



# **Public consultation report: Code of conduct for psychologists**

November 2024

# Contents

<b>Background</b> .....	<b>3</b>
Purpose of a regulatory code of conduct.....	3
Developing a code of conduct for psychologists .....	3
<b>How we consulted</b> .....	<b>3</b>
<b>Submissions</b> .....	<b>4</b>
<b>Feedback from public consultation</b> .....	<b>4</b>
General questions .....	4
Content of the draft Psychology Board Code .....	5
Community impact .....	6
Transition and implementation .....	7
General feedback.....	7
<b>How we used your feedback</b> .....	<b>8</b>
<b>Next steps</b> .....	<b>9</b>

# Background

## Purpose of a regulatory code of conduct

1. In 2019, the Psychology Board of Australia (the Board) set out to develop a Board-authored code of conduct for psychologists. A regulatory code of conduct specifies the standards of professional conduct the Board expects from registered psychologists and represents the core requirements of safe and effective professional practice.
2. A regulatory code of conduct:
  - provides guidance to psychologists about the minimum standards of conduct expected for safe and effective practice,
  - is used to evaluate whether psychologists have practised in accordance with the standard expected and if any regulatory action is necessary to protect the public from harm, and
  - is an important document for members of the public to help them understand what behaviours they can expect from a psychologist and identify when they are not receiving safe and effective psychological services.

## Developing a code of conduct for psychologists

3. Since the start of the National Registration and Accreditation Scheme (National Scheme) in 2010, we have endorsed the Australian Psychological Society's *Code of ethics* (the APS code) as the code of conduct and ethics for the profession. In our current review, we decided to develop our own draft regulatory code of conduct for public consultation.
4. The Code of conduct for psychologists (the code) was drafted to reflect of some key developments in health practitioner regulation, including:
  - embedding cultural safety for Aboriginal and Torres Strait Islander Peoples in line with [changes to the National Law](#),
  - complementing the proposed changes to the general registration competencies for psychologists, and
  - incorporating relevant principles of the [shared Code of conduct](#) that apply to most of the other health professions in the National Scheme.
5. The process of developing the code involved:
  - mapping the shared Code of conduct to the APS code,
  - reviewing wide-ranging resources such as tribunal outcomes, coronial recommendations, Australian Health Practitioner Regulatory Agency (Ahpra) regulatory data, published literature and codes of other professions and jurisdictions,
  - forming an expert advisory group to provide profession-specific and technical advice on the development and drafting of these standards, and
  - comprehensive user-testing with regulatory decision-makers to ensure it is fit for regulatory purpose.

## How we consulted

6. We carried out preliminary consultation with key stakeholders in 2022. This included government departments and psychology-specific stakeholder organisations. The Board requested an assessment from the Commonwealth Office of Best Practice Regulation (OBPR, subsequently known as the Office of Impact Analysis), which confirmed that the changes proposed by the Code would be unlikely to have significant regulatory impacts.
7. Public consultation on our review and proposal to update the regulatory code of conduct for psychologists was open from 19 June to 14 August 2023. The public consultation period was supported by an extensive communications campaign including a media release, newsletter item, webinars, webpage updates, social media content and emails to stakeholders.
8. Alongside the public consultation paper, we published a [guide to the review](#) and a [recorded webinar](#) to provide information on the review, development of the code, proposed changes and how to provide feedback on the consultation.
9. The Board invited feedback from psychologists, stakeholders and the public to inform its review, including:
  - general questions on the Board's proposal,
  - the content of the code,
  - consideration of the impact on the profession, stakeholders and community, and
  - the transition and implementation of the code.

10. Participants were able to provide either brief feedback by online survey or detailed feedback by emailing the completed submission form template. The thirteen consultation questions were optional and participants did not have to respond to every question. The public consultation materials, including supplementary resources, can be found at the [Board's past consultations webpage](#).
11. The Board and Ahpra thank the profession, stakeholders and the community for their valuable feedback and engagement with its review of the code of conduct for psychologists.

