

# Proposed Tikanga Whanonga / Code of Conduct

**DRAFT FOR BROAD CONSULTATION 25/7/24**

## **Te Tikanga Whanonga me te Matatika: The Code of Conduct and the Code of Ethics**

The ethical practice of psychologists in Aotearoa New Zealand is articulated in two key documents:

- **The Code of Conduct:** Provides specific direction about how psychologists should behave in their professional and, in some cases, personal actions.
- **The Code of Ethics:** Provides a foundation for the practice of psychology by defining a set of principles and ways of thinking that can be used to guide decision making.

The purposes of the Code of Ethics and the Code of Conduct are:

1. To unify the practices of the profession.
2. To guide psychologists in ethical decision-making and practice.
3. To present a set of guidelines that are available to psychologists, regulatory bodies, and the public to inform them of the professional ethics of the profession.

The Code of Ethics and the Code of Conduct jointly regulate psychological practice in Aotearoa New Zealand. All practice by psychologists is governed by both of these documents and all psychological practice needs to be consistent with the requirements of both. Psychologists should consider these Codes when making decisions regarding all professional and research practice. In addition, the practice of psychologists is always bound by the laws of Aotearoa New Zealand. Psychologists should also consider other guidance as to practice including workplace codes of conduct or practice. If the Code of Ethics and/or the Code of Conduct establish a higher standard of conduct than is required in legislation or other codes, psychologists should adopt the higher ethical standard contained in the Code of Ethics and Code of Conduct.

The reason for having two separate documents is that:

- There are some ways of acting that psychologists are always obliged to follow to practice ethically. These are detailed in the **Code of Conduct**.
- However, in many other situations, ethical practice is dependent on the context and other factors, and in these situations hard-and-fast guidance cannot be given in the form of a list of “dos and don’ts.” In these situations, the psychologist needs to think and decide what is ethical practice using psychological ethical principles and ethical decision-making processes. These ethical principles and an ethical decision-making process are described in the **Code of Ethics**.

Te Tiriti o Waitangi is a foundation document of justice in Aotearoa New Zealand, and its contents and principles provide strong guidance for the practice of psychology. Reflecting the unique place held by Māori in our country as established by Te Tiriti o Waitangi, psychologists have a particular responsibility for ensuring equity of access and outcome for Māori. This Code recognises that ways of

working that are good for Māori are also likely to be good for Tauwi (any people who are not Māori) in Aotearoa New Zealand.

It is recommended that psychologists bring the Code of Conduct and Code of Ethics to the attention of those they teach, supervise and/or employ. Psychologists are advised to understand their responsibility for the work or behaviour of those they teach, supervise, and/or employ. This understanding would normally be expressed in writing in such documents as supervision agreements or employment contracts.

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## Kuputaka: Glossary of Māori Terms Used in the Code of Conduct and Code of Ethics

<b>Te Reo Māori</b>	<b>Explanation in English</b>
ahurea-ā-iwi-whanui	Diversity of cultures
Aotearoa	An alternative name for New Zealand.
Hapū	A smaller kinship group or sub-tribe. A number of hapu typically are affiliated with each other to form an iwi.
Herenga	Obligations
Hauora	Health and vigour
Iwi	An extended kinship group or tribe usually descended from a common ancestor and associated with a particular territory.
Kaitiaki	Caregiver, helper, guardian, or supporter.
Kaitiakitanga	Process of guardianship and stewardship.
Kaupapa Māori	Using a Māori approach, principles, and practices.
Kawanatanga	Government, rule, and authority. In this Code it signifies psychologists self-governance.
Kawa	Expectations of behaviour and approach taken
Kiritaki hauora	User of health services
Koronga	Purpose
Mahi āhei	Practices
Mana	Authority, power, prestige, status, dignity and respect. Mana-enhancing means that an activity enhances the mana of the person it is undertaken with/for.
Mana motuhake	Autonomy, independence, sovereignty, self-determination and control over own destiny.
Mana tangata	Power and status accrued through human rights and mana of the people.
Mana whakahaere	The right to own governance, authority, and jurisdiction.
Mana whenua	Territorial rights and authority over land or other resources, and the power associated with possession of land or other resources.
Manākitanga	The process of showing generosity, respect, and care to others.
Māori	Indigenous people of New Zealand.
Mātauranga Māori	Māori indigenous knowledge and the Māori world view and perspectives.
Ngako	Essence or substance
Ngoikore	Limitations
Pāhekoheko	Interaction
Pūkenga	Skills and expertise. In this Code it relates to doing the right things in the right way.
Rangatahi	Youths / young people.
Rangatiratanga	Right to self-determination, autonomy, self-governance, sovereignty, and control. In this Code, it signifies protection of these rights for people who use psychological services.
Ritenga	Ritual and customary practice.
Takune	Intent
Tautuhitia	Defined
Tamariki	Children.
Tangata whaikaha	Person with disabilities
Tangata Whaiora	A person who uses psychological services. Literally, “a person seeking health.”
Tangata Whenua	Māori people. Literally “People of the Land.”
Taonga	A treasure – something of value that should be prized.
Tauiwi	Non-Māori – people without Māori heritage. Similar in meaning to Pakeha.
Te Poari	The New Zealand Psychologists Board (Formally, Te Poari Kaimātai Hinengaro o

	Aotearoa New Zealand).
Te taiao	The physical, social, cultural, and spiritual environment.
Tikanga Māori	The customary system of values, customs, and practices of Māori that have developed over time and are deeply embedded in Māori social contexts.
Tikanga Matatika	Code of Ethics
Te Ao Māori	The Māori world and Māori world view.
Tikanga whanonga	Code of Conduct
Te Reo Māori	The Māori language.
Te Tiriti o Waitangi	The Treaty of Waitangi.
Tika	Correctness, truth, justice, and fairness. In this Code it relates to fairness, honesty, and doing the right things for the right reasons.
Tuku mana	Mandatory
Ture	Rules
Wairua	Spirit, sometimes in the sense of “the spirit of a document.”
Wairuatanga	Spirituality.
Whakaaro	Related points or thoughts.
Whaipāinga raruraru	Conflict of interest
Whakapapa	Line of descent.
Whakaute	Respect
Whānau	Family group, generally more extended than the “nuclear family.”
Whanonga kawatau	Behavioural expectations
Whāriki	Framework.

