



# ROYAL DECREE ESTABLISHING THE CODE OF ETHICS FOR PSYCHOLOGISTS

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## Chapter I. - General provisions

Art. 1. This code of ethics applies to any individual who holds the title of psychologist pursuant to the Act of 8 November 1993 on protection of the title of psychologist, irrespective of his/her field of work, functions and methods.

Art. 2. The provisions of this code are explanatory and not restrictive. They can be applied by analogy. They cannot be contractually waived.

Their purpose is to protect the public and to uphold the dignity and the integrity of the profession and guarantee the quality of the services provided by the holders of the title of psychologist.

## Chapter II. - Definitions

Art. 3. With a view to the application of this code of ethics, the following definitions apply:

- The Act: the Act of 8 November 1993 on protection of the title of psychologist;
- Psychologist: any person who holds the title of psychologist as defined by the Act of 8 November 1993 on protection of the title of psychologist;
- Client: any person, group or organisation who uses the professional services or advice of a psychologist;
- Subject: any person who forms part of a psychological research sample or who is the subject of a psychological study ordered by a court or administrative authority.
- Authorised third party: any natural person, legal person or institution which has the legal or contractual right to ask for psychological advice or a psychological expert report, including parents, a guardian, a temporary administrator, a judge and an employer.

Art. 4. The capacity of client or subject may be assessed at any time in the relationship between the psychologist and the person or group of persons who are the subject of his/her involvement. The level of protection granted is irreversible.



## Chapter III. - Professional secrecy

### **SECTION I. - Public policy character of professional secrecy**

Art. 5. Out of concern for the privacy of the individual and bearing in mind the need for the profession to be accessible to all, the psychologist observes self-imposed discretion about everything that he finds out through and during the exercise of the profession.

This entails compliance, at the very least, with the statutory duty of secrecy as laid down in the criminal law.

Professional secrecy is a matter of public policy: the psychologist who has a client or subject under his/her care is bound by professional secrecy under all circumstances.

Art. 6. Once a psychologist begins an examination, an investigation, guidance or a treatment, he/she enters into a relationship of trust with the client or subject, and is bound by the duty of discretion and professional secrecy.

Art. 7. The secrecy which the psychologist must observe concerning his/her client or subject prevents him/her from disclosing that a person has called on his/her services. However, at the request of the client or subject, he/she may issue proof of consultation to the client or subject.

Art. 8. If the psychologist issues a report to an authorised third party, he/she shall limit the content to information directly related to the question asked.

Art. 9. Neither the end of the professional relationship, nor the death of the client or subject, nor the intervention of one of the heirs releases the psychologist from his/her duty of discretion.

The consent of the client, the subject or the authorised third party does not release the psychologist from his/her duty of discretion.

A psychologist who is the subject of a disciplinary investigation may disclose the whole truth in this context. However, he/she is entitled to remain silent about confidential information of the client or subject.



## **Section II. - Legal exceptions to the duty of professional secrecy.**

### **Subsection I. - Cases and situations in which the legislation provides for an exception to professional secrecy without obliging the psychologist to breach it.**

Art. 10. If the law allows certain information to be disclosed by derogation from professional secrecy, without making it compulsory to disclose said information, the psychologist remains bound by the duty of discretion with regard to said information.

Art. 11. The psychologist referred to in Article 10 may only disclose confidential information or make statements that he has received or observed in person, after having evaluated the situation in good faith, if necessary after having sought the advice of colleagues.

### **Subsection II. Cases and situations in which the law requires the psychologist to breach his/her duty of professional secrecy.**

Art. 12. The psychologist is released from his/her duty of discretion and cannot invoke it in cases and situations where a law obliges him/her to disclose information, for example in the cases of the duty of notification under Articles 422bis and 458bis of the Criminal Code or the situation referred to in Article 458 of the Criminal Code, in which the psychologist is summoned to testify in court or before a parliamentary commission of inquiry.