## Submissions

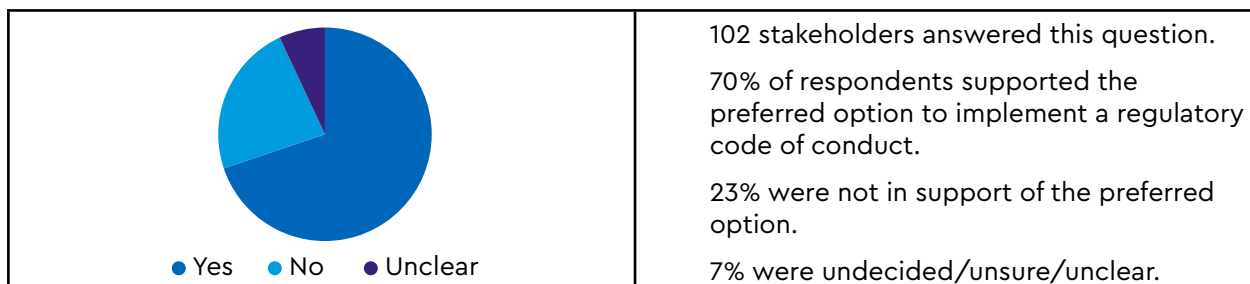
12. We received feedback from 131 external stakeholders, which showed us that there was strong engagement and interest with our review, the content of the proposed code and the impact of potential changes.
13. We received detailed submissions from 66 stakeholders through completion of the submission template and providing freeform feedback in an email. The majority of these submissions were from organisations.
14. We received brief feedback from 65 stakeholders via our online consultation survey. The majority of these submissions were from individuals.

## Feedback from public consultation

15. Stakeholder feedback to each consultation question is summarised below under five broad categories. We also undertook thematic analysis on the feedback to extract insights which were used to further progress this review and inform our decisions and actions.

### General questions

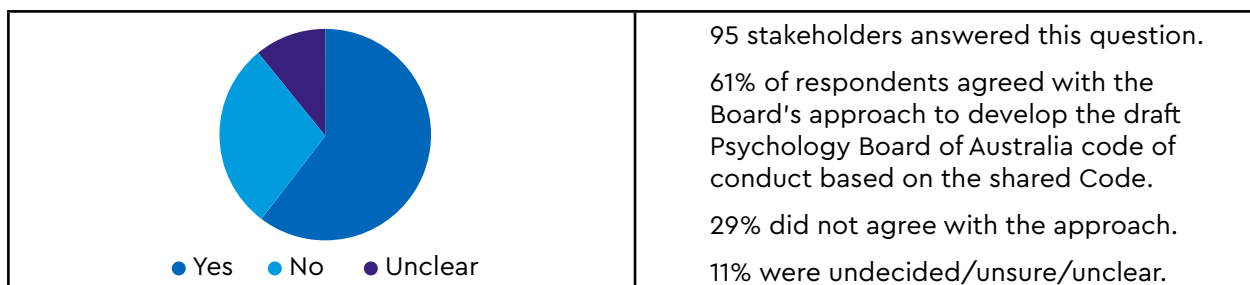
16. Question 1: Do you support the Board's preferred option to implement a regulatory code of conduct?



A clear majority of stakeholders (70%) supported our preferred option to implement a regulatory code of conduct. The draft code brought psychology in line with other professions and there was a general preference for an independent code of conduct for the profession.

Of those stakeholders that did not support our preferred option, most reported that they would support implementation of the draft code subject to some amendments. A proportion of stakeholders preferred the APS code as they were familiar with it and/or felt that it was adequate.

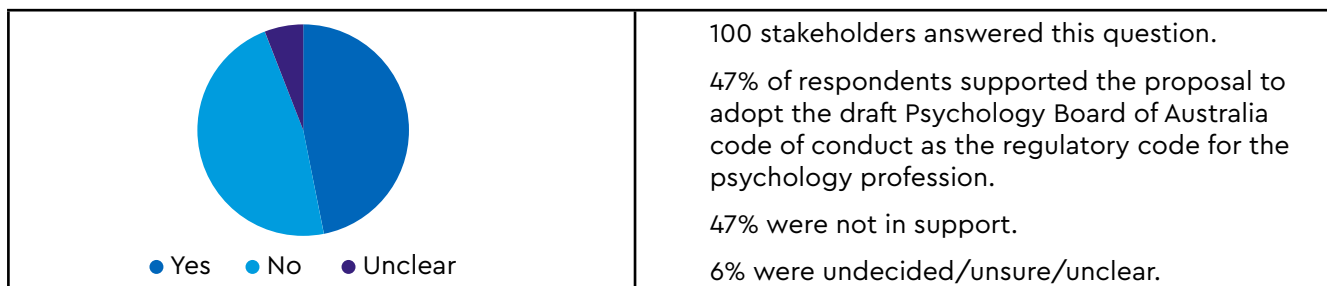
17. Question 2: Do you agree with the Board's approach to develop the draft Psychology Board of Australia code of conduct based on the shared Code of conduct?