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# TE TIKANGA WHANONGA / CODE OF CONDUCT

Me mahi tahi tatou

Mo te oranga o te katoa

(We should work together for the wellbeing of everyone)

## Preamble

### Declaration

In giving effect to the wairua (spirit) of the Code of Conduct there shall be due regard for Aotearoa New Zealand's cultural diversity and for the provisions and the intent of Te Tiriti o Waitangi.

Kia whakamana i te ngako o te Tikanga Whanonga me whai whakaaro ki ngā ahurea-ā-iwi-whānui e noho ana ki Aotearoa, me ngā herenga me ngā takune o Te Tiriti o Waitangi.

This Code of Conduct was prepared by the Board with consultation from the Code of Ethics Review Group which was formed from representatives of the NZ Psychological Society, the NZ College of Clinical Psychologists, He Paiaka Totara, Pasifikology, and the NZ Psychologists Board. Specialist feedback was given by Brian Emery (Cultural Advisor to the Board) and Tūmaiā Kaiarahi (Māori Advisory Group to the Board). In addition, the Code of Conduct was adopted by Members of the New Zealand Psychological Society, and Members of the NZ College of Clinical Psychologists at their respective \*\*\*\* Annual General Meetings. The Psychologists Board resolved to formally adopt the Code of Conduct for registered psychologists on \*\*\*\*

I whakaritea he Tikanga Whanonga nā runga i te arotake a te Rōpū Tikanga Matatika. Kua whakarōpūngia he Rōpū Arotake e ngā reo kōrero a te Rōpū Mātai Hinengaro o Aotearoa, te Kāreti Hinengaro o Aotearoa, He Paiaka Totara, Pasifikology, me te Poari Hinengaro o Aotearoa. Kua tuku korero a Brian Te Rauoha Emery (Kaiarahi Tikanga Māori ki te Poari) ratou ko Tūmaiā Kaiarahi (Rōpu Arahī Tikanga Māori ki te Poari).

Mai i ēnā, kua whakatūturu ai te Tikanga Whanonga e ngā mema a te Rōpū Mātai Hinengaro o Aotearoa, me ngā mema a Te Kāreti Hinengaro o Aotearoa i ngā rāua hui-ā-tau. I whakaaetia e te Poari Hinengaro kia tūturu i ngā Tikanga Whanonga mo ngā Kaimātai Hinengaro kua rēhitia.

I whakaritea ēnei mātāpono whakaaroaro e te Rōpū Tikanga Matatika he rōpū arotake nō te Rōpū Mātai Hinengaro o Aotearoa, te Kāreti Hinengaro o Aotearoa, He Paiaka Totara, Pasifikology, me te Poari Hinengaro o Aotearoa. I whakatau te Poari Hinengaro kia whakamanahia ngā mātāpono e ngā kaimātai hinengaro kua rēhitia.

This Code applies to all members of the New Zealand Psychological Society, the New Zealand College of Clinical Psychologists, He Paiaka Totara, Pasifikology and all Registered Psychologists, in all their professional activities. It includes but is not limited to professional psychological practice, research,

teaching, supervision, development and use of assessment instruments, organisational consulting, social intervention, administration, and other workplace activities.

Ka whakaritea he Tikanga Whanonga mo ngā mema a te Rōpū Mātai Hinengaro o Aotearoa, te Kāreti Hinengaro o Aotearoa, He Paiaka Totara, Pasifikology, mō ngā kaimātai hinengaro katoa i rēhitia a rātou mahi hinengaro. Tapiri atu ki ngā rātou mahi rangahau, whakaako, whakaruruhau, whakawhanaketanga me te whakamahi o ngā taputapu whakamātautau, te whakawhitiwhiti whānui, te whakarururu takawaenga, te whakahaere, me ētehi atu wāhi mahi.

In this Code of Conduct the term “person/people with whom you are working” is used to denote any individual or group a psychologist works with. It may include, as appropriate, clients/patients/tangata whaiora, family/whanau, students, supervisees, research participants, colleagues, and organisational clients. It may include individuals, other groups, organisations such as companies or government agencies, and communities.

I te Tikanga Whanonga he kupu ano tō te tangata, tō te rōpū rānei e mahi tahi ai e te kaimātai hinengaro. I aua kupu, he kiritaki, he tūrora, he tangata whaiora, he tangata whaikaha, he whānau, he tauira, he ākongā, he rangahau āwhina, he hoa mahi, he kiritaki-ā-rōpū whakahaere. Tapiri atu i ēnā kupu, he tangata, me ētehi atu rōpū, no ngā pakihī, no nga umanga-ā-kawanatanga, no ngā hapori whānui.

### Whakapapa/Development of the Code

During the revision of the Code of Ethics 2024 the idea of a separate but related document that explicitly clarified behavioural expectations of psychologists was formed. This was also in line with similar overseas jurisdictions that had or were in the process of developing codes of conduct as adjuncts to their codes of ethics to enhance clarity of behavioural expectations.

A key step in developing this Code of Conduct has been to explicitly highlight and incorporate tikanga Māori (Māori custom, practices, and values) into the kawa and actions indicated by the Code. The Code also recognises the mana whenua (territorial rights and authority) status of Māori.

### Whakawhanaketanga o te Tikanga Matatika

I te whakahou o te Tikanga Matatika 2024, i whakaarohia me weherua i ngā tuinga kia āta whakamarama ai i ngā take whanonga mo ngā kaimātai hinengaro. Kia orite ai ki ngā mana whakahaerenga no tāwāhi, na te tū tikanga matatika e whakamarama mai ana i ngā take whanonga.

Katahi, i te whanaketanga o te Tikanga Whanonga nei, kua whakaatu mai me te whakato iho o nga tikanga Māori (tikanga-ā-iwi, me nga whanonga pono) ki roto i ngā kawa o te Tikanga Whanonga nei. Ka mohiotia nā te Tikanga Whanonga e kite atu ana i te mana whenua me te mana motuhake o te Iwi Māori.

