

PROFESSIONAL BOARD FOR PSYCHOLOGY

RULES OF CONDUCT PERTAINING SPECIFICALLY TO PSYCHOLOGY

1. **Definitions**

In this annexure the following definitions shall apply:

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

“**board**” means the Professional Board for Psychology established by Government Notice No. R 75 of 16 January 1998;

“**children**” means any person 14 years and younger and the expression “child” has a similar meaning;

“**client**” 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;

“**competency**” means the ability to conduct psychological acts for which a psychologist was trained and obtained a qualification as prescribed in terms of the Act;

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

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

“**psychological services**” means the acts of psychological assessment, diagnosis and intervention provided to a client;

“**psychologist**” means 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 under the Act;

“**psycho-technician**” means a person registered as a psycho-technician under the Act;

“**registered counsellor**” means a person registered as a registered counsellor under 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 occurs in connection with the psychologists’ activities or role as a psychologist and that is unwelcome, offensive or creates an untenable workplace or educational environment;

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

“**test data**” refers to the test protocols, record forms, scores and notes regarding an individual’s responses to test item data in any media;

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

“**the code**” means these Rules.

CHAPTER 1 PROFESSIONAL COMPETENCE

2. General

- (1) A psychologist shall develop, maintain and encourage high standards of professional competence to ensure that the public is protected from professional practices that fall short of international and national best practice standards.
- (2) A psychologist shall accept that he or she is accountable for professional actions in all domains of his or her professional life.

3. Competency limits

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

A psychologist shall maintain up to date competency in his or her areas of practice through continuing professional development, consultation, and/or other procedures in conformance 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 of the innovative nature and the known risks associated with the psychological services or techniques, so that such client can exercise freedom of choice concerning receipt of such services or the application of such techniques.

6. Extraordinary circumstances

A psychologist may during an emergency situation and when asked to provide psychological services for which he or she has not obtained the necessary competence, provide such services to ensure that services are not denied.

7. Personal impairment

A psychologist who may be impaired as defined in the Act -

- (a) shall refrain from undertaking professional activities when there is the likelihood that his or her personal circumstances (including mental, emotional, physiological, pharmacological or substance abuse conditions), may prevent him or her from performing such professional activities in a competent manner;
- (b) 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; and

- (c) shall if he or she becomes aware of personal circumstances that may interfere with his or her performing of professional duties adequately, take appropriate measures such as obtaining professional consultation or assistance, and determine whether he or she should limit, suspend or terminate his or her professional duties.

8. Delegation of work

A psychologist who delegates work to an employee, supervisee, psychometrist, registered counsellor, and research or a teaching assistant, shall take reasonable steps to -

- (a) avoid delegating such work to such person who has a multiple relationship with those being served that would likely lead to exploitation or loss of objectivity;
- (b) authorise only those responsibilities that such person can be expected to perform competently on the basis of training or experience; and
- (c) ensure that such person performs those services competently.

9. Use of interpreters

A psychologist who engages the services of an interpreter shall take steps to ensure that –

- (a) such interpreter is, at minimum, bilingually fluent and is particularly conversant in the client's language preference;
- (b) the interpreter preferably holds a qualification approved by the council in interpretation;
- (c) where it is clear that a client is not fluent in the psychologist's language, at minimum, the services of an interpreter be proposed to such client;
- (d) the interpreter does not have a multiple relationship with a client being served that would likely lead to exploitation or loss of objectivity; and
- (e) ensures that an interpreter performs the delegated tasks competently.

CHAPTER 2 PROFESSIONAL RELATIONS

10. Respect for human rights and others

- (1) A psychologist shall respect the dignity and worth of a client and shall strive for the preservation and protection of fundamental human rights in all professional conduct.
- (2) A psychologist shall respect the right of a client to hold values, attitudes, beliefs, and opinions that differ from their own.
- (3) A psychologist shall recognise the inalienable human right to bodily and psychological integrity, including security in and control over his or her body and person, and the right not to be subjected to any procedure or experiment without his or her informed consent which shall be in a language that is easily understood by him or her.
- (4) A psychologist shall never coerce a recipient of a psychological service into complying with the provision of such service nor shall he or she compel a client to give self-incriminating evidence via the use of psychological techniques or otherwise.