Most stakeholders (61%) supported the draft code being based on the shared Code of conduct. The feedback reinforced that it made sense to align with other professions in the National Scheme and share the efficiency gains from the recent consultation and review of the shared Code of conduct.

Of the stakeholders who did not agree, some feedback reported that aspects of practice specific to psychology were not adequately addressed. The examples included working in private practice and remote communities, whilst others reported that the broad practice of psychology, such as working in organisations, was not adequately represented.

18. Question 3: Do you support the Board's proposal to adopt the draft Psychology Board of Australia code of conduct as the regulatory code for the psychology profession?



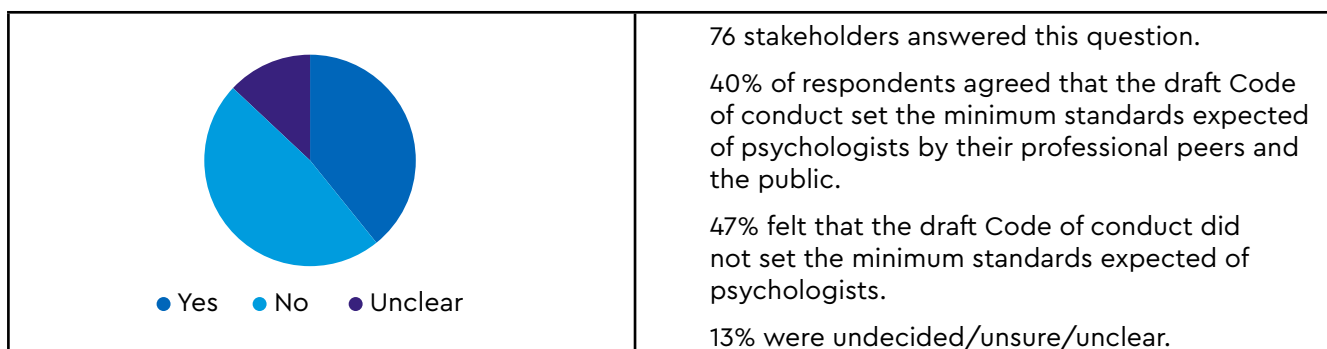
The general feedback indicated to us that further review and refinement of clauses needed to be carried out, with equal proportions of stakeholders (47%) providing opposing views on adopting the draft code.

Of those not in support of adopting the draft code of conduct, the themes that emerged were further explored in the questions about the content and language below.

Stakeholders who supported adopting the draft code thought this approach would allow Ahpra to better fulfill its regulatory function and reduce confusion for members of the public. Others felt that it was important for the Board to have its own regulatory Code of conduct.

### Content of the draft Psychology Board Code

19. Question 4: Does the draft Code of conduct set the minimum standards expected of psychologists by their professional peers and the public?



There were slightly more stakeholders (47%) who felt the draft code did not set the minimum standards expected of psychologists. The following themes emerged from their feedback:

- The standards set by the draft Code were too high, unrealistic, unworkable or aspirational.
- Misinterpretation of the wording or intent of some clauses for application in practice.

A fair proportion of stakeholders (40%) agreed that the draft code set the minimum standards.

20. Question 5: Are there any specific areas of psychological practice that are not adequately addressed in the draft Psychology Board of Australia Code of conduct, and

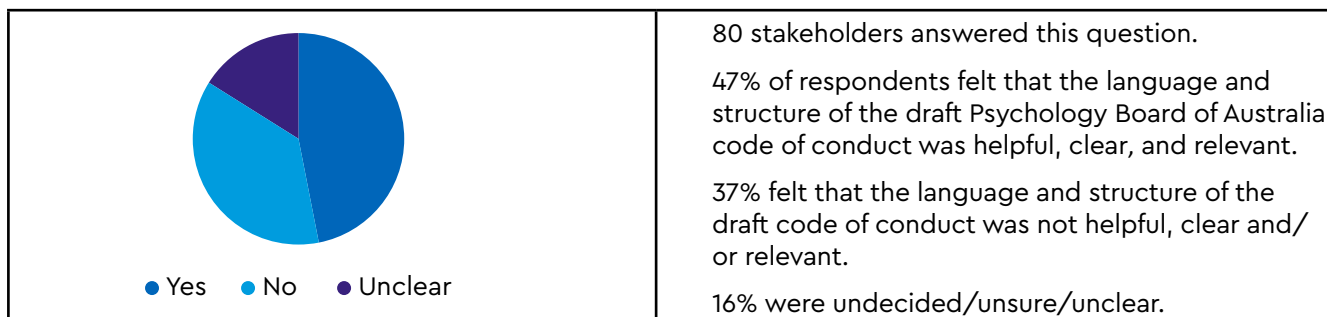
Question 6: Are there any sections of the draft Psychology Board of Australia Code of conduct that would be unworkable for your organisation and/or stakeholders?