## Purposes and Limitations of the Code of Conduct

Te Poari Kaimātai Hinengaro o Aotearoa / The New Zealand Psychologists Board (**the Board**) is a statutory authority established under the Health Practitioners Competence Assurance Act 2003 (**the HPCA Act**). The Board is responsible for ensuring that all registered psychologists in New Zealand are competent and fit to practise psychology. Section 118 of the HPCA Act sets out the Board's obligations, including setting standards of clinical competence, cultural competence (including competencies that enable effective and respectful interaction with Māori), and ethical conduct to be observed by psychologists. As health practitioners, all psychologists must also meet their obligations under the Code of Health and Disability Consumers Rights and the Health Information Privacy Code 2020.

Ko Te Poari Kaimātai Hinengaro o Aotearoa i whakatūria ai he mana-ā-ture ki raro i te ture Health Practitioners Competence Assurance Act 2003 (HPCA Act). He mana tō te Poari kia āhei ngā kaimātai hinengaro ki Aotearoa hei tūmatatau ki te mahi mātai hinengaro. Ko te whiti 118 o te ture HPCA Act e whakamanahia Te Poari ki ōna herenga, pērā tonu ki te whakatō i ngā paerewa o te matatau haumanu, me te matatau ahurea (kia whakamana me te whakautē i ngā pāhekoheko ki te Iwi Māori) me nga tikanga matatika e te kaimātai hinengaro. Ki raro i te herenga tō Ōu Tika me te Health Information Privacy Code 2020 ka pūpuritia e ngā kaimātai hinengaro.

This Code of Conduct is a set of standards and behavioural expectations developed by the Board to meet the above obligations. This is a standard promulgated in accordance with the Board's function under s 118(1)(i) of the HPCA Act. All registered psychologists must comply with all standards and behavioural expectations within the Code of Conduct. A Code of Conduct differs from a Code of Ethics in its purpose and function. The CoC describes the conduct and proper practise required of a registered psychologist. This also provides a clear measure for evaluating the conduct of psychologists. The Office of the Auditor-General of New Zealand defines a Code of Conduct as "a powerful declaration of how every person in an organisation is expected to behave." A Code of Conduct governs actions and contains specific rules and action expectations for a psychologist. A Code of Ethics by contrast governs decision making and contains principles to consider when faced with an ethical dilemma. The Board uses both the Code of Conduct and the Code of Ethics in its regulatory role to set the minimum standards against which a psychologist's conduct can be judged. In addition, the Code of Conduct may be relied on by other organisations and bodies, such as the Health and Disability Commissioner, the Health Practitioners Disciplinary Tribunal, and the courts, when a practitioner's conduct or practice is called into question.

Ko te mana o te Tikanga Whanonga he whakaritenga o ngā paerewa me ngā whanonga kawatau kua whanake iho e te Poari hei whakatūtuki i ngā herenga. Kia ū ngā kaimātai hinengaro i rēhitia ki ngā paerewa me ngā whanonga kawatau o te Tikanga Whanonga. Ka whakarerekē ai te Tikanga Whanonga ki te Tikanga Matatika i ngā rāua tikanga me ngā mahi āhei. Ka whakaatu mai te Tikanga Whanonga ki ngā whanonga me ngā mahi tika o te kaimātai hinengaro i rēhitia. Ki roto hoki ka taea te arotake o ngā whanonga-ā-kaimātai hinengaro.

Ko te Āpiha o te Tumuaki o te Mana Arotake i tautuhitia "he mana tō te Tikanga Whanonga mo te whanonga kawatau o ngā mema katoa o te rōpu whakahaerenga." Ka whakamanahia te Tikanga Whanonga ko ngā ture me ngā kawatau e mahia e te kaimātai hinengaro. Mā te Tikanga Matatika ko ngā whiriwhiri me ngā tikanga kia whakatūtuki pai rawa ki ngā raruraru matatika. Ka pūpuritia e te



Poari ki raro i tōna ture, ki te whakaaro ki ngā Tikanga Whanonga rāua tahi ko te Tikanga Matatika hei whakaatu ai i ngā paerewa mo te whakawā o te whanonga o te kaimātai hinengaro.

### Structure of the Code

The Code of Conduct presents ten kawa/conduct requirements. Major whakaaro (related points) follow each of the kawa. The use of mandatory language (must, should, required) is limited where possible in the Code of Conduct however the purpose of the document is to be clear about behavioural expectations and so use of this language is necessary. To balance the rule-based nature of a Code of Conduct, each kawa begins with an acknowledgement of a psychologist's role in assisting society. An over-arching intent of the Code of Conduct is to provide clarity of behavioural expectations, and thus safety for psychologists and those with whom they work.

I roto i te Tikanga Whanonga kua whakatōpūhia tekau ma tahi o ngā herenga. Kua whai mai ngā korero whakanuia ki ia kawa. Kua iti ngā kupu tuku mana (e pēnei ana, me mahi, kia mahia) i roto i te Tikanga Whanonga. Engari, ko te take kia marama ai i ngā whanonga kawatau, kua whakatō iho ngā kupu tuku mana. Kia whakataurite i ngā hanga ture o te Tikanga Whanonga, ka timatahia ia kawa i ngā whakamarama o ngā mahi awhina o te kaimātai hinengaro ki te pāpori. Ko te tino kaupapa o te Tikanga Whanonga kia marama ai i ngā whanonga kawatau o te kaimātai hinengaro me ona haumaruru rāua tahi ki te kiritaki hauora.

### Kawa

Kawa refers to protocols, etiquette, rules of practices. In Te Ao Māori, kawa is immutable nō mai ra anō, which came from forever and goes to forever. A modern view is that kawa is sometimes referred to as the policy or rules, and tikanga are the procedures or practices.

Consequently, a key construct of importance in all healthcare is tikanga. Tikanga is about “doing the right thing, in the right way, for the right reason”. This is clearly also the heart of a Code of Conduct.

