

Attachment C

Modifications to the 2022 shared Code of conduct

Examples and explanation

The information in these examples is intended to explain how and why some sections of the draft Psychology Board of Australia code of conduct (the draft code) differ from the 2022 shared *Code of conduct* (the shared code).

These examples are for the purpose of a public consultation, and not a substitute for professional advice nor used as references in regulatory or disciplinary processes or any other important matter.

3.3 Privacy and confidentiality	
Modifications from the shared code:	Explanation
<ul style="list-style-type: none">More detailed description of the requirements to obtain informed consent in relation to information handling	A fundamental part of psychological practice is careful collection, storage and use of sensitive information. There can be significant harm to clients and others if this is not clearly understood. Therefore, the Board's draft code contains a detailed description of the requirements to obtain informed consent regarding information handling.
<ul style="list-style-type: none">A requirement to obtain agreement from clients who are unable to provide informed consent	Psychologists practise with a wide variety of clients and not all of them will be able to provide informed consent. For example, a client's age, capacity or other circumstances may mean they are unable to provide informed consent. The Board's draft code establishes a requirement to obtain agreement to ensure services are safe and effective in these cases.
<ul style="list-style-type: none">Item about unauthorised access or disclosure of information	The <i>Privacy Act</i> imposes obligations when there is unauthorised access or disclosure of information. Because the Board's draft code reflects legislated obligations around information handling, this is also included.

4.2 Informed consent	
Modifications from the shared code:	Explanation
<ul style="list-style-type: none"> • A requirement to confirm a client understands information communicated to them • A requirement to seek agreement from clients who are unable to provide informed consent • A requirement to inform clients of the period of time consent will be relied on • A requirement to re-visit consent throughout the professional relationship • A requirement to inform clients that they may withdraw consent and discuss the implications of this 	<p>Psychologists practise with a wide variety of clients and not all of them will be able to provide informed consent. For example, a client's age or capacity may mean they are unable to provide informed consent, or a client may be directed to participate in the service. The Board's draft code establishes a requirement to obtain agreement to ensure services are safe and effective in these cases.</p> <p>The complex nature of psychological services and the implications of participating in the service may not be easily understood by clients. This is especially true when compared to services provided by other regulated health practitioners.</p> <p>The Board's draft code therefore contains additional requirements regarding informed consent (or agreement) to ensure clients understand information communicated to them and that consent remains current through time and changes in circumstances.</p>
<ul style="list-style-type: none"> • Obtain written consent for assessments and/or procedures involving physical contact with clients 	<p>Physical contact with clients is only indicated in exceptional circumstances and carries significant risks. This is different to most other regulated health professions where physical contact is likely and expected.</p> <p>The Board's draft code contains a requirement to obtain written consent for services involving physical contact to ensure these are safe and effective for clients.</p>
4.8 Professional boundaries	
Modifications from the shared code:	Explanation
<ul style="list-style-type: none"> • A statement that it is the psychologist's responsibility to maintain professional boundaries 	<p>In professional boundaries matters, a defence is sometimes raised that the client caused or contributed to the professional boundaries breach. This inclusion makes it clear the responsibility is with the psychologist.</p>
<ul style="list-style-type: none"> • Several provisions addressing physical contact with clients: risks, requirement for clear, evidence-based intervention and written consent 	<p>Physical contact with clients is only indicated in exceptional circumstances and carries significant risks. This is different to most other regulated health professions where physical contact is likely and often expected.</p> <p>The additional provisions establish requirements to ensure such assessments or interventions are safe and effective for the client.</p>
<ul style="list-style-type: none"> • A provision that sexual and other personal relationships with associated parties of previous clients are mostly inappropriate 	<p>The nature of psychological practice means that there may be a power-imbalance between a</p>

	<p>psychologist and associated parties of previous clients, including</p> <ul style="list-style-type: none"> • clients' carers, employers, employees, friends, guardians, partners, relatives and spouses • other health professionals, and • spokespeople representing bodies or communities. <p>This is due to the sensitive information psychologists may obtain through the professional relationship. Such relationships could result in exploitation so the Board's draft code states they are mostly inappropriate.</p>
<ul style="list-style-type: none"> • A statement that a psychologist's professional responsibilities continue even after the professional relationship ends 	<p>The power-imbalance from a professional relationship doesn't necessarily end when the professional relationship does. This inclusion reinforces the requirement to manage professional boundaries even after the professional relationship has ended.</p>
<ul style="list-style-type: none"> • A provision that sharing of personal information with clients and/or associate parties is mostly inappropriate 	<p>Disclosure of personal information from a psychologist to a client and/or associated parties may affect the integrity of proper professional boundaries. To help practitioners to objectively determine whether the purpose for the disclosure is appropriate, effective practice includes consulting with an experienced colleague before the intended disclosure.</p>
4.9 Multiple relationships	
Modifications from the shared code:	Explanation
<ul style="list-style-type: none"> • There is no equivalent section in the shared code, although there is some overlap with 4.10 Working with multiple clients from the shared code 	<p>The shared code section 4.10 Working with multiple clients relates to working with more than one client at the same time. This is narrower in scope than section 4.9 Multiple relationships in the Board's draft code.</p>
<ul style="list-style-type: none"> • The term 'multiple clients' is defined in the <i>Definitions</i> section • This section states psychologists should avoid or discontinue multiple relationships unless they are ethically, legally, or organisationally necessary. 	<p>Multiple relationships are a significant and specific risk in psychological practice that exposes individuals to a risk of exploitation. They should be avoided if possible.</p>
<ul style="list-style-type: none"> • Several requirements are established to manage the risks associated with multiple relationships if they cannot be avoided. 	<p>This section establishes minimum standards so that psychological services are safe and effective when multiple relationships cannot be avoided.</p>

8.9 Reports, certificates and giving evidence

Modifications from the shared code:	Explanation
<ul style="list-style-type: none"> Requirement to warn clients or recipients of information about the risks from information contained in reports or evidence 	<p>Complaints (notifications) received by the Board indicate that reports and giving evidence in court are areas where psychologists can experience challenging circumstances.</p> <p>When reports and evidence are below the standard expected, there can be serious implications for clients and other individuals.</p>
<ul style="list-style-type: none"> Addition of items relating to the legal system: providing information when obliged to do so and resolving conflicts between obligations to clients and requirements of the legal system Recognition that conduct as a witness in court is determined by legal rules and it is the psychologist's responsibility to behave accordingly Recognition that a prior relationship with a client may affect professional objectivity and this should be disclosed 	<p>The additions to this section set minimum standard to manage risks relating to the content of reports, conflicts of interest and bias from previous professional relationships.</p>