30 stakeholders answered these two questions. The stakeholders who provided extensive feedback addressed specific clauses and detailed suggested amendments to the content.

The central themes from the feedback highlighted several areas of concern when applying the standards across the diverse settings of psychological practice, including the following:

- Helping in emergencies
- Collecting and managing client information
- Sharing of personal information
- Differences in maintaining professional boundaries across clinical and non-clinical settings
- Referral and handover of clients

21. Question 7: Is the language and structure of the draft Psychology Board of Australia Code of conduct helpful, clear, and relevant?



Most stakeholders (47%) reported that the language and structure of the draft Code was helpful, clear and relevant. Consistent themes in the positive feedback supported our inclusion of cultural safety throughout the draft Code, ease of finding information and the provision of good behavioural descriptors.

Of those stakeholders (37%) that reported the language being unclear, most felt that some of the wording was vague (e.g., "personal information"), repetitive, impractical (e.g., financial and commercial relationships with associated parties), and limiting to private practitioners, particularly those working in rural and remote regions.

## Community impact

22. Question 8: Would implementation of the draft Psychology Board of Australia Code of conduct result in negative or unintended effects for Aboriginal and Torres Strait Islander Peoples? If so, please describe them.

Most of the feedback suggested that unintended or negative effects would be unlikely. There were some requests to edit, improve or change the definition of cultural safety (which is a National Scheme-wide agreed definition).

Of those stakeholders that felt implementation may have negative effects for Aboriginal and Torres Strait Islander People, most of the feedback was related to self-disclosure to assist with building rapport.

23. Question 9: Would implementation of the draft Psychology Board of Australia code of conduct result in negative or unintended effects for diverse groups or other vulnerable members of community? If so, please describe them.

Most of the feedback suggested that unintended or negative effects would be unlikely.

Some stakeholders identified negative consequences for diverse groups, such as neurodiverse and gender diverse clients, but did not provide sufficient details that could be conclusively used to inform our review. As highlighted in other consultation feedback, some stakeholders thought the draft code had a clinical focus and negatively impacted psychologists who practiced in non-clinical settings.

24. Question 10: Would implementation of the draft Psychology Board of Australia Code of conduct result in any adverse cost implications or impacts for health practitioners, higher education providers, employers, clients/consumers, governments or other stakeholders? If so, please describe them.

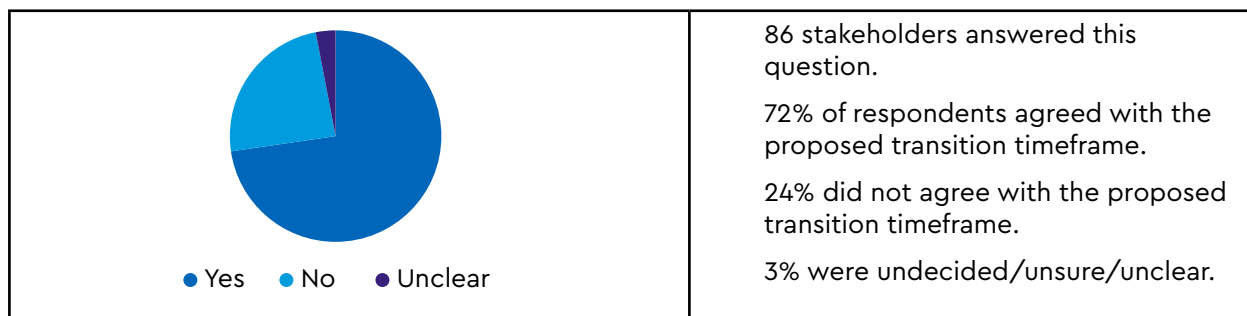
Many stakeholders reported that there would not be adverse cost implications.

Some of the feedback was that there would be implications and impacts on stakeholders, but that they were necessary. Some stakeholders suggested that there would be costs associated with changing education course requirements and assessments for skilled migration.

## Transition and implementation

### 25. Question 11 – Do you agree with the proposed transition timeframe?

The Board proposed a transition period of 12 months to support the profession, stakeholders, and the public to become familiar with using the new Code prior to it coming into effect.



