to in subrule (3) is not practical, a psychologist shall document the efforts made, and shall state the probable impact of his or her limited information on the reliability and validity of his or her opinions, and limit the nature and extent of his or her 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/patient is not warranted or necessary to give an opinion, the psychologist 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.
- (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.

38. Appropriate use of assessment methods

- (1) A psychologist who develops, administers, scores, interprets or otherwise uses psychological assessment techniques, interviews, tests, instruments or other measures referred to in the Act shall –
 - (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; and
 - (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 client/patient concerned, who are not qualified to use that information.

39. Informed consent in assessments

- (1) A psychologist shall obtain the express consent , informed consent of a client/patient for assessments, evaluations or diagnostic services.
- (2) The express informed consent referred to in subrule (1) shall contain at least the following:
 - (a) Personal details of the client/patient concerned;
 - (b) the exact nature of the psychological service(s) to be provided; and
 - © any limits inherent in providing psychological services to the client/patient, for example
 -
 - (i) a client/patient’s right to refuse participation;

- (b) exceptions to the requirement of confidentiality; or
 - (iii) any potential harmful effects inherent in providing the psychological services concerned.
- (3) express informed consent as contemplated in subrule (1) is not necessary when –
 - (a) testing is a legal requirement;
 - (b) the purpose of the testing by the psychologist is to evaluate decision-making and mental incapacity.
- (4) A psychologist shall inform a client/patient 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/patient being assessed.
- (5)
 - (a) A psychologist shall, when using the services of an interpreter, obtain the informed consent of a client/patient 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 cognizant of the limits to data obtained via the use of an interpreter and frame his or her conclusions and recommendations accordingly.
- (6) A psychologist shall, when conducting automated or internet-based testing, obtain the informed consent of the client/patient and shall –
 - (a) ensure that the confidentiality of test results and test security are maintained; and
 - (b) discuss with the client/patient any limitations of the data obtained.

40. Cultural diversity

- (1) 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 certainty with which diagnoses, findings or predictions can be made about individuals, especially where there are linguistic, cultural and socio-economic variances;
 - (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 socio-economic status.

41. 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.

42. Communication and interpreting assessment results

Communication of results

- (1) A psychologist shall ensure that the communication of results of assessment procedures to a client/patient, parent, legal guardian or other person legally authorised to receive such results on behalf of the client/patient is accompanied by such adequate interpretative aids or explanations as may be necessary. When a psychologist interprets assessment results, including automated interpretations, he or she shall take into account the various test factors and characteristics of the client/patient being assessed, such as situational, personal, linguistic and cultural differences that might affect the client/patient's judgements and reduce the validity of the psychologist's interpretations.
- (2) A psychologist shall indicate any significant reservations he or she may have about the accuracy of his or her interpretation.
- (3) Unless the nature of the relationship is clearly explained in advance to the client/patient 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/patient concerned or to another person legally authorised to receive such explanation on behalf of the client/patient.
- (4) Regardless of whether the administration, scoring and interpretation of tests are done by a psychologist or by others working with or under such 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.

43. Test scoring and interpretation services

- (1) 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;
 - (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.

44. Release of assessment data

- (1) A psychologist may release test data to another psychologist or another qualified professional by virtue of informed written consent by the client/patient 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/patient concerned; and
 - (c) to the client/patient concerned.
- (3) A psychologist may refrain from releasing test data referred to in subparagraph (2) to protect his or her client/patient from harm.

45. Obsolete tests and outdated test results

- (1) 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 by the board and that the provisions of any applicable legislation have been complied with.

46. Test security

- (1) 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.

CHAPTER 6 THERAPEUTIC ACTIVITIES

47. Informed consent to therapy

- (1) When obtaining informed consent to therapy a psychologist shall, as early as is feasible in the therapeutic relationship, provide the client/patient 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/patient for treatment involving emerging areas in which generally recognised techniques and procedures have not been established, the psychologist shall inform the client/patient of the developmental nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of the client/patient's participation;
 - (b) the psychologist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client/patient shall, as part of the informed consent procedure, be informed that the therapist is in training and is being supervised and the client/patient shall be given the name of the supervisor; and
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48. Couples or family or group 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 client/patient 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; a©(c) shall clarify and modify or withdraw from roles when appropriate.
- (2) The clarification referred to in subrule (1)(a) includes the psychologist's role and the probable use of the psychological services provided or the information obtained.
- (3) 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.