How psychologists do their work and the relationships formed by psychologists in the course of their work embody explicit expectations of integrity that are vital to the advancement of social justice, scientific knowledge, and to the maintenance of public confidence in the discipline of psychology. The Code of Conduct stipulates the following ten kawa for this purpose:

1. **Māhia Katoa i te Tika me te Pono.** Act with integrity and honesty
2. **Manaakitia te mana whaimohio o te tangata, me ana noho matatapu.** Maintain rights to informed choice, privacy and confidentiality
3. **Kia Ngaio Rawa atu i Tōu Mahi** Manage professional relationships appropriately
4. **Whakamiha atu ki Ngā Ringa Ngaio** Practice in the best interests of people and peoples
5. **Kia Haumaruru, Kia Tōtika i Tōu Mahi.** Practice safely and effectively
6. **Whakanuia i Āu Matatau** Develop and maintain competence
7. **Whakanuia i Āu Matatau Ahurea** Develop and maintain cultural competence

8. **Kia Mataara ki Āu Whaipainga Kei Tōraro ki Tētehi Atu Tangata** Respect for customs and beliefs of cultures
9. **Whakaora ai ki Āu Oranga** Attend to own wellbeing
10. **Kia Mahi Tahi** Practice with respect and care for all

## **Kawa 1. Māhia Katoa i te Tika me te Pono: Act With Integrity and Honesty**

**He Pepeha <sup>1</sup>**

**He tangata kī tahi.**

**A person of a single word who is not two-faced.**

**Intent: It is acknowledged that psychologists dedicate their working lives to promoting the wellbeing of people and do so in good faith. The intent of this section is to provide clarity around the behavioural expectations of a psychologist when providing psychological services.**

### **1.1 Establishing a Professional Relationship**

- ✓ A psychologist must treat people with whom they work with respect. This means honouring individuality and rangatiratanga (self-determination) and where appropriate, including whānau, by listening and asking, respecting their views, and responding to their concerns and preferences, unless illegal or blatantly immoral.
- ✓ A psychologist must fulfil their duty of care to people with whom they work first and foremost, including ensuring that this duty is not compromised by other interests.
- ✓ A psychologist must work in partnership with people with whom they work and their whānau where appropriate.
- ✓ Psychologists should only provide psychological services that people can potentially benefit from and should end professional relationships with people who do not benefit from their services.

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<sup>1</sup> Nga Pepeha a Nga Tupuna, The Sayings of the Ancestors. Na Hirini Moko Mead and Neil Grove. Published by Victoria University Press. Reprint 2020. Page 120, number 722

## 1.2 Integrity and Transparency in Interactions with Others

- ✓ The community places a great deal of trust in psychologists and consequently psychologists should only make verbal or written statements that they know, or reasonably believe, are true and objective.
- ✓ In any communications the psychologist must provide accurate, truthful, and verifiable information about work history, experience, and qualifications, and do not misrepresent by misstatement or omission information about work history, experience, qualifications, or position.
- ✓ Advertisements for services can provide useful information to people with whom the psychologist is working. However, advertising should not be false, misleading, or deceptive, use testimonials about clinical aspects of a regulated health service, create an unreasonable expectation of benefit or encourage the indiscriminate or unnecessary use of regulated health services. Advertising that offers a gift, discount, or other inducement to attract someone to use the regulated health service or business must state the offer's terms and conditions in plain language.
- ✓ Psychologists protect the integrity of assessment methods and techniques and do not disclose their contents to individuals unqualified to receive such information.

## 1.3 Errors and Complaints

- ✓ A psychologist should seek support and advice early when an error has occurred and consult with their supervisor(s) and other relevant agencies as soon as possible.
- ✓ A psychologist should correct any mistakes they make as soon as possible after discovering an error in their work. They should be open, transparent, and accountable in their work.
- ✓ When harm has been caused by psychological services psychologists have a responsibility to be open and honest in communication with the people with whom they work. Understanding the experience of harm and meeting the needs of those harmed are key aspects of restoring relationships after harm has occurred. A relational response is required to understand the needs of the people most directly affected and to provide opportunities to repair wellbeing, relationships, and trust. Meeting these goals requires a restorative response that upholds and restores the dignity, or tapu, of all the people involved.
- ✓ When a person is harmed, effective practice includes that a psychologist acts immediately to rectify the problem, if possible, including seeking help and advice and referring the person to another service if needed. Report the incident to the relevant authority, comply with relevant policies and procedures and seek advice if the psychologist is unsure about their obligations.

- ✓ Respect people's right to complain and work with them to resolve the issue, where practicable. Provide easy to access information about making complaints about registered health practitioners in Aotearoa New Zealand.
- ✓ Ensure any complaint a person makes does not adversely affect psychological services provided to them. In most cases it may be advisable to refer them to another professional.
- ✓ When notified of a complaint by a person with whom the psychologist works, the Psychologists Board, the Health and Disability Commission, or an employer or other agency, work cooperatively to provide a prompt, open and constructive response including an explanation and, where relevant, an apology.
- ✓ Comply with relevant complaints legislation, policies, and procedures.

#### **1.4 Comply with the Laws of Aotearoa New Zealand**

- ✓ Psychologists make themselves aware of and comply with legislation in Aotearoa New Zealand and where relevant international law that is relevant to their area(s) of practice.
- ✓ Psychologists comply with any legal mandatory reporting obligations that exist.
- ✓ If a psychologist is convicted of an offence that is punishable by 3 months imprisonment or greater, they must disclose this to the New Zealand Psychologists Board immediately, pursuant to s67 of the Health Practitioners Competence Assurance Act 2003.
- ✓ Psychologists disclose to anyone legally entitled to ask for it, information relevant to an investigation into their own, or a colleague's conduct, performance, or health.
- ✓ Psychologists cooperate with any formal investigation into alleged offences if compelled to do so.
- ✓ When providing evidence in legal proceedings a psychologist is honest about their qualifications, experience and the limitations of their competence when providing information in person or in a document. The psychologist makes clear their limits of knowledge and does not give opinion beyond those limits when giving evidence, whether in person or in a document.
- ✓ A psychologist takes reasonable steps to verify content before they sign a report and does not omit relevant information deliberately.
- ✓ A psychologist is honest, unbiased, and not misleading when writing reports, and only signs documents believed to be accurate.