11. Informed consent to professional procedures

- (1) When a psychologist conducts research or provides assessment, psychotherapy, counselling, or consulting services in person or via electronic transmission or other forms of communication, he or she shall obtain the written informed consent of a client, using a language that is reasonably understandable to such client.
- (2) Taking into account that the content of written informed consent referred to in sub-rule (1) will vary depending on circumstances, informed consent ordinarily requires that a client -
 - (a) has the capacity to consent;
 - (b) has been provided with information concerning participation in the activity that reasonably might affect his or her willingness to participate, including limits of confidentiality and monetary or other costs or reimbursements;
 - (c) is aware of the voluntary nature of participation and has freely and without undue influence expressed consent; and
 - (d) has had the opportunity to ask questions and receive answers regarding those activities: Provided that, in the case of a client who are legally incapable of giving informed consent, a psychologist shall nevertheless -
 - (i) provide an appropriate explanation;
 - (ii) seek the client's assent;
 - (iii) consider such client's preferences and best interests; and
 - (iv) obtain appropriate permission from a legally authorised person, 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 reasonable steps to protect the client's rights and welfare.
- (3) When psychological services are court ordered or administratively decreed or ordered through mediation or arbitration, a psychologist shall -
 - (a) inform the individual of the nature of the anticipated services, including whether the services were ordered and any limits of confidentiality, before proceeding;
 - (b) appropriately document written or oral consent, permission or assent.

12. Unfair discrimination

- (1) A psychologist shall not impose on a client, employee, research participant, student, supervisee, trainee, or others over whom he or she has or had authority, any stereotypes of behaviour, values or roles related to age, belief, birth, conscience, colour, culture, disability, disease, ethnic and social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation, socio-economic status or on any other basis proscribed by law.
- (2) A psychologist shall not engage in unfair discrimination based on age, belief, birth, colour, conscience, culture, disability, disease, ethnic and social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation, or socio-economic status or on any other basis proscribed by law.

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

13. Sexual harassment

A psychologist shall not engage in sexual harassment.

14. Other harassment

A psychologist shall not engage in behaviour that is harassing or demeaning to persons with whom they interact in their work based on factors such as those person's age, belief, birth, colour, conscience, culture, disability, disease, ethnic and social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation or socio-economic status.

15. Avoiding harm

A psychologist shall take reasonable steps to avoid harming a client, employee, research participant, student, supervisee, trainee, or others with whom he or she works, and to minimise harm, including victimisation, harassment or coercion, where it is foreseeable and avoidable.

16. Conflict of interest

A psychologist shall refrain from taking on 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 person or organisation with whom the professional relationship exists to harm or exploitation.

17. Third-party requests for service

- (1) When a psychologist agrees to provide a psychological service to a client at the request of a third party, such psychologist shall clarify at the outset of such service, the nature of the relationship with each party (whether individuals or organisations).
- (2) The clarification referred to in sub-rule (1) includes 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 limits to confidentiality.
- (3) If there is a foreseeable risk of the psychologist's being called upon to perform conflicting roles because of the involvement of a third party, such psychologist shall clarify the nature and direction of his or her responsibilities, keep all parties appropriately informed as matters develop, and resolve the situation in accordance with these rules.

18. Multiple relationships

- (1) A multiple relationship occurs when a psychologist is in a professional role with a person or organisation and at the same time -
 - (a) is or was in another role with 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 they have the professional relationship; or

- (c) promises to enter into another relationship in the future with the person or organisation or a person or organisation closely associated with or related to the person or organisation.
- (2) A psychologist shall refrain from entering into a multiple relationship if such multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence or effectiveness in performing his or her functions as psychologist or otherwise risk exploitation or harm to the person or organisation with whom the professional relationship exists.
- (3) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, such psychologist shall attempt to resolve it with due regard for the best interests of the affected person and maximal compliance with these rules.
- (4) In a circumstance referred to in sub-rule (3), the psychologist shall assist the client in obtaining the service from another professional, and shall not engage in any self-enhancing relationship with such client until at least twenty four months have elapsed after termination: Provided that where a client is emotionally or cognitively vulnerable to influences by such psychologist, no self-enhancing relationship is to be established between such psychologist and client.
- (5) When a psychologist is required by law, institutional policy or other circumstances to serve in more than one role in judicial or administrative proceedings, he or she shall clarify at the outset the role expectations and the extent of confidentiality.

19. Exploitative relationships

A psychologist shall not exploit a person over whom he or she has supervisory, evaluative, or other authority such as a client, employee, research participant, student, supervisee or trainee.

20. Co-operation with other professionals

Where indicated and professionally appropriate, a psychologist shall -

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

21. Interruption of psychological services

A psychologist shall not abandon a client by premature, precipitous and unannounced termination of the professional relationship, but –

- (a) make arrangements for another appropriate professional to deal with the emergency needs of such client during periods of foreseeable absence from professional availability; and
- (b) make reasonable efforts to plan for continuity of a service in the event that such service is interrupted by factors such as the psychologist's illness, death, unavailability or relocation or by the client's relocation or financial limitations.