49. 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/p'tient's welfare.
- (2) A psychologist shall discuss the issues contemplated in subrule (1) with the potential client/patient or the legally authorised person of such client/patient, 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.

50. Romantic relationship with client/patients

- (1) A psychologist shall not engage in sexual intimacies of any nature (whether verbal, physical or both) with a current client/patient.
- (2) 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/patient.
- (3) A psychologist shall not terminate therapy to circumvent the prohibition referred to in subrule (1).
- (4) A psychologist shall not accept as a client/patient any person with whom he or she has engaged in sexual intimacies.
- (5) A psychologist shall not engage in sexual intimacies with a former client/patient 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/patient 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, duration, and intensity of the professional relationship;
 - (c) the circumstances of the termination of the professional relationship;
 - (d) the client/patient's personal history;
 - (e) the client/patient's current mental status;
 - (f) the likelihood of an adverse effect on the client/patient; 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/patient.

51. Terminating professional services

- (1) A psychologist shall terminate professional services inclusive of therapy for a client/patient when it becomes reasonably clear that the client/patient 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/patient or another person with whom that client/patient 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/patient or third-party payer, a psychologist shall, prior to termination, provide pre-termination counselling and suggest alternative service providers, if appropriate.

CHAPTER 7 PSYCHO-LEGAL ACTIVITIES

52. 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 rules 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.

53. Basis for psycho-legal opinion

- (1) 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.

54. Qualified opinions

- (1) A psychologist may provide written or oral psycho-legal reports or testimony about the psychological characteristics of a client/patient only after he or she has conducted an examination of the client/patient 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.

55. Truthfulness and candour

- (1) 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.

56. 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.

57. Maintenance of expert-witness role

- (1) A psychologist shall be aware of the conflicting demands made on him or her by the code and the requirements of the court system and shall attempt to resolve such conflict by making known his or her commitment to these rules and by taking steps to resolve such conflict in a responsible manner.
- (2) A psychologist engaged as an expert shall give an opinion that is based on experience, knowledge and expertise in that area.
- (3) He or she has a to provide independent, impartial and unbiased evidence to the court or tribunal if required to do so without fear or favour, without regard to who is paying for the service

58. Prior relationships

- (1) A prior professional relationship with a client/patient 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/patient or not.

59. 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.
- (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.

CHAPTER 8

ACTIVITIES IN RESPECT OF ADVERTISING AND OTHER PUBLIC STATEMENTS

60. 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 or her education and training, experience or competence;
 - (b) his or her academic or professional qualifications;
 - (c) his or her credentials;
 - (d) his or her institutional, association or professional society affiliations;
 - (e) the psychological services he or she provides;

- (f) the clinical or scientific basis for or the results or degree of success of his or her psychological services;
 - (g) his or her fees; or
 - (h) his or her publications or research findings.
- (3) A psychologist may claim a qualification as a credential for his or her psychological services only if such qualification –
- (a) was obtained from a nationally accredited institution; or
 - (b) formed the basis for his or her registration with the board.

61. Statements by others

- (1) A psychologist who engages others to create or place a public statement that promotes his or her 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 or she 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 rules; 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/patient or any other person who, because of his or her 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.

62. In-person solicitation

- (1) A psychologist shall not engage, directly or through an agent, in uninvited in-person solicitation of business.
- (2) The prohibition contained in subrule (1) does not preclude a psychologist from –
- (a) attempting to establish appropriate collateral contacts for the purpose of benefiting a client/patient; or

- (b) providing emergency, disaster or community outreach psychological services.

63. Description of workshops and educational programmes

- (1) A psychologist associated with an announcement, flyer, brochure or advertisement that describes a workshop, seminar or workshops 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 educational objectives;
 - (c) the presenters;
 - (d) the fees involved; and
 - (e) the restrictions on practice namely that such 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 subrule (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.

CHAPTER 9

TEACHING, TRAINING AND SUPERVISION

64. Design of education and training programmes

- (1) A psychologist responsible for an education and training programme shall seek to ensure that such programme is competently designed and provides for proper education and training and meets the requirements for competency which it claims to provide and meet.