- ✓ A psychologist recognises that their conduct as a witness in court is determined by legal rules (as stipulated in the High Court Rules for Expert Witnesses) and it is their responsibility to behave in accordance with the expectations and limitations of the court.
- ✓ When preparing a report for a Court, a psychologist informs the people with whom they are working what their commitments to the legal system are and takes reasonable steps to resolve any conflicts between their responsibilities to the person(s) and to the legal system in a responsible manner.
- ✓ Psychologists help the coroner when an inquest or inquiry is held into the death of a person with whom they were working by responding to the coroner's enquiries and by offering all relevant information.

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## **Kawa 2. Manaakitia te mana whaimohio o te tangata, me ana noho matatapu: Maintain rights to informed choice, privacy, and confidentiality**

### **He Tikanga Te Tapu O Te Tangata <sup>2</sup>**

Respecting the mana and tapu of the person. Te Tapu O Te Tangata is the “being of tangata having sacredness.” Everyone has dignity and value by virtue of their relationship with Atua and whenua. Since all people have tapu, any violation diminishes both the tapu of the person, and the perpetrator and their links.

**Intent: Psychologists are integral in respecting the dignity and autonomy of others and engage in processes in their work that reflect this. The intent of this item is to provide clarity regarding the broad expectations of informed choice, privacy, and confidentiality.**

### **2.1 Informed Choice**

- ✓ Psychologists must obtain informed consent from the people with whom they work (or legal guardian) before proceeding with services. If there is no legal guardian, or they are unable to be contacted with reasonable efforts, then, in line with legislation, the best interests and wishes of the person with whom they are working should be considered in determining whether to proceed, in line with Rights 6 and 7 of the Code of Health & Disability Services Consumers’ Rights.
- ✓ Psychologists must give as much information as the person with whom they are working requires to make an informed choice.
- ✓ Psychologists must respect a competent person’s right to refuse to engage in a psychological service, and the right to withdraw from the service at any stage, in line with legislative parameters.
- ✓ Psychologists still engage with and obtain agreement from people who are unable to provide informed consent, following the process for informed consent as far as reasonably possible.
- ✓ Psychologists formally document the outcome of the consent and/or agreement process at the outset of the service provided, and at any point of significant change in the service.

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<sup>2</sup> Hana Maxwell 30 June 2021. Brief of Evidence in the Waitangi Tribunal WAI 2700, WAI 2855.

## 2.2 Privacy and Confidentiality

- ✓ A psychologist has ethical and legal obligations to protect the privacy of those with whom they work. People have a right to expect that their personal health information will be stored securely and in confidence, unless the release of information is authorised by them, or an unauthorised disclosure is justified legally and ethically.
- ✓ Psychologists make every effort to ensure that surroundings enable private and confidential consultations and discussions, particularly when working with multiple people at the same time, or in a shared space.
- ✓ Before collecting information from associated parties, people should be adequately informed about the nature and purpose of the information to be collected and how the information will be recorded, stored, and used and consent obtained.
- ✓ Psychologists never access records when not professionally involved in the care of a person and/or authorised to do so and ensure systems are in place that are in line with privacy law.
- ✓ Psychologists do not transmit, share, reproduce or post any person's information or images, even if the person is not directly named or identified, without first getting written and informed consent.

## Kawa 3. Kia Ngaio Rawa atu i Tōu Mahi: Manage Professional Relationships Appropriately

### He Whakataukī <sup>3</sup>

He taonga nui te tūpato.  
Caution is highly prized.

**Intent:** It is acknowledged that psychologists form therapeutic relationships that facilitate meaningful change in people's lives. The intent of this item is to indicate the minimum standards of behavioural boundaries a psychologist must adhere to keep themselves and those with whom they work safe within those relationships.

### 3.1 Integrity of Professional Relationships

- ✓ Psychologists do not seek or accept incentives, inducements or gifts that may affect, or be perceived to affect the way in which psychology services are provided. At times, people with whom we work or their whānau may present psychologists with small or consumable gifts or koha as a gesture of appreciation. These will generally be acceptable, provided they are token in nature, and do not include cash donations. For absolute protection, document any actions taken in response to any offers of inducement, gifts, or hospitality.
- ✓ Psychologists do not give people with whom they work gifts. The person(s) may feel obliged to give something in return or may misinterpret the gift as an indicator of a personal relationship. A gift is materially different in nature and intent to an item given which has direct relevance to a psychological service.
- ✓ Psychologists do not encourage the people with whom they work to give, lend or bequeath money or gifts that will benefit them. If such a bequest is proposed, politely decline with an explanation and/or a request that it be reassigned. Document any actions taken in response to the bequest.
- ✓ Psychologists do not enter into financial transactions (other than payment of fees for services provided) with any person with whom they provide psychological services to as this may compromise the professional relationship.

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<sup>3</sup> Whakatauki, proverbs. Massey University. Te Kunenga ki Purehuroa



- ✓ People who receive psychological services may develop a relationship of trust with a psychologist and seek to involve them or ask them to represent them under an enduring power of attorney, executor of an estate or will, or in some other representative agreement. Accepting such a role is incompatible with a psychologist's professional role and likely to be perceived as exerting undue influence, even if the request comes from the person with whom they are working.
- ✓ Psychologists should not assume guardianship of or adopt a current or past person with whom they provided psychological services to.
- ✓ Psychologists should not provide psychological services to family members or those close to them. Such services would lack objectivity and may compromise care. 'Those close to them' is defined as any individuals who have a personal or close relationship with the psychologist, whether familial or not, where the relationship is of such a nature that it could reasonably be expected to affect professional and objective judgement.
- ✓ Psychologists uphold the discipline's responsibility to society by taking relevant action in relation to questions about the appropriateness of the conduct or the safety of the practice of colleagues to the attention of appropriate regulatory bodies, authorities, and/or committees, in a manner consistent with the Code of Ethics.
- ✓ Psychologists should not have sexual interactions with the people with whom they provide psychological services to, including in a teaching position. This applies to those currently in receipt of services or historically. Sexual misconduct is an abuse of the relationship and can cause significant and lasting harm. A breach of sexual boundaries is not limited to physical behaviour. It includes any words, behaviour or actions designed or intended to arouse, instigate, receive, or gratify sexual desires, or that could reasonably be interpreted as sexually inappropriate. Sexual misconduct may include (but is not limited to):
  - Requesting details of sexual history or sexual preferences not relevant to the circumstances;
  - Providing any information about your sex life, preferences or fantasies;
  - Inappropriate touching of a personal nature;
  - Propositioning a person you provide psychological services to;
  - Engaging in any sex act with a person you provide psychological services;
  - Criminal sexual violation including rape or unlawful sexual connection.