22. Psychological services provided to or through organisations

- (1) A psychologist who provides psychological services to or through an organisation shall provide to their client information beforehand about -

- (a) the nature and objectives of a psychological service;
 - (b) the relationship such psychologist will have with each individual affected by such psychological services;
 - (c) the uses to which the psychological information provided by a client will be put;
 - (d) who will have access to the information; and
 - (e) limits to confidentiality.
- (2) As soon as is feasible, a psychologist shall provide information about the results and conclusions of such a psychological service to appropriate persons and if the law or organisational rules preclude such psychologist from providing information to particular individuals or groups, such psychologist shall so inform those individuals or groups at the outset of such psychological service.

23. Delegation and supervision of psychological services

- (1) A psychologist shall not delegate professional responsibilities to any person who is not qualified to provide such responsibilities.
- (2) A psychologist shall delegate to a supervisee, with the appropriate level of supervision, only those professional responsibilities that such supervisee can reasonably be expected to perform competently and ethically based on such supervisee's education, training, and experience.
- (3) A supervisee shall have education and training accredited by the board, including training in ethical issues, to perform such professional responsibilities.
- (4) A psychologist shall be responsible for determining the competency of a supervisee and shall not assign or allow such supervisee to undertake responsibilities beyond the scope of such 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 receiving psychological services of his or her role as supervisee and the right of such client to confer with the supervising psychologist with regard to any aspect of the psychological services being performed.
- (7) When a clinical psychological service is rendered, a psychologist shall -
 - (a) take part in the psychological intake process;
 - (b) personally make a diagnosis when a diagnosis is required; and
 - (c) personally approve a treatment plan for each client.
- (8) A psychologist shall meet personally with a supervisee on a continuous and regular basis concerning each client and must 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

24. Rights to confidentiality

- (1) A psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research or other professional duties, subject only to the exceptions set forth as limits to confidentiality.
- (2) A psychologist shall only disclose confidential information to others with the written informed consent of a client.

25. Discussing the limits of confidentiality

- (1) A psychologist is obliged to discuss with persons and organisations with whom they establish a scientific or professional relationship (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives), the limitations on confidentiality, including any limitations on confidentiality that may apply to group, marital and family therapy or to organisational consulting and the foreseeable uses of the information obtained.
- (2) A psychologist shall unless it is contraindicated, discuss confidentiality at the outset of the relationship and thereafter as new circumstances warrant its discussion.
- (3) A psychologist shall obtain permission from a client for electronic recording of interviews or electronic transmission of information prior to such recording or transmission and such psychologist shall inform such client of the risks to privacy and confidentiality intrinsic to electronic recording or transmission of information.
- (4) A psychologist shall, when engaging in electronically transmitted services, ensure that confidentiality and privacy are ensured and shall inform a client of the measures undertaken to guarantee confidentiality.
- (5) A psychologist shall not withhold information from a client who is entitled to such information, where it does not violate the confidentiality of others, and where the information requested is required for the exercise or protection of any rights.

26. Limits on intrusions on privacy

A psychologist shall include in a written report, oral report or consultations, only information relevant to the purpose for which the communication is made and shall discuss confidential information obtained in his or her work only for appropriate scientific or professional purposes and only with persons concerned with such matters.

27. Disclosures

- (1) A psychologist may disclose confidential information -
 - (a) only with the permission of a client;
 - (b) as mandated by law;
 - (c) when permitted by law for a valid purpose such as to provide needed professional services to a client;
 - (d) to obtain appropriate professional consultations;
 - (e) to protect a client or others from harm; or

(f) to obtain payment for a psychological service, in which instance disclosure is limited to the minimum necessary to achieve that purpose.

(2) A psychologist shall not disclose confidential information if unless prohibited by law.

28. Multiple clients

(1) When a psychological service is provided to more than one client during a joint session (for example to a family or couple, or 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 parties referred to in sub-rule (1) shall be given an opportunity to discuss with such psychologist and to accept whatever limitations on confidentiality are adhered to in the situation.

29. Legally dependent clients

(1) A psychologists shall be cognisant that a child's best interests is of paramount importance in every professional matter concerning direct or indirect psychological services to children.

(2) A psychologist shall take special care when dealing with children 14 years of age and younger.

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

30. Release of confidential information

A psychologist shall release confidential information upon court order or to conform to legal imperatives or upon the written authorisation of the client, parent of a minor client, or legal guardian.