A clear majority of stakeholders (72%) were comfortable with the transition timeframe. There were mixed views from those that disagreed with some suggesting a shorter timeframe, but most suggested a longer timeframe.

### 26. Question 12 – Would there be any implementation issues for your organisation and/or stakeholders that the Board should be aware of?

Most of the stakeholder feedback did not identify implementation issues and acknowledged that changes were necessary with transitioning to an updated code.

Some stakeholders identified change activities to include updates to psychology courses, training materials and time in aligning the new code to existing practice.

## General feedback

### 27. Question 13: Do you have any other feedback or comments about the draft Psychology Board of Australia Code of conduct?

Most of this feedback had been provided through the other consultation questions or was out of scope. No new relevant themes were identified.

## How we used your feedback

Themes	How we used your feedback
<p><b>Preferred option</b></p>	<p>Stakeholders supported the implementation of a regulatory code of conduct and having the shared Code of conduct as a starting point. We took into account a larger proportion of stakeholders who thought the draft code we provided was inadequate. The main issues included the need for supporting practice guidelines, overly restrictive clauses (e.g., parts of 4.8), potential to increase frivolous complaints and inadequate representation of practice outside clinical settings.</p> <p>The feedback and suggested amendments to the draft code content were used to inform and incorporate changes to the code of conduct for psychologists.</p> <p>Although some feedback showed a preference for the APS Code, the reasons provided were brief and did not explore the need to update the code in line with recent regulatory developments.</p>
<p><b>Minimum standards</b></p>	<p>The feedback on setting minimum standards explored views that the draft code proposed higher standards that were unworkable.</p> <p>As part of our development process of the code, we conducted extensive user-testing of the draft code with regulatory decision-makers and cross-mapped the existing APS Code. Although this reinforced that the draft code would not change the threshold for conduct standards, the feedback told us that the code needed further refinement (e.g., clauses 1.4, 4.8 and 5.4). We also took on feedback which described some standards as aspirational and vague (e.g., clause 6.2).</p> <p>We have carefully analysed the comments and worked with our experts to clarify the wording of clauses. To avoid unintended misinterpretation of clauses for application in practice, we will also consider development of any additional resources that can assist with implementation of the code.</p>
<p><b>Content and clauses</b></p>	<p>We responded to feedback from stakeholders to refine several areas of concern, such as conduct standards for helping in emergencies, managing client information, sharing of personal information, professional boundaries and referrals/handovers. Most of the feedback outlined the challenges in application of conduct standards to the diverse settings of psychological practice.</p> <p>We also conducted a sweeping review of the draft code to align other clauses that could benefit from clarification of wording, language, structure and ease application of the code in practice. The language and style of the code was updated to improve internal consistency for terminology/definitions and to reduce the focus on clinical practice.</p> <p>The changes we have implemented to the content have been expert-led and we engaged further with our regulatory stakeholders to ensure that the amendments continued to maintain the threshold standards for safe and effective practice.</p>
<p><b>Community impact</b></p>	<p>Stakeholders thought that unintended or negative effects on community groups, including Aboriginal and Torres Strait Islander People, would be unlikely.</p> <p>We acknowledged feedback about reformulating the definition of cultural safety, which will contribute to the next scheme-wide review of this conduct standard.</p> <p>In refining the wording around sharing of personal information with clients, we took into account the views of stakeholders that some self-disclosure helped with building rapport with certain community groups.</p>
<p><b>Implementation</b></p>	<p>The 12-month transition period for implementation of the Code was well supported by stakeholders. An advance copy will be published at least 12 months prior to the intended date of effect on 1 December 2025.</p> <p>The majority of feedback from stakeholders supported the benefits of the updated code, despite the necessary cost and transition implications to manage this change.</p> <p>We will use the information on implementation issues raised by stakeholders to finetune the transition plans and minimise the impact on stakeholders where possible. The Board is considering supplementary resources to support change management activities for our stakeholders.</p>



## Next steps

28. We are finalising the code of conduct for psychologists in preparation for publishing an advance copy by 1 December 2024.
29. From the feedback, we are refining our implementation plan to consider development of other resources that could assist our stakeholders in transitioning to the new code of conduct for psychologists.
30. The Board and Ahpra will regularly monitor and review the regulatory code of conduct for psychologists to ensure it remains relevant, contemporary and effective. The feedback provided in this public consultation will be used to inform our approach to the next scheduled review of the code of conduct and other regulatory instruments.