Art. 13. The psychologist shall keep abreast of the development of all legislation that requires him to disclose confidential information.

## **Section III. - Professional secrecy and practice**

Art. 14. Shared professional secrecy: The psychologist may, under his/her own responsibility, share confidential information that he/she possesses in order to optimise the effectiveness of his/her work. In doing so, he/she shall apply the usual cumulative rules concerning shared secrecy: Prior information and agreement of the owner of the secret, solely in the interest of the latter, limited to what is strictly necessary, exclusively with persons themselves subject to professional secrecy, and who are acting as part of the same assignment.

Art. 15. The psychologist shall seek information about the potentially litigious context in which his/her opinion is being sought.

In situations of high-conflict divorces, the psychologist shall comply with the law on joint exercise of parental authority.



Art. 16. In the case of a request to examine a child by those exercising parental authority, the conclusions of the examination may only be passed on to those exercising parental authority.

Art. 17. In the context of an expert investigation requested by the courts, the psychologist shall refuse any expert report (or official assignment) relating to clients or subjects that he has met in the context of other professional relationships, regardless of whether or not these have ended.

The psychological/judicial expert shall inform in advance all persons whom he interviews about the context in which he/she is carrying out the assignment and inform them that any relevant information will have to be passed on to his/her principal.

Art. 18 The psychologist charged with a teaching or training assignment must observe the duty of discretion and professional secrecy. The presentation in person of a client, subject or authorised third party for purely educational purposes is formally prohibited. Audiovisual illustrations and direct observations in the context of training are allowed, provided that the participants are informed of the prevailing ethical standards and rules. The anonymity of the client, subject or authorised third party must be safeguarded.

Art. 19. The free and informed consent of the client, subject or his/her legal representative is required prior to any handwritten, audiovisual, computerised or other form of recording of the data relating to him/her. This also applies for the transfer of data, regardless of the purpose for which this transfer occurs. Those holding parental authority give their consent as representatives of a minor, but anyone who wishes to use this recorded clinical material for training purposes must take account of the age that the child has reached at that time. If the child has reached the age of majority in the meantime, then consent must be asked of the person who has reached majority. Any person retains the right of access to the recorded data that relate to him/her, and only to that data. The psychologist shall ensure that documents drawn up in the context of his/her work are always drawn up and kept in such a way that they safeguard professional secrecy.

Art. 20. The psychologist shall inform participants in a group session that a random aspect of the private life of one of their number may be disclosed. He/she shall point out that they must respect the confidential nature of the data of which they become aware during the session.



## Section IV. - General principles: Respect for the dignity and rights of the individual, liability, expertise and integrity

### SECTION I. - Respect for the dignity and rights of the individual

Art. 21. §1. The psychologist shall respect and defend, without any form of discrimination, the fundamental rights of the individual and groups of people, namely their freedom, dignity, privacy, autonomy and integrity.

He shall safeguard the privacy by ensuring the confidentiality of his/her work, even if he/she is obliged to disclose elements thereof. Strict compliance with professional secrecy is a basic component of this obligation.

§2. Exercise of the profession of psychologist requires respect for the human being in his/her psychological integrity, in any situation.

That implies:

- a) respect without any form of discrimination based on differences in ethnic origin, culture, gender, language, wealth or birth. No discrimination based on religious, political or other beliefs, or on national or social origins is permitted either. This also implies the acknowledgement of the right to health and well-being of every individual, like anyone else, and regardless of these differences.
- b) Respect for the individual's moral values. Therefore, the psychologist shall respect the personal wishes of his/her client or subject to live according to his/her own beliefs. The principle of respect for the human being implies the respect for freedom (self-determination) of the client or subject;
- c) The prohibition on using the above-mentioned differences or values to interfere in any way whatever with the private life or harm the honour and reputation of the person applies not only during but after professional practice as a psychologist.

Everything that implies respect for the human being applies as soon as the professional relationship commences, during the relationship, and after it ends.



