

Allied Health Professionals Council (Counsellor) Regulations 2022
GN No. 121 of 2022

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THE ALLIED HEALTH PROFESSIONALS COUNCIL ACT

**Regulations made by the Minister, after consultation with the Allied
Health Professionals Council, under section 39 of the Allied
Health Professionals Council Act**

- 1.** These regulations may be cited as the **Allied Health Professionals Council (Counsellor) Regulations 2022**.
- 2.** In these regulations –

“Act” means the Allied Health Professionals Council Act.
- 3.** For the purpose of section 5(d) of the Act, the Code of Practice for a counsellor shall be the Code set out in the Schedule.
- 4.** Every counsellor shall comply with the Code of Practice.
- 5.** (1) Where a counsellor fails to comply with the Code of Practice, the Council, may, by notice in writing served on him/her, require him/her to comply with the Code of Practice.

(2) A counsellor who fails to comply with the Code of Practice may be called by the Council to explain his non-compliance with the Code of Practice.
- 6.** These regulations shall come into operation on 1 June 2022.

Made by the Minister, after consultation with the Allied Health Professionals Council,
on 16 May 2022.

SCHEDULE

[Regulation 3]

CODE OF PRACTICE

COUNSELLOR

PART I GLOSSARY

1. Definition

Counsellors engage in professional therapeutic relationships to persons who seek to address and resolve special emotional and/or psychological problems in a safe, secure and respectful environment context of counselling services.

2. Supervision

A counsellor with a minimum of 5 years experience can provide/ offer regular supervision/guidance, oversee a colleague's work, stimulate, reflect and provide professional advice to another colleague.

3. Screen

Selection based on information submitted in writing by participants

PART II – PROFESSIONAL RELATIONS

1. General responsibility

A counsellor must maintain high standards of professional competence and ethical behaviour, and recognise the need for continuing education, update professional skills and knowledge and ensure personal/professional care in order to meet this responsibility.

2. Respect for human rights and others

(1) A counsellor shall, in all his/her professional activities, respect the dignity and human worth of a client and shall strive to preserve and protect the client's fundamental

human rights. He/she must respect the client with dignity regardless of his nationality, ethnicity, skin colour, age, religion, gender, sexual orientation, sexual identity, education, language, social status, family status, marital status, financial situation, professional status, political affiliation, social and cultural background, health status (including disability or not, visible or not).

(2) A counsellor shall respect the right of a client to hold values, attitudes, beliefs and opinions that differ from his own.

(3) A counsellor shall recognise a client's inalienable human right to bodily and psychological integrity, including security in and control over his body and person, and a client's right not to be subjected to any procedure or experiment without his informed consent and such consent shall be sought and given in a language that is easily understood by the client.

(4) A counsellor shall not coerce a client into agreeing that a counselling service be rendered to him nor compel a client to give self-incriminating evidence through the use of counselling techniques or otherwise.

(5) A counsellor shall ensure intellectual accessibility and understanding of professional services for people with special needs, in order to have their agreed consent, and thus protect their rights to personal decision (as stated in the UN Convention for the Rights of Persons with Disabilities).

3. Competence specificity and limits

A counsellor must limit his counselling services and practices to those which are within his professional competence by virtue of his academic qualifications and his/her certified professional experience within their field of expertise. He needs to refer to other professionals if client's needs/demands, exceed his level of competence.

4. Supervision and consultation

A counsellor must regularly seek supervision* and/or consultation with respect to his counselling practices and abilities, and more importantly, with respect to doubts or uncertainties which may arise during his professional work.

5. Representation of professional qualifications

A counsellor must claim or imply only those professional qualifications which he possesses, and is responsible for correcting any known misrepresentation of his qualifications by others.

6. Ethical responsibility towards a counsellor and other professionals

A counsellor should abide to ethical behaviours, at all times, with other colleagues as well as with other professionals.

7. Sexual harassment

Based on existing laws in the Republic of Mauritius, counsellors shall not sexually harass, use language having sexual connotation and/or commit any act of sexual nature towards any client.

8. Other forms of harassment

A counsellor shall not behave in a manner that is harassing or demeaning to a person with whom he/she interacts in his work on the basis of factors such as those persons' nationality, ethnicity, skin colour, age, religion, gender, sexual orientation, sexual identity, education, language, social status, family status, marital status, financial situation, professional status, political affiliation, social and cultural background, health status (including disability or not; visible or not).

9. Extension of ethical responsibilities

Counselling services, products and activities provided by a counsellor through classroom instructions, public lectures, demonstrations, publications, radio and television programs, computer technology and other media must meet the appropriate ethical, moral and professional standards consistent with this.