31. Reporting of abuse of children and vulnerable adults

A psychologist shall report the abuse of children and vulnerable adults in terms of relevant law and professional responsibility.

32. Professional consultations

(1) When a psychologist renders psychological professional services as part of a team or when he or she interacts with other appropriate professionals concerning the welfare of a client, such psychologist may share confidential information about such client: Provided such psychologist takes reasonable steps to assure that all persons who receive such information are informed about the confidential nature of the information and abide by the rule on professional confidentiality.

(2) When consulting with colleagues, a psychologist shall -

(a) not disclose confidential information that reasonably could lead to the identification of a client, research participant, or other person or organisation with whom he or she has a confidential relationship, unless

(i) he or she has obtained the prior consent of the person or organisation;
or

(ii) the disclosure cannot be avoided; and

(b) disclose information only to the extent necessary to achieve the purposes of the consultation.

33. Disguising confidential information used for didactic or other purposes

A psychologist shall not disclose in his or her writings, lectures or other public media, confidential and personally identifiable information which he or she obtained during the course of his or her work concerning a client, organisation, research participant, supervisee, student, or other recipient of his or her psychological services, unless -

- (a) he or she takes reasonable steps to disguise such client, organisation, research participant, supervisee, student, or other recipient;
- (b) such client, organisation, research participant, supervisee, student, or other recipient has consented in writing; or
- (c) there is other ethical or legal authorisation for doing so.

34. 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) enable efficacious provision of services by him or her or by 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 the law.

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

(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 make plans 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

35. Contracting of fees

As early as is feasible in a professional or scientific relationship, a psychologist and a client or other appropriate user of psychological services shall reach an agreement specifying the compensation and the billing arrangements.

36. Overcharging

- (1) A psychologist shall not exploit a user of psychological services or payers with regard to fees.
- (2) Any fee charged by a psychologist for a psychological service rendered shall be based on the national tariffs recommended by the Psychological Society of South Africa (PsySSA).

37. Accuracy in billing

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

38. Limitations

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

39. Collection of outstanding fees

- (1) If a client does not pay for psychological services as agreed with a psychologist, and if such psychologist wishes to use a collection agency or legal measures to collect fees, he or she shall first inform such client that such measures will be taken and shall provide such client an opportunity to make prompt payment.
- (2) A psychologist shall only use a collection agent who is reputable, legally mandated, and who will not bring the profession of psychology into disrepute.

40. Withholding information or reports or records for non-payment

A psychologist shall not, due to non-payment of fees, withhold information or reports or records under his or her control which are required and imminently needed for a client's treatment or court action.

41. Account itemisation

- (1) A psychologist shall submit billing claims to third party payers that clearly state who provided the psychological services.
- (2) When a psychologist supervises another professional, including an 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 shall be no ambiguity as to who was the direct service provider.

42. Barter with clients

A psychologist may barter only if -

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

43. Withholding of emergency services

A psychologist shall not withhold emergency psychological services because the user is unable to guarantee remuneration for the said service.

CHAPTER 5 ASSESSMENT ACTIVITIES

44. Assessment within a professional context

- (1) A psychologist shall perform evaluations and diagnostic services only within the context of a defined professional relationship; and
- (2) Assessments, recommendations, reports, and psychological diagnostic or evaluative statements by a psychologist shall be based on information and techniques sufficient to provide appropriate substantiation for his or her findings.
- (3) A psychologist shall provide an opinion of the psychological characteristics of a client only after he or she has conducted an examination of such client that is professionally adequate to support his or her findings.
- (4) When, despite reasonable efforts, an examination referred to in sub-rule (3) is not practical, a psychologist shall document the efforts made, and shall clarify the probable impact of his or her limited information on the reliability and validity of his or her opinions, and appropriately limit the nature and extent of his or her findings.
- (5) When a group assessment is conducted, a psychologist shall declare the limits to his or her findings.
- (6) When a psychologist conducts a review of records and the examination of a client is not warranted or necessary for the opinion, such psychologist shall declare the limits to his or her opinion.
- (7) When any electronic, internet or other indirect means of assessment is used, a psychologist shall declare this and appropriately limit the nature and extent of his or her findings.

45. Appropriate use of assessment methods

A psychologist who develops, administers, scores, interprets, or otherwise uses psychological assessment techniques, interviews, tests, instruments or other measures referred to in the Act shall -

- (a) do so in a manner and for purposes that are appropriate in the light of the research or evidence of the usefulness and proper application of such assessment methods; and

- (b) refrain from the misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information such methods provide, and such methods include refraining from releasing raw test results or raw data to persons, other than to clients as appropriate, who are not qualified to use such information.