§3. The psychologist shall give the client or subject a comprehensible, accurate description of his/her methodology. He/she has the duty to inform the client or subject, if he/she asks for this, of the results of the examination relating to him/her, in such a way that it is useful to him/her. The psychologist shall always answer the questions asked about what will happen to the data gathered.

Art. 22. Evaluations by a psychologist (diagnosis or expertise) may only relate to persons or situations that he/she has been able to investigate in person. Taking account of professional secrecy, his/her opinions or comments may concern general issues or social events that have been reported to him/her.

Art. 23. §1. The psychologist shall not include anyone in research, coaching or treatment against their will. He/she acknowledges the right of the client or subject to choose him/her in complete independence, and discontinue his/her participation at any time.

§2. No consent is necessary from the person if the psychologist has been given his/her assignment by an authority empowered by law. However, in this case, the psychologist must check, before the start or in the event of a change in the nature of the professional relationship, whether the third party and the person concerned have the same information about the purpose, the means and the transmission of the data.

§3. If the professional relationship is imposed by an authorised third party, the subject or client must be made aware of all the potential consequences of this relationship. The psychologist shall inform this third party and the subject or client about the various arrangements and obligations which they must maintain in relation to each other. The subject or client has the right, if he/she wishes, to know the elements which will be used in the report (such as results of tests or other evaluation instruments), as well as the conclusions relating to him/her. This right does not mean that the subject or client has the right to demand communication of the report intended for the authorised third party.

§4. A psychologist's work with a minor shall be carried out taking into account of his/her discernment, capabilities, situation, legal position, therapeutic requirements and the prevailing statutory provisions.

§5. If a legal representative seeks a consultation for a minor or for a legally-protected minor who is under his/her authority, the psychologist shall try to obtain the minor's consent, to the extent of his/her capabilities, and shall ensure that the legal representative is informed and consents.

Art. 24. Free and informed consent from the client or subject depends on his/her ability to act freely and to take responsibility for his/her actions. If the client or subject can no longer act as such, either for medical or for psychological reasons, then the psychologist who has a professional relationship with this person, shall refer in the first instance to the wishes that this person may have formulated him/herself before being in his/her present state, and then, on the wishes of a legally-authorised third party.



## **Section II. - Responsibility of the psychologist**

Art. 25. In the performance of his/her duties, a psychologist always bears personal responsibility for the choice, application and consequences of the methods and techniques that he/she uses.

At the same time, he/she also takes personal responsibility for the professional opinions that he/she gives concerning persons, groups and society.

He/she assumes an obligation of means, not an obligation of result.

Art. 26. The psychologist demands that his/her non-psychologist colleagues comply with these ethical rules in the tasks that they perform. He/she assumes responsibility if they fail to comply.

Art. 27. The psychologist is covered by insurance that is suitable for compensation of any damages that he/she may cause, taking account of the sector in which he/she is working.

Art. 28. If a psychologist, in the exercise of his/her profession, is bound contractually or by the staff regulations of a private company or a public institution, this does not imply any change in his professional obligations, and in particular of the obligations relating to professional secrecy and the independence in the choice of methods and in his/her decisions. When drawing up contracts, he shall refer to the Code of Ethics and refer to it in his professional obligations.

Art. 29. The psychologist must ensure the continuity of the professional services that he provides to the client or subject, including the collaboration with other professions.

He/she shall take the necessary measures if he/she must suspend or end his commitment.

## **Section III. - The competence of the psychologist**

Art. 30. In the exercise of his/her profession, the psychologist must maintain his/her professional competence and professional qualifications at a high level by developing these through further continuing and carefully-chosen interdisciplinary training, taking account of the most recent developments in psychology, as well as thinking about his/her personal involvement in understanding the behaviour of others.

Art. 31. The psychologist must evaluate his/her activities using appropriate methods.

He/she shall take the necessary measures to enable him/her to identify promptly any detrimental and foreseeable consequences of his/her work.