65. Descriptions of education and training programmes

- (1) A psychologist responsible for an education and training programme shall provide a current and accurate description of the programme content, training goals and objectives, and shall set objective requirements that must be met for entrance into and satisfactory completion of that programme.
- (2) The psychologist concerned shall ensure that the description of the programme content, training goals and objectives, and the objective requirements referred to in subrule (1) are readily available to all interested parties.

66. Accuracy and objectivity in teaching

- (1) When engaged in teaching or training, a psychologist shall –

- (a) present psychological information accurately and with a reasonable degree of objectivity;
- (b) recognise the power he or she holds over students, supervisees and trainees, and shall therefore make every reasonable effort to avoid engaging in conduct that is demeaning to such persons and shall ensure that the constitutional rights of such persons are upheld.

67. Student or trainee disclosures

- (1) A psychologist shall not require a student, supervisee or trainee to disclose, either orally or in writing, personal information regarding his or her sexual history, history of abuse or neglect, psychological treatment, or relationship with a parent, peer, or spouse, except if such information is necessary to evaluate or obtain assistance for such student, supervisee or trainee whose personal problems could reasonably be judged to be preventing him or her from performing his or her work-related activities in a competent manner or posing a threat to himself or herself or others.

68. Mandatory individual or group therapy or experiential activities

- (1) A psychologist shall not impose individual or group therapy on any trainee student as a mandatory programme requirement.
- (2) Where individual or group therapy is recommended in a programme, the psychologist associated with that programme shall allow a student, supervisee or trainee the option of –
 - (a) withdrawing from such therapy; or
 - (b) selecting similar therapy outside the programme.

69. Assessing performance

- (1) In an academic and supervisory relationship, a psychologist shall establish an appropriate process for providing feedback to a student, supervisee or trainee, and the psychologist shall evaluate such student, supervisee or trainee on the basis of his or her actual performance on relevant and established programme requirements determined objectively by the psychologist.

**CHAPTER 10
RESEARCH AND PUBLICATION**

70. Compliance with law and standards

- (1) A psychologist shall plan and conduct research in a manner consistent with the law, and with internationally acceptable standards for the conduct of research, in particular those national and international standards for research with human participants and animal subjects.

71. Institutional approval

- (1) A psychologist shall –
 - (a) obtain written approval from the host institution or organisation concerned prior to conducting research;
 - (b) provide the host institution or organisation with accurate information about his or her research proposals; and
 - (c) conduct the research in accordance with the research protocol approved by the institution or organisation concerned.

72. Research responsibilities

- (1) Prior to conducting research (except research involving only anonymous surveys or naturalistic observations, or similar research), a psychologist shall enter, with every participant, into an agreement that sets out the nature of the research and the responsibilities of each party.

73. Informed consent to research

- (1) A psychologist shall use language that is reasonably understandable to the research participant concerned in obtaining his or her informed consent.
- (2) Informed consent referred to in subrule (1) shall be appropriately documented, and in obtaining such consent the psychologist shall –
 - (a) inform the participant of the purpose and nature of the research;
 - (b) inform the participant that he or she is free to participate or decline to participate in or to withdraw from the research;
 - (c) explain the foreseeable consequences of declining or withdrawing;
 - (d) inform the participant of significant factors that may be expected to influence his or her willingness to participate (such as risks, discomfort, adverse effects or exceptions to the requirement of confidentiality);
 - (e) explain any other matters about which the participant enquires;
 - (f) when conducting research with a research participant such as a student or subordinate, take special care to protect such participant from the adverse consequences of declining or withdrawing from participation;
 - (g) when research participation is a course requirement or opportunity for extra credit, give a participant the choice of equitable alternative activities; and
 - (h) in the case of a person who is legally incapable of giving informed consent, nevertheless–
 - (i) provide an appropriate explanation;
 - (ii) obtain the participant's assent; and
 - (iii) obtain appropriate permission from a person legally authorised to give such permission.

73. Dispensing with informed consent

- (1) Before deciding that planned research (such as research involving only anonymous questionnaires, naturalistic observations, or certain kinds of archival research) does not require the informed consent of a participant, a psychologist shall consider the applicable regulations and institutional review board requirements and shall consult with colleagues as may be appropriate.

74. Informed consent in research filming or recording

- (1) A psychologist shall obtain the informed consent of the participant concerned prior to filming or recording him or her in any way, unless the research simply involves naturalistic observations in public places, and it is not anticipated that the film or recording will be used in a manner that could cause the participant to be identified or harmed.