10. Primary responsibility

A counsellor must have a primary responsibility to respect the integrity and promote the welfare of clients. He/she must work collaboratively with clients to devise integrated, individualised counselling plans that offer reasonable promise of effectiveness/psychological, social and emotional well-being, and in accordance with the clients' profile.

PART III – PRIVACY, CONFIDENTIALITY AND RECORDS

11. Confidentiality

(1) Counselling relationships and information resulting therefrom are kept confidential.

(2) A counsellor shall safeguard the confidential information obtained in the course of his practice, teaching, research or other professional duties, subject only to such exceptions to the requirement of confidentiality as may be determined by law or a court of law.

12. Disclosure

- (1) A counsellor may disclose confidential information –
- (a) only with the permission of the client concerned;
 - (b) when permitted by law to do so for a legitimate purpose, such as providing a client with the professional services required;
 - (c) to appropriate professionals and then for strictly professional purposes only;
 - (d) to protect a client or other persons from harm; (e.g self-harm, harm to others, etc); and

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

(2) When required to do so by law or a court of law, a counsellor shall disclose the confidential information so required.

13. Discussing exceptions to the requirement of confidentiality

(1) A counsellor is obliged to discuss with persons and organisations with whom he establishes a scientific or professional relationship (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) the exceptions to the requirement of confidentiality, including any such exceptions that may apply to group, marital or family therapy or to organisational consulting and the foreseeable uses of the information obtained.

(2) A counsellor shall, unless it is contraindicated, discuss confidentiality at the outset of the relationship and thereafter as new circumstances warrant its discussion.

(3) A counsellor shall, prior to doing so, obtain written permission from the client concerned to record interviews electronically or to transmit information electronically and shall inform the client of the risk of breach of privacy or confidentiality inherent in the electronic recording or transmission of information.

(4) A counsellor shall, when engaging in electronically transmitted services, ensure that confidentiality and privacy are maintained and shall inform a client of the measures taken to maintain confidentiality.

(5) A counsellor shall not withhold information from a client who is entitled to that information, provided it does not violate the right to confidentiality of any other person and provided the information requested is required for the exercise or protection of any rights.

14. Limits on invasion of privacy

A counsellor may, in any written report, oral report or consultations with a third party, disclose only such information as is relevant to the purpose for which that communication is made and may discuss confidential information obtained in his work only for appropriate scientific or professional purposes and then only with persons with a legitimate interest in such matters.

15. Client's rights and informed consent

(1) When counselling is initiated, and throughout the counselling process as necessary, a counsellor must inform clients of the purposes, goals, techniques, procedures, limitations, potential risks and benefits of services to be performed, and other such pertinent information.

(2) A counsellor must make sure that clients understand the implications of diagnosis, fees and fee collection arrangements, record-keeping, and limits of confidentiality. Clients have the right to participate in the ongoing counselling plans, refuse any recommended services, withdraw at any time of the counselling sessions, and be advised of the consequences of such withdrawal.

16. Release of confidential information

A counsellor shall release confidential information when ordered to do so by a court of law or when required to do so by law or when authorised to do so in writing by the client concerned or the parent or legal guardian of a minor client.

17. Children and persons with diminished capacity

(1) A counsellor must conduct the informed consent process with those legally appropriate to give consent when counselling, assessing, and having as research subjects children and/or persons with diminished capacity. These clients also give consent to such services or involvement commensurate with their capacity to do so.

(2) A counsellor shall bear in mind that a child's best interest is of paramount importance in the provision of psychological services that have bearing on the psychological well-being of such child.

(3) A counsellor shall take special care and consideration when dealing with children.

(4) A counsellor shall, at the beginning of a professional relationship, inform a child or a client who has a legal guardian or who is otherwise legally dependent, of the limits the law imposes on that child's or client's right to confidentiality with respect to his/her communication with the counsellor.

18. Reporting abuse of children

A counsellor shall, in terms of any relevant law or by virtue of professional responsibility, report the abuse of any child.

19. Maintenance, dissemination and keeping of records

(1) A counsellor shall create, maintain, store, disseminate and retain records and data relating to his or her scientific and professional work in order to –

- (a) facilitate the efficacious provision of services by him or another professional;
- (b) allow for replication of research design and analysis;
- (c) meet institutional requirements;
- (d) ensure accuracy of billing and payments;
- (e) facilitate subsequent professional intervention or inquiry; and
- (f) ensure compliance with all applicable legal provisions.

(2) A counsellor shall maintain confidentiality in creating, storing, accessing, transferring and disposing of records under his control, whether these are kept in written, automated or any other form.

(3) A counsellor shall, if confidential information concerning users of counselling services is entered into a database or system of records available to persons whose access has not been consented to by the user, use coding or other techniques to avoid the inclusion of personal identifiers.

(4) A counsellor shall plan in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of his/her unavailability through factors such as death, incapacity or withdrawal from practice.