46. Informed consent in assessments

- (1) A psychologist shall obtain written informed consent from a client for assessments, evaluations, or diagnostic services.
- (2) The written informed consent referred to in sub-rule (1) shall indicate at least the following:
 - (a) details of such client;
 - (b) the exact nature of the psychological service(s) to be provided; and
 - (c) any limits inherent in providing psychological services to such client for example-
 - (i) a client's right to refuse participation;
 - (ii) limits to confidentiality; or
 - (iii) any potential harmful effects inherent to providing such psychological services.
- (3) Written informed consent referred to in sub-rule (1) is not necessary when -
 - (a) testing is a legal requirement;
 - (b) informed consent is implied because testing is conducted as a routine educational, institutional, or organisational activity (as in job interview testing); or
 - (c) the a psychologist's purpose in testing is to evaluate decision-making and mental incapacity.
- (4) A psychologist shall inform a client with questionable capacity to consent or for whom testing is mandated by law about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to such client being assessed.
- (5)
 - (a) A psychologist shall, when using the services of an interpreter, obtain informed consent from a client or patient to use the interpreter, and ensure the confidentiality of test results and test security are maintained, and discuss any limitations on the data obtained.
 - (b) A psychologist shall remain cognisant 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 informed consent from the client or patient and shall -
 - (a) ensure that confidentiality of test results and test security are maintained; and
 - (b) discuss with the client or patient any limitations on the data obtained.

47. Test development

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

48. Cultural diversity

Psychologists who perform interventions or administer, score, interpret or use assessment methods shall -

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

49. Communication of results

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

50. Information for professional users

- (1) A psychologist who offers an assessment procedure or automated interpretation service to another professional, shall conduct such service in line with the guidelines on best practices for psychometry as applicable at the time.
- (2) A psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer, score and interpret it properly, ensuring that the advertisements for the assessment procedure or interpretative service are factual and descriptive.

51. Interpreting assessment results

- (1) 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 being assessed such as situational, personal, linguistic, and cultural differences that might affect their judgements or reduce the accuracy of his or her interpretations.
- (2) A psychologist shall indicate any significant reservation he or she has about the accuracy or limitation of his or her interpretation.

52. Explaining assessment results

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

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

53. Test scoring and interpretation services

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

- (a) accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to his or her use: Provided that a 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 on 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 him- or herself or uses automated or other services.

54. Release of test data

- (1) A psychologist may release test data to another psychologist or another qualified professional based on a client release.
- (2) A psychologist shall refrain from releasing 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 a client release to an authorised person such as an attorney or employer; or
 - (c) to the client as appropriate; and
 may refrain from releasing test data to protect a client from harm.

55. Obsolete tests and outdated test results

A psychologist shall not base -

- (a) his or her assessment or intervention decision or recommendation on data or test results that are outdated for the current purpose; or
- (b) such a decision or recommendation on tests and measures that are obsolete and not useful for the current purpose, but shall ensure that tests used have been classified by the board and that other laws, such as the Employment Equity Act, 1998 (Act No. 55 of 1998) have been complied with.

56. Maintaining test security

A psychologist shall make reasonable efforts to maintain the integrity and security of tests and other assessment techniques consistent with law and the code.

CHAPTER 6 THERAPEUTIC ACTIVITIES

57. Informed consent to therapy

When obtaining informed consent to therapy as required in Standard Informed Consent Forms, a psychologist shall inform a client as early as is feasible in the therapeutic relationship about appropriate information, including the nature and anticipated course of therapy, fees, involvement of third parties, and confidentiality and when -

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

58. Couples or family therapy

- (1) When a psychologist agrees to provide psychological services to several persons who have a relationship such as spouses, significant others, parents or children, such psychologist -
 - (a) shall attempt to clarify at the outset which of the individuals are clients and the relationship such psychologist will have with each person;
 - (b) may be called on to perform potentially conflicting roles such as family therapist and then witness in divorce proceedings; and
 - (c) shall attempt to clarify and modify or withdraw from roles appropriately.
- (2) The clarification referred to in sub-rule (1)(a) includes the psychologist's role and the probable use of the psychological services provided or the information obtained.

59. Group therapy

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

60. Providing therapy to those served by others

- (1) In deciding to provide psychological services to those already receiving mental health services, a psychologist shall carefully consider the treatment issues and the potential client's welfare.
- (2) A psychologist shall discuss these issues with the client or another legally authorised person on behalf of such client, 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.