75. Offering inducements to research participants

- (1) In offering professional psychological services as an inducement to obtain the participation of a person in research, a psychologist shall –
 - (a) explain the nature of such services, as well as the risks, obligations and limitations involved; and
 - (b) not offer excessive or inappropriate financial or other inducements to obtain the person's participation, particularly when such inducement might tend to exert undue influence on that person to participate.

76. Deception in research

- (1) A psychologist shall not conduct a study involving deception unless he or she has established that the use of deceptive techniques is justified by the study's prospective scientific, educational or applied value and that equally effective alternative procedures that do not use deception are not feasible.
- (2) A psychologist shall not deceive a research participant about significant matters that would affect such participant's willingness to participate, such as physical risks, discomfort or unpleasant emotional experiences.
- (3) Any other deception that is an integral feature of the design and conduct of an experiment shall be explained by a psychologist to a research participant as early as is feasible, preferably at the conclusion of that participant's participation, but not later than at the conclusion of the research.

77. Debriefing of research participants

- (1) A psychologist shall, without delay, afford a participant the opportunity to obtain appropriate information about the nature, results and conclusions of the research, and the psychologist shall attempt to correct any misconceptions that that participant may have and –

- (a) if scientific or humane values justify delaying or withholding such information, the psychologist shall take reasonable measures to reduce the risk of harm; or
- (b) when the psychologist becomes aware that research procedures have harmed the participant, he or she shall take all reasonable steps to minimise the harm.

78. Care and use of animals in research

- (1) A psychologist who conducts research involving animals shall treat such animals humanely and according to international standards.

79. Reporting research results

- (1) A psychologist shall not fabricate data or falsify results in any publication of research findings such as a book, a journal article or an in-house professional report, and if he or she discovers significant errors in any published data, he or she shall take all reasonable steps to correct those errors in a correction, a retraction, an erratum or other appropriate means of publication.

80. Plagiarism

- (1) A psychologist shall not present substantial portions or elements of another person's work or data as his or her own, even if the other work or data source is cited occasionally.

81. Publication credit

- (1) A psychologist may take responsibility and credit, including authorship credit, only for –
 - (a) work he or she has actually performed or to which he or she has contributed;
 - (b) principal authorship or other publication credits if these accurately reflect his or her relative scientific or professional contribution to the publication concerned, regardless of his or her relative status; or
 - (c) minor contributions to research or publications, which shall be appropriately acknowledged, such as in footnotes or in an introductory statement.
- (2) The mere holding of an institutional position, such as chairperson of a department or thesis supervisor, shall not automatically entitle a psychologist to any authorship credit.

82. Publication of non-original data

- (1) A psychologist shall not publish as original data, any data that have been published previously.
- (2) Subrule (1) does not preclude the republication of data when such republication is accompanied by proper acknowledgement of the original author.

83. Sharing data

- (1) After research results have been published, a psychologist shall not withhold the data on which his or her conclusions are based from other competent professionals who seek to verify the substantive claims through re-analysis and who intend to use such data only for that purpose: Provided that confidentiality with respect to any research participant can be maintained and legal rights concerning proprietary data do not preclude the release thereof.

84. Professional reviewers

- (1) A psychologist who reviews submissions for a publication or a grant or as a research proposal shall respect the confidentiality of and the proprietary rights in those submissions which are vested in those who submitted such submissions.

**CHAPTER 11
RESOLVING ETHICAL ISSUES**

85. Uncertainty about ethical issues

- (1) When a psychologist is uncertain whether a particular situation or course of action would violate these rules, he or she 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 the conflict referred between rules and the law cannot be resolved, the psychologist concerned shall comply with the requirements of the law.

87. Reporting ethical violations

- (1) Ethical violation shall be reported to the board for resolution.

88. Co-operating with board

- (1) A psychologist shall give his or her full cooperation with respect to an ethics investigation, any proceedings or any related requirements of the board 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 contemplated in subrule (1) shall in itself be an ethics violation.

89. Improper complaints

- (1) 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.

90. 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.
- (3) The prohibition contemplated in subrule (1) does not preclude a psychologist from taking action based on the outcome of an inquiry held in terms of Chapter IV of the Act.

91. Disciplinary sanctions

- (1) Behaviour by a psychologist that is unprofessional or unethical should be reported to the board for disciplinary processes.
- (3) The board shall have the power to impose any sanction that is provided for in the Act.