(5) A counsellor shall store all clients' records for a period of minimum 5 years.

20. Dual relationships

(1) (a) A counsellor must make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. Examples of dual relationships include, but are not limited to, familial, social, financial, business, or close personal relationships.

(b) When a dual relationship cannot be avoided, a counsellor must take appropriate professional precautions such as role clarification, informed consent, consultation, and documentation to ensure that judgment is not impaired and no exploitation occurs.

(2) When more than one client is provided with a counselling service during a joint session (e.g: with a family or couple, or a parent and child, labour disputants, or a group), a counsellor shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality will be handled.

(3) All clients shall be given the opportunity to discuss with the counsellor what information is to remain confidential and the specific circumstances under which it would be important to disclose.

21. Respecting diversity

A counsellor must actively work to understand the diverse socio-cultural background of clients with whom he/she works, and avoid discrimination based on nationality, ethnicity, skin colour, age, religion, gender, sexual orientation, sexual identity, education, language, social status, family status, marital status, financial situation, professional status, political affiliation, social and cultural background, health status, including disability or not, visible or not.

22. Professional consultations

(1) (a) A counsellor may consult with other professionally competent persons about clients when and if needed whilst ensuring the confidentiality of clients' identity.

(b) If the identity of the client needs to be revealed, it can only be done with the written consent of the client.

(c) A counsellor must choose those professionals in a manner which will avoid placing them in a conflict of interest.

(2) When a counsellor renders professional psychological services as part of a team or when he interacts with other professionals concerning the welfare of a client, the counsellor may share confidential information about that client with such team members or other professionals, provided that the counsellor takes all reasonable steps to ensure that all persons who receive such information are informed of its confidential nature and are bound by the rule of professional confidentiality.

(3) When consulting with colleagues and in professional/clinical supervision, a counsellor –

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

(i) he has obtained the prior consent of the client, research participant, person or organisation concerned; or

(ii) the disclosure cannot be avoided; and

(b) may disclose information only to the extent necessary to achieve the purposes of the consultation/professional supervision.

23. Disguising confidential information used for didactic or other purposes

A counsellor shall not disclose, in his writings or lectures or in any other public way, any confidential information or information that can be linked to an identifiable person which he obtained in the course of his work with a client, organisation, research participant, supervisee, student or other recipient of his counselling services, unless –

(a) he has taken all reasonable steps to disguise the identity of such client, organisation, research participant, supervisee, student or other recipient;

(b) such client, organisation, research participant, supervisee, student or other recipient has consented to such disclosure in writing; or

(c) there is other ethical or legal authorisation to do so.

24. Relationships with former clients

(1) (a) A counsellor must remain accountable for any relationships established with former clients.

(b) Those relationships could include, but are not limited to those of a friendship, social, financial, and business nature.

(2) (a) A counsellor must exercise caution about entering any such relationships by taking into account whether there are any unresolved issues pertaining to the counselling relationship.

(b) It is advisable for a time period of 2 years to elapse before engaging in a relationship of another nature with a former client.

(c) In any case, a counsellor must seek consultation on such decisions.

25. Sexual intimacy

(1) (a) A counsellor must not engage in any type of sexual intimacies with clients and with former clients they must allow a minimum of three years after terminating the counselling relationship to be sexually involved. This prohibition is not limited to the two-year period but extends indefinitely if the client is clearly vulnerable, by reason of emotional or cognitive disorder, to exploitative influence by the counsellor.

(b) A counsellor must, in all such circumstances, clearly bear the burden to ensure that no such exploitative influence has occurred, and to seek consultative assistance.

(c) A counsellor shall not engage in sexual intimacies with an individual he knows to be the parent, guardian, spouse, significant other, child or sibling of a current client.

(2) A counsellor shall not engage in sexual intimacies with a former client for at least a two-year period after termination of the professional relationship and the onus rests on a counsellor who enters into a sexual relationship with a former client after such a period to demonstrate that there has been no exploitation, bearing in mind all relevant factors, including –

(a) the period of time that has elapsed since the professional relationship was terminated;

(b) the nature and duration of the professional relationship;

(c) the circumstances of the termination of the professional relationship;

- (d) the client's personal history;
- (e) the client's current mental status;
- (f) the likelihood of an adverse effect on the client; and
- (g) any statements made or actions taken by the counsellor in the course of the professional relationship suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

26. Multiple clients

(1) (a) Where a counsellor agrees to provide counselling to 2 or more persons who have a relationship (such as husband and wife, or parents and children), the counsellor must clarify at the outset which person or persons are clients and the nature of the relationship he will have with each person. If conflicting roles emerge for the counsellor, he must clarify, adjust, or withdraw from roles appropriately.