61. Sexual intimacies with current therapy clients

A psychologist shall not engage in sexual intimacies of any nature (whether verbal, physical or both) with current therapy clients.

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

- (1) A psychologist shall not engage in sexual intimacies with an individual he or she knows to be a parent, guardian, spouse, significant other, child or sibling of current client.
- (2) A psychologist shall not terminate therapy to circumvent this standard referred to in sub-rule (1).

63. Therapy with former sexual partners

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

64. Sexual intimacies with former therapy clients or patients

A psychologist shall not engage in sexual intimacies with a former client for at least 24 months after cessation or termination of therapy and even then, such psychologist who enters into a sexual relationship after such a period with a former client, bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors such as -

- (a) the amount of time that has passed since the therapy terminated;
- (b) the nature, duration, and intensity of the therapy;
- (c) the circumstances of termination;
- (d) the client's personal history;
- (e) the client's current mental status;
- (f) the likelihood of an adverse impact on the client; and
- (g) any statements made or actions taken by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

65. Interruption of therapy

When entering into employment or contractual relationships, or where third party payers are involved, a psychologist shall take reasonable steps to provide for orderly and appropriate resolution of his or her responsibility for client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client.

66. Terminating therapy

- (1) A psychologist shall terminate therapy when it becomes reasonably clear that the client no longer needs the psychological service, is not likely to benefit or is being harmed by continued psychological service;
- (2) A psychologist may terminate therapy when threatened or otherwise endangered by a client or another person with whom such client has a relationship, in which circumstances careful thought shall be given to an appropriate referral or disposition plan.
- (3) Except where precluded by the actions of clients or third party payers, a psychologist shall prior to termination provide pre-termination counselling and suggest alternative service providers, if appropriate.

CHAPTER 7 PSYCHO-LEGAL ACTIVITIES

67. 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 other provisions of the rules to the extent that they apply to such activities.
- (2) In addition, 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.

68. Basis for psycho-legal opinion

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

69. Limits to opinions

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

70. Truthfulness and candour

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

- (a) testify truthfully, honestly, candidly and consistently with applicable legal procedures; and
- (b) describe fairly the basis for their testimony and conclusions.

71. 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 a legal proceeding, e.g. as consultants or experts for one party or for the court and as fact witnesses, he or she shall clarify his or her role expectations and the extent of confidentiality in advance to the extent feasible, in order to avoid compromising his or her professional judgement and objectivity.

72. Maintenance of expert witness role

A psychologist shall be aware of the competing demands placed upon him or her by the code and the requirements of the court system, and shall attempt to resolve such conflicts by making known his or her commitment to these rules and by taking steps to resolve such conflict in a responsible manner.

73. Prior relationships

- (1) A prior professional relationship with a client shall not preclude a psychologist from testifying as fact witness or testifying to his or her psychological services to the extent permitted by applicable 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 person concerned, whether or not a client.

74. Fact witness role

- (1) When a psychologist is required by a court to appear as a fact witness, such psychologist is legally obliged to present evidence.
- (2) A psychologist may declare his or her reluctance to appear as a fact witness by appearing as a witness under protest.
- (3) Irrespective of whether a psychologist appears as a witness under protest or not, such psychologist shall serve as a truthful and fully disclosing witness.

CHAPTER 8 ADVERTISING AND OTHER PUBLIC STATEMENT ACTIVITIES

75. Accuracy in professional representation

- (1) A psychologist shall not misrepresent in any manner his or her professional qualification with regard to education, experience or areas of competence.
- (2) A psychologist shall not make false, deceptive or fraudulent statements concerning his or her -
 - (a) education and training, experience or competence;
 - (b) academic and/or professional qualification;
 - (c) credentials;
 - (d) institutional, association or professional society affiliations;
 - (e) psychological services;
 - (f) the clinical or scientific basis for or the results or degree of success of his or her psychological services;
 - (g) fees; or
 - (h) publication(s) or research finding(s);
- (3) A psychologist shall claim a qualification as a credential for his or her psychological services only if such qualification -
 - (a) was earned from a nationally accredited institution; or
 - (b) formed the basis for his or her registration with the board.

76. Statements by others

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 media in return for publicity in a news item;

- (b) if a paid advertisement pertaining to the psychological services rendered by such psychologist is published, such services must be identified or clearly recognisable as such, unless it is already apparent from the context of such 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 via other media, such psychologist shall take reasonable precautions to ensure that -
 - (i) such advice or comment are based on appropriate psychological literature and practice and are consistent with these rules; and
 - (iii) the recipients of such advice or comment are not encouraged to infer that a relationship has been established with them personally;
- (d) shall not solicit testimonials from a current psychotherapy client or another person who, because of his or her particular circumstances, is vulnerable to undue influence;
- (e) shall take immediate steps to correct any misrepresentation of himself or herself that may be made by others in any media.