### **3.2 Conflicts of Interest are Declared and Managed Transparently**

- ✓ A conflict of interest arises when a psychologist, entrusted with acting in the interests of a person with whom they are working, also has financial, professional, or personal interests or relationships with third parties which may affect, or be perceived to affect the psychological service provided. Real or perceived conflicts of interest are common, particularly in a country the size of Aotearoa New Zealand. These conflicts require identification,

appropriate disclosure, transparency, and management. When conflicts of interest compromise (or could be perceived to compromise) the provision of psychological services the psychologist's primary duty is to the person with whom they are working.

- ✓ Psychologists must act in the interests of the people with whom they are working when making referrals, and when giving or arranging services.
- ✓ Psychologists do not allow any financial or commercial interest to adversely affect the way in which those with whom they are working are treated. When a psychologist, their immediate family or those they associate with have such an interest and that interest could be perceived to influence the service provided, psychologists must inform those with whom they are working and/or other relevant parties.
- ✓ Psychologists must be honest and transparent in financial arrangements with people they are providing psychological services to.
- ✓ Psychologists do not exploit the vulnerability or lack of knowledge of people when providing or recommending services.
- ✓ Psychologists do not influence people with whom they are working to provide benefits such as making donations or provision of services to other people or organisations, that the psychologist would materially benefit from.
- ✓ Psychologists do not become involved financially with people with whom they work, for example, through loans and investment schemes.
- ✓ Psychologists must be transparent in financial and commercial matters relating to work, including dealings with employers, and any other third parties.
- ✓ Psychologists must declare any professional and financial interest in any product or service they might endorse or sell from their practice, and do not make an unjustifiable profit from the sale or endorsement.
- ✓ Psychologists can find themselves in situations where they enter, or risk entering, into dual or multiple relationships that might compromise, or be perceived to compromise, their objectivity and/or the safety and effectiveness of the psychological service. Dual relationships may also expose people with whom they work or other parties to a psychological service to the risk of exploitation. Psychologists recognise that dual relationships have an impact on the integrity of relationships that may be beneficial or negative. In Aotearoa New Zealand dual relationships are a likely occurrence. Where dual relationships are present, psychologists identify any real or potential conflicts of interest and take all responsible steps to address the issue in the best interests of the persons or groups involved.

- ✓ If a psychologist decides to continue or enter into a dual relationship, effective practice requires making contemporaneous records of the factors that demonstrate the reasons to do so; making contemporaneous records of how the psychologist intends to protect the interests of people with whom they work and other parties to the psychological service; informing all parties to the dual relationship that there is potential for conflicts of interest and explain the possible implications of this situation; and monitoring and taking reasonable steps to protect the interests of people with whom they work and other parties to the psychological service.

### **3.3 Concluding a Professional Relationship**

- ✓ When concluding professional relationships with people with whom we work, psychologists should minimise the negative effects and safeguard the continuity of services from other professionals.
- ✓ Psychologists should make arrangements for other professionals to deal with the needs of the people with whom they work during emergencies or periods of foreseeable absence.
- ✓ Psychologists should make reasonable plans for the continuity of service to people with whom they work in the event they become unavailable, for example due to relocation, illness, or death.
- ✓ Psychologists should make reasonable plans for the continuity of service to people with whom they work when the professional relationship must end, including helping identify alternative service providers and passing on relevant information with consent.
- ✓ Psychologists should, where practical, inform people with whom they work as early as possible if there is a need to end the professional relationship.
- ✓ Psychologists should not end the professional relationship prematurely or abruptly but, where possible, decide with the people with whom they work when it will be appropriate to end the professional relationship.
- ✓ Psychologists should give advance notice, if possible, to all relevant parties as early as possible, of plans to close or relocate practices, or when moving between practices.
- ✓ Psychologists facilitate arrangements for the continuing care of people with whom they work, including the transfer or appropriate management of all records in accordance with the Health Information Privacy Code 2020 and the Health (Retention of Health Information) Regulations 1996.

- ✓ Psychologists who refer or hand over are transferring responsibility for the service to another professional. This is distinct from delegating which is when a psychologist directs another person to perform tasks related to the service, under the responsibility of the psychologist. The psychologist must take reasonable steps to ensure that any person to whom they delegate, refer or hand over to has the qualifications and/or experience and/or knowledge and/or skills to provide the services needed. The duty of care remains with the original psychologist until they have been informed that the referral has been accepted.

### **3.4 Working with Other Professionals**

- ✓ Many psychologists work closely with a wide range of professionals. Effective collaboration is a fundamental aspect of good practice and teamwork. Provision of good psychology services requires coordination between all professionals. Wellbeing is improved when there is mutual respect and clear, culturally safe communication, as well as an understanding of the responsibilities, capacities, constraints, and ethical codes of each other's professions. Working in a team or collaboratively does not alter personal accountability of the psychologist's professional conduct and the services provided.
- ✓ Psychologists must work in partnership with colleagues, sharing skills, knowledge, and experience where appropriate for the benefit of clients.
- ✓ Effective psychological services are enhanced when there is mutual respect and clear communication between all professionals involved in the work, and in healthcare settings, the care of the person with whom they are working. Psychologists must share relevant information, where appropriate, with colleagues involved in the care or other services provided to person(s).
- ✓ Effective relationships with colleagues and other professionals must be free of discrimination, bullying and harassment. Psychologists are expected to contribute to a culture of respect and safety for all. Respect for all peoples is an essential feature of constructive relationships between psychologists, their peers, colleagues and with people they work with.
- ✓ Psychologists behave professionally and courteously to colleagues and other professionals at all times, including when using electronic communication such as social media.
- ✓ Psychologists refrain from exploiting relationships with colleagues and other professionals, for example, through commercial arrangements.