(b) A counsellor, shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality will be handled.

(2) (a) All clients referred to in subparagraph shall be given the opportunity to discuss with the counsellor what information is to remain confidential and the specific circumstances under which it would be important to disclose.

(b) When a counsellor agrees to render counselling services to 2 or more persons who have a relationship, such as spouses, parents or children, the counsellor –

- (i) shall clarify at the outset which of the individuals are clients and the relationship such counsellor will have with each person;

(ii) may be called on to perform potentially conflicting roles such as a family therapist and then as a witness in divorce proceedings; and

(iii) shall clarify and modify or withdraw from roles when appropriate.

(c) The clarification will include the counsellor's role and the probable use of the counselling services provided or the information obtained.

27. Multiple professional assistance

(1) If, after entering a counselling relationship, a counsellor discovers the client is already in a therapeutic relationship such as counselling, psychological, he is responsible for discussing the issues related to continuing or terminating counselling with the client.

(2) It may be necessary, with client's consent, to discuss these issues with the other professional

28. Group work and/or therapy

(1) (a) A counsellor has the responsibility to screen prospective group members, especially when group goals focus on self-understanding, awareness and self-disclosure.

(b) (i) A counsellor must inform group members of their rights, issues pertaining to confidentiality, and termination.

(ii) He must provide information about the group process, aims, techniques and activities.

(iii) He must take all precautions to protect group members from any physical, verbal and/or psychological harm resulting from interaction within the group, both during and following the group experience.

(2) Where a counsellor provides counselling services to several persons in a group setting, he shall, at the outset, describe the roles and responsibilities of all parties and any exceptions to the requirement of confidentiality.

29. Computer use

When computer applications are used as a component of counselling services, a counsellor must ensure that –

- (a) client and counsellor identities are verified;
- (b) the client is capable of using the computer application;
- (c) the computer application is appropriate to the needs of the client;
- (d) the client understands the purpose and operation of client-assisted and/or self-help computer applications; and
- (e) a follow-up of client use of a computer application is provided to assist subsequent needs.

30. Counselling services by telephone, teleconferencing and Internet

A counsellor must follow all additional ethical guidelines for services delivered by telephone, teleconferencing, and the Internet, including appropriate precautions regarding confidentiality, security, informed consent, records and counselling plans, as well as determining the right to provide such services in regulatory jurisdictions.

31. Referral

(1) When a counselor determines that he/she will be unable to be of professional assistance to clients, he/she must suggest appropriate alternatives, including referrals to other colleagues/types of services.

(2) Should clients decline the suggested referrals, the counsellor needs to find appropriate ways to terminate the professional relationship.

32. Termination of counselling

(1) A counsellor must terminate counselling relationships, with client agreement whenever possible, when it is reasonably clear that –

- (a) the goals of counselling have been met, the client is no longer benefiting from counselling, or is not likely to benefit or is being harmed by continuing that psychological service;
- (b) he feels threatened or endangered in any way by a client or another person with whom that client has a relationship, in which circumstances careful thought shall be given to an appropriate referral or disposition plan;
- (c) the client does not pay fees charged or previously disclosed agency or institutional limits do not allow for the provision of further counselling services.

(2) (a) However, a counsellor must make reasonable efforts to facilitate the continued access to counselling services when services are interrupted by these factors or by any other circumstances (eg: counsellor's health status, client or counsellor relocation, client financial difficulties, etc.

(b) Except where precluded by the actions of a client or third-party payer, a counsellor shall, prior to termination, provide pre-termination counselling and suggest alternative service providers, if appropriate.

33. Undiminished responsibility and liability

A counsellor who works in private practice, whether incorporated or not, must act in accordance with the Code of Ethics, or in his liability for any failure to do so.

34. Accurate advertising

(1) A counsellor must, when advertising services as private practitioners, do so in a manner that accurately and clearly informs the public of his exact academic title, services offered and areas of expertise.

(2) A counsellor should take all measures to ensure that his advert does not give any false or misleading information about the counselling profession.

35. Consultative relationships

A counsellor must, at all times, ensure that consultation occurs within a voluntary relationship between him/her and a help-seeking individual, group, or organisation, and that the goals are understood by all parties concerned.

36. Informed consent

(1) (a) When a counsellor conducts research or provides assessment, psychotherapy, counselling or consulting services in person or via electronic transmission or other forms of communication, he is strongly recommended to obtain the informed consent of the client concerned, using a language that is reasonably understandable to such client.

(b) The consent may be in writing.

(2) While the content of the informed consent will vary depending on the circumstances, informed consent ordinarily requires that a client –

(a) has the capacity to consent;

(b) has been provided with information concerning participation in the activity that might reasonably be expected to affect his willingness to participate, including exceptions to the requirement