77. In-person solicitation

- (1) A psychologist shall not engage, directly or through an agent, in uninvited in-person solicitation of business from actual or potential therapy clients or other persons who, because of their particular circumstances, are vulnerable to undue influence.
- (2) The prohibition determined in sub-rule (1) does not preclude -
 - (a) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged client; or
 - (b) providing emergency, disaster or community outreach psychological services.

78. Description of workshops and educational programmes

- (1) A psychologist associated with an announcement, flyer, brochure or advertisement which describes a workshop, seminar or other non-degree-granting educational programme 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.
- (2) A workshop, seminar or programme referred to in sub-rule (1) shall not create any expectation that such workshop, seminar or programme will lead to registration or licensing.

CHAPTER 9 TEACHING, TRAINING AND SUPERVISION

79. Design of education and training programmes

A psychologist responsible for an education and training programme shall seek to ensure that such programme is competently designed, provide the proper experiences and meet the requirements for competency of which claims are made by such programme.

80. Descriptions of education and training programmes

- (1) A psychologist responsible for an education and training programme shall seek to ensure that there is a current and accurate description of the programme content, training goals and objectives, and that there are objective requirements that must be met for entry into and satisfactory completion of such programme.
- (2) The description of the programme content, training goals and objectives, the objective requirements that must be met for entry into and satisfactory completion of such programme referred to in sub-rule (1) shall be made readily available by a psychologist to all interested parties.

81. Accuracy and objectivity in teaching

When engaged in teaching or training, a psychologist shall –

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

82. Student or trainee disclosures

A psychologist shall not require a student, supervisee or trainee to disclose personal information, either orally or in writing, regarding his or her sexual history, history of abuse or neglect, psychological treatment, and relationship with a parent, peer, and spouse or significant other, 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.

83. Mandatory individual or group therapy or experiential activities

- (1) A psychologist shall not impose individual or group therapy as a mandatory programme requirement.
- (2) Where it is recommended in a programme, the psychologist associated with such programme must allow a student, supervisee or trainee the options of -
 - (a) recusing himself or herself from such a therapeutic experience; or
 - (b) selecting such therapy outside the programme.

84. Assessing performance

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

85. Sexual intimacies with a student, supervisee or trainee

A psychologist shall not engage in a sexual relationship with a student, supervisee or trainee who is in his or her department, agency, or training centre or over whom such psychologist has or is likely to have evaluative authority.

**CHAPTER 10
RESEARCH AND PUBLICATION**

86. Compliance with law and standards

A psychologist shall plan and conduct research in a manner consistent with the law, internationally acceptable standards governing the conduct of research, and particularly those national and international standards governing research with human participants and animal subjects.

87. Institutional approval

A psychologist shall –

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

88. Research responsibilities

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

89. Informed consent to research

- (1) A psychologist shall use language that is reasonably understandable to a research participant in obtaining his or her appropriate informed consent.
- (2) Informed consent referred to in sub-rule (1) shall be appropriately documented and shall-
 - (a) inform a participant of the nature of the research;
 - (b) inform a participant that he or she is free to participate or to decline to participate or to withdraw from the research;
 - (c) explain the foreseeable consequences of declining or withdrawing;
 - (d) inform a participant of significant factors that may be expected to influence his or her willingness to participate (such as risks, discomfort, adverse effects or limitations on confidentiality);

- (e) explain other aspects about which a participant enquires;
- (f) when conducting research with a research participant such as a student or subordinate, take special care to protect such participant from 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 legally authorised person.

90. Dispensing with informed consent

Before determining 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 applicable regulations and institutional review board requirements, and shall consult with colleagues as may be appropriate.

91. Informed consent in research filming or recording

A psychologist shall obtain informed consent from a participant prior to filming or recording him or her in any form, unless the research involves simply naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm to such participant.

92. Offering inducements for research participants

In offering psychological professional services as an inducement to obtain a participant, a psychologist shall -

- (a) make clear the nature of such services, as well as their risks, obligations, and limitations; and
- (b) not offer excessive or inappropriate financial or other inducements to obtain a participant, particularly when it might tend to coerce participation.

93. Deception in research

- (1) A psychologist shall not conduct a study involving deception unless he or she has determined 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 never deceive a participant about significant aspects 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 participant as early as is feasible, preferably at the conclusion of such participant's participation, but no later than at the conclusion of the research.