## **Kawa 4. Whakamiha atu ki Ngā Ringa Ngaio: Practise in the best interests of people and peoples**

### **He Pepeha <sup>4</sup>**

**Mā pango, mā whero ka oti te mahi.**

**If worker and chief pull together the job is done. Work collaboratively.**

**Intent: It is acknowledged that psychologists work in many different environments and make valuable contributions in their mahi. The intent of this section is to provide clarity of the expectations of avoiding doing intentional harm to others in the course of their work.**

### **4.1 Doing No Harm**

- ✓ Psychologists do not participate in, facilitate, assist, or otherwise engage in, any activities that promote or are intended for use in the torture or other cruel, inhumane, or behaviour that is degrading to humans or non-humans.
- ✓ Psychologists consider the balance of benefit and risk of harm in all decisions they make.
- ✓ Psychologists take all reasonable steps to address the risk if there is reason to think that the safety of people with whom they work or other parties, particularly children, may be compromised.
- ✓ A psychologist keeps themselves and others safe when providing psychological services. If a person with whom they are working poses a risk to safety, they should not be denied access to services if reasonable steps can be taken to ensure safety.
- ✓ Psychologists do not behave in ways that bring themselves into disrepute or reduce trust or confidence in the profession, both in their professional activities and in their private life.

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<sup>4</sup> <https://hail.to/breens-intermediate/article/IMf6Rbl/accessibility>

## **Kawa 5. Kia Haumarū, Kia Tōtika i Tōu Mahi: Practise Safely and Effectively**

**He Pepeha <sup>5</sup>**

**Me ua e te ua.**

**Let the rain fall. A statement of reassurance that nothing will touch one, other than the rain and thus the person is safe.**

**Intent: It is acknowledged that psychologists are dedicated to the scientific study of human development and behaviour. The intent of this section is to emphasise the importance of safe and effective practise in our mahi.**

### **5.1 Evidence-informed Practice**

- ✓ Psychologists select assessments and interventions informed by evidence, formulation, the purpose of the psychological service and the principles of culturally safe practice.
- ✓ Psychologists recognise and work within the limits of their skills and competence and refer a person to another professional when this is in the best interests of that person and their whānau.
- ✓ Psychologists provide assessment and intervention options that are based on the best available information and are not influenced by financial gain and/or incentives.
- ✓ Psychologists practise within an evidence-informed and person-centred framework. Where there is an absence of evidence the psychologist should be guided by accepted best practice and supervisory advice.
- ✓ Psychologists practise in a way that is consistent with the purpose of the psychological service agreed upon.
- ✓ Psychologists support the right of a person with whom they are working to seek a second professional opinion.
- ✓ Psychologists consult and take advice from professional colleagues when appropriate.

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<sup>5</sup> Nga Pepeha a Nga Tupuna, The Sayings of the Ancestors. Na Hirini Moko Mead and Neil Grove. Published by Victoria University Press. Reprint 2020, Page 308, number 1918

## 5.2 Client Records

- ✓ Maintaining clear and accurate records is essential for the continuing good care and governance. Effective practice includes that a psychologist keeps accurate, up to date, factual, objective, and legible records that report relevant details in a form that can be understood by other professionals.
- ✓ Psychologists make records at the time of events or as soon as possible afterwards.
- ✓ Psychologists ensure that records are held securely and are not subject to unauthorised access. This includes protecting the privacy and integrity of electronic records.
- ✓ Psychologists ensure that records show respect for the people with whom they work, and do not include demeaning or derogatory remarks.
- ✓ Psychologists ensure that records are sufficient to facilitate continuity of care.
- ✓ Psychologists recognise the right of people to access information contained in their health records and facilitate that access.
- ✓ Psychologists promptly facilitate the transfer or management (including disposal) of health information in accordance with legislation on privacy and retention of health records, or when closing or relocating a practice.

## Kawa 6. Whakanuia i Āu Matatau: Develop and maintain core competency

### He Pepeha <sup>6</sup>

#### Whaowhia te kete mātauranga.

Fill the basket of knowledge. This emphasises the importance of learning.

**Intent:** It is acknowledged that psychologists are dedicated to life-long learning about the human condition. The intent of this item is to clarify the expectations and the processes to support this learning.

### 6.1 Develop and Maintain Competency

- ✓ Psychologists must continue to develop and update knowledge and skills throughout their working life, as relevant to their roles. This requires continuing reflection to ensure that the psychologist works within their competence and scope of practice.
- ✓ The Board requires all registered psychologists to complete an annual Continuing Competency Programme (CCP) and provide the Board with their CCP documents if audited.
- ✓ Supervision is an integral and mandatory part of a psychologist's safe practice and is required for regular reflection on services provided and the competency to do so.
- ✓ Psychologists ensure that, when moving into a new area of psychological practice, they have sufficient training and/or qualifications and/or support from a professional with relevant expertise to achieve competence in that new area.

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<sup>6</sup> Nga Pepeha a Nga Tupuna, The Sayings of the Ancestors. Na Hirini Moko Mead and Neil Grove. Published by Victoria University Press. Reprint 2020, Page 424, number 2659



## Kawa 7. Whakanuia i Āu Matatau Ahurea: Maintain Cultural Competency

### He Pepeha

### Toitū te Tiriti Honour te Tiriti

**Intent:** It is acknowledged that psychologists have been actively involved in considering how psychology can be Te Tiriti led. The intent of this item is to clarify the behavioural expectations of what it means to maintain cultural competency.