Art. 32. The psychologist shall exercise his/her profession within the limits of his/her competencies, and not perform any examinations for which he/she has no specific qualification. He/she shall do this in the context of the theories and methods recognised by the scientific community of psychologists, and take account of criticisms and the evolution of these theories and methods.



Art. 33. The psychologist is aware of the limitations of the procedures and methods he/she uses. He/she shall take account of these limitations and before drawing conclusions, shall refer his/her client or subject, if appropriate, to other practitioners. He/she shall show the greatest possible objectivity in all his/her work (therapy, research, reports).

Art. 34. In case of illness, conflicts of interest or moral hazard which may entail a lack of objectivity or a limitation of his/her professional competencies, the psychologist asks his/her client or subject to consult a colleague.

#### **Section IV. - The psychologist's integrity and honesty**

Art. 35. The psychologist shall avoid using his psychological knowledge improperly or in pursuit of profit.

He/she shall not use any methods that could harm the person concerned, affect their dignity or intrude further into their private life than is necessary for the intended purpose.

Art. 36. If an ethical question arises in the context the exercise of his/her profession, the psychologist shall endeavour to find an appropriate solution.

If necessary, he/she shall consult colleagues who, while observing professional secrecy, shall provide assistance.

Art. 37. The psychologist is bound to be honest and accurate about the financial consequences of his professional activities. The consequences form the subject of an agreement entered into before the start of the work.

Art. 38. The psychologist must not take any unjustified professional actions which are disproportionate to the problem being addressed.

Art. 39. The psychologist may publicize his/her services provided he/she presents them objectively and in a dignified manner without tarnishing the reputation of colleagues. He/she shall refrain from canvassing. He/she has a duty, if citing titles and qualifications, training, experience, competencies, as well as membership of professional associations, to cite them correctly.

Art. 40. The psychologist may only publish studies or research under his/her name, if he/she personally led them, or actively contributed to them. He/she shall ensure that the possibilities and restrictions of the application of psychology are presented in a correct and clear way in his/her publications and statements





Art. 41. A psychologist must present all the necessary information in a clear, unambiguous way, and is responsible for communicating it comprehensibly. He/she must not conceal or ignore alternative hypotheses.

Art. 42. Psychologists who participate in writing of psychological opinions in the media may only couch these opinions in general terms.

Art. 43. A psychologist may only have professional relationships with his/her clients or subjects. He/she shall not abuse his/her position for proselytism or alienation of the other person. He/she shall not accede to a request by a third party who is seeking an improper or immoral advantage or abusing his/her authority when calling on his/her services.

Art. 44. Overtures with sexual connotations or of a sexual nature and sexual relations between the psychologist and his/her client or subject are strictly prohibited.

Art. 45. If a psychologist performs various activities (e.g. expert examinations, diagnosis at the request of third parties, therapy, administrative functions, ...), he must ensure that the client or subject is aware of the various types of activities. He/she must always make it clear to the client or subject from the outset in which capacity the meeting is taking place. He/she shall restrict him/herself to a single activity with the same person.

Art. 46. The psychologist shall neither accept nor offer commission if he refers a client with psychological problems to another practitioner, or receives a referral.

Art. 47. The psychologist shall respect the views and practice of colleagues provided that they are in accordance with this Code. However, this does not preclude justified criticism. He/she shall refrain from denigrating colleagues in public. When exercising his/her professional activities, the psychologist shall adopt a collegial attitude towards colleagues.

Art. 48. If a psychologist is of the opinion that a colleague is not acting in accordance with this Code, he/she shall point this out to him/her.

Art. 49. The psychologist must not put up with any pressure in the exercise of his/her functions. In case of difficulties, he/she shall inform his/her colleagues.

Art. 50. In collaboration with other professions, the psychologist shall ensure that his/her professional identity and independence are respected, and respect that of others.

Art. 51. The Minister with the portfolio for Small Business is charged with implementation of this decree.