94. Debriefing of research participants

A psychologist shall provide a prompt opportunity for a participants to obtain appropriate information about the nature, results, and conclusions of the research, and such psychologist shall attempt to correct any misconceptions that such participant may have and -

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

95. Care and use of animals in research

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

96. Reporting research results

A psychologist shall not fabricate data or falsify results in his or her publication and, if he or she discovers significant errors in such published data, he or she shall take reasonable steps to correct such errors in a correction, retraction, erratum or other appropriate means of publication.

97. Plagiarism

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.

98. Publication credit

- (1) A psychologist shall 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 and other publication credits which accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of his or her relative status;
 - (c) minor contributions to the research or to the writing for publications which shall be appropriately acknowledged such as in footnotes or in an introductory statement.
- (2) Mere possession of an institutional position, such as that of department chair, shall not justify authorship credit for a psychologist.
- (3) A student shall usually be listed as principal author on any multiple-authored article that is substantially based on such student's dissertation or thesis.

99. Duplicate publication of data

- (1) A psychologist shall not publish as original data, data that had been published previously.
- (2) Data referred to in sub-rule (1) does not preclude the republication of data when it is accompanied by proper acknowledgement of the original author.

100. Sharing data

After research results are 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 the confidentiality of a participant to such research can be protected and unless legal rights concerning proprietary data preclude the release thereof.

101. Professional reviewers

A psychologist who reviews material submitted for a publication, grant, or other research proposal review, shall respect the confidentiality of and the proprietary rights in such information which is vested in those who submitted it.

CHAPTER 11 RESOLVING ETHICAL ISSUES

102. Confronting ethical issues

When a psychologist is uncertain whether a particular situation or course of action would violate these rules, such psychologist shall consult with another psychologist knowledgeable about ethical issues, with appropriate national ethics committees in psychology, or with another appropriate authority in order to choose a proper response.

103. Conflicts between ethics and law

- (1) If a psychologist's ethical responsibilities conflict with law or other legal authority, such psychologist shall make known his or her commitment to these rules and take steps to resolve the conflict.
- (2) If the conflict referred to in sub-rule (1) is irresolvable via such means, a psychologist may adhere to the requirements of the law or other legal authority.

104. Conflicts between ethics and organisational demands

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

105. Informal resolution of ethical violations

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

106. Reporting ethical violations

- (1) If an apparent ethical violation is not appropriate for informal resolution or is not resolved properly in that fashion, a psychologist shall take further action appropriate to the situation, unless such action conflicts with confidentiality rights in ways that cannot be resolved.
- (2) Action referred to in sub-rule (1) may include referral to an appropriate professional ethics committee or colleague for arbitration, conciliation, or advice on further course of action.

107. Reporting colleague impairment

- (1) If a psychologist has a reasonable basis for suspecting that a colleague is professionally impaired due to psychological disturbance, physical illness or substance abuse, he or she shall timeously inform the board of his or her concerns.
- (2) Where a psychologist informs the board as referred to in sub-rule (1), factual proof is not required provided the concerns are *bona fide*.
- (3) The board will consider the matter and possibly initiate an investigation by the appropriate organ of the board.

108. Co-operating with ethics committees

- (1) A psychologist shall co-operate in an ethics investigation, proceeding or related requirements of the board and make a reasonable effort to resolve for purposes of such investigation, proceeding or requirements any issues relating to confidentiality.
- (2) Failure by a psychologist to co-operate in an ethics investigation, proceeding or related requirements of the board referred to in sub-rule (1) is itself an ethics violation.

109. Improper complaints

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

110. Discrimination against a complainant or a respondent

- (1) A psychologist shall not deny any person treatment, employment, advancement, promotion or admission to a training programme on the basis of having made or being the subject of an ethics complaint.
- (2) The prohibition provided for in sub-rule (1) does not preclude a psychologist from taking action based on the outcome of an inquiry held in terms of section 42 of the Act or consideration of other appropriate information.

111. Disciplinary sanctions

- (1) Behaviour by a psychologist that is unprofessional, immoral, unethical, negligent, deceptive or which fails to meet the minimal reasonable standards of the acceptable and prevailing practice of psychology, shall include but not be limited to any act or practice which violates these rules, the Act, any regulations made in terms of the Act which are applicable to a psychologist, board notices or board resolutions.
- (2) The provisions of sub-rule (1) are applicable to a psychologist and to anyone under his or her supervision.
- (3) The council has the power to impose any sanction that is provided for in the Act.