### 7.1 Develop and Maintain Cultural Competency

- ✓ Culturally safe practice requires psychologists to have a critical consciousness that includes self-reflection on their own biases, attitudes, assumptions, stereotypes, and prejudices, and self-reflection on wider structures and characteristics that may affect their practice.
- ✓ Psychologists, as contributors to Māori wellbeing, think beyond narrow definitions of health, affirm holistic Māori approaches, support Māori-led solutions and Māori models of health and wellness. Pae ora, health futures for Māori, encompass whānau ora, healthy families, Mauri ora, healthy individuals and wai ora, healthy environments.
- ✓ Psychologists must ensure psychology services are culturally appropriate and acceptable to Māori and their whānau, recognising that there is diversity amongst iwi, hapū and individuals.
- ✓ Psychologists recognise the standing of tangata whenua as New Zealand's Indigenous population, and the importance of applying te Tiriti o Waitangi in the provision of psychology services.
- ✓ Psychologists advocate for and facilitate timely access to equitable use of healthcare resources.
- ✓ Psychologists identify, respect, and protect the cultural needs and values of each individual in a way that the person with whom they are working considers to be culturally safe.
- ✓ Psychologists respect diverse culture, beliefs, gender identities, sexualities, and experiences of all people.

- ✓ Psychologists, where appropriate, assist the person with whom they are working to gain appropriate support and representation from those who understand the person's first language, culture, needs and preferences.
- ✓ Psychologists reflect on and address their own practice, culture and values that impact on care in relation to culture (including ethnicity, age, beliefs, gender and gender identity, sexual orientation, political or other opinions, and/or disability).
- ✓ Psychologists create a positive, culturally safe work environment through role modelling, and support the rights, dignity, and safety of others, including people with whom they work, students and colleagues.

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## **Kawa 8. Kia Mataara ki Āu Whaipanga Kei Tōraro ki Tētehi Atu Tangata: Respect for customs and beliefs of cultures**

### **He Pepeha <sup>7</sup>**

**Ka ora pea i a koe, ka ora koe i au.**

**Perhaps I survive because of you, and you survive because of me. In any enterprise the performance of each member is important to its success.**

**Intent: It is acknowledged that psychologists have a personal life and personal values outside of their professional role. The intent of this item is to clarify expectations about avoiding negative impact from a psychologist's personal views on their work with people and on the profession.**

### **8.1 Respect the Customs and Beliefs of All Cultures**

- ✓ A psychologist's decisions about access to psychological services must be free from bias and unlawful discrimination.
- ✓ A psychologist must not prejudice the care of people with whom they work because they believe that the behaviour, mental health status or other attributes of those people have contributed to their situation.
- ✓ A psychologist must not engage in, or encourage, any form of unlawful discrimination.
- ✓ A psychologist provides psychological services based on identified needs and the effectiveness of any proposed intervention and does not provide or encourage the unnecessary or indiscriminate use of psychological services.
- ✓ Psychologists recognise that they have an obligation to enhance and protect the profession's reputation by refraining from professional and personal behaviour that might bring the profession into disrepute and/or reflect on their ability to practise as psychologists, including on social media platforms.
- ✓ Psychologists should be aware that statements intended to be private may become public and can affect the public standing of the profession.

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<sup>7</sup> Nga Pepeha a Nga Tupuna, The Sayings of the Ancestors. Na Hirini Moko Mead and Neil Grove. Published by Victoria University Press. Reprint 2020, Page 173, number 1056

## Kawa 9. Whakaora ai ki Āu Oranga: Attend to Your Wellbeing

### He Pepeha <sup>8</sup>

**Amohia ake te oranga o te iwi, kia puta ki te wheiao.  
The wellbeing of people is paramount.**

**Intent: It is acknowledged that psychologists' work is meaningful and, at times, demanding. The intent of this item is to signal that attending to your own wellbeing is a critical aspect of working as a psychologist and to clarify the expectations when a psychologist's practice may be impaired.**

### 9.1 Psychologists Maintain Their Own Wellbeing

- ✓ Psychologists must make changes to how they practice, or stop practising, if their physical or mental health may affect their performance or judgement or put others at risk for any other reason.
- ✓ Psychologists seek expert, independent and objective advice, and support when they need health care and be aware of the risks of self-diagnosis and self-treatment.
- ✓ Psychologists recognise the impact of stress and the risks associated with working long hours on their health and ability to care for people with whom they work.
- ✓ Psychologists do not rely on their own assessment of the risk they pose to people with whom they work if they know or suspect that they have a health condition or impairment that could adversely affect judgement, professional performance, or the wellbeing of others.
- ✓ Psychologists must notify the Board if they believe they are not fit to practise, as per s45(2) of the Health Practitioners Competence Assurance Act 2003
- ✓ Psychologists are required to act if they know or reasonably believe that a registered psychologist is putting the public at risk of harm by practising with an impairment, as per s45(2) of the Health Practitioners Competence Assurance Act 2003
- ✓ Psychologists have a responsibility to help their colleagues, including supervisees, maintain health and wellbeing.

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<sup>8</sup> Kingi Tuheitia Potatau Te Wherowhero VII

- ✓ Psychologists recognise the effect of stress on the health of colleagues, including those under supervision, and encourage colleagues who are adversely affected by stress to seek professional support.

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## **Kawa 10. Kia Mahi Tahi: Practise with respect and care for all**

### **He Pepeha <sup>9</sup>**

**Kia tūpono te pono me te tika.**

**Let truth and justice be joined. When truth and justice go hand in hand the people are well treated.**

**Intent: It is acknowledged that psychologists often work with populations that have extra needs and considerations. The intent of this item is to signal the expectations that psychologists adjust their practise to be as inclusive as possible.**

### **10.1 Practice with Respect and Care for All**

- ✓ Positive professional relationships are built on effective communication between a psychologist and the people with whom they work. Psychologists consider the age, maturity and intellectual capacity of people that may have additional needs and provide information in a way that they can understand.
- ✓ Psychologists take all practical steps to meet the specific language, cultural, and communication needs of people with whom they work, including by using translating and interpreting services where necessary, and being aware of how these needs affect understanding.
- ✓ Psychologists take great care in ensuring the safety and well-being of vulnerable populations that they work with, particularly infants, children, and adolescents.

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<sup>9</sup> Nga Pepeha a Nga Tupuna, The Sayings of the Ancestors. Na Hirini Moko Mead and Neil Grove. Published by Victoria University Press. Reprint 2020, Page 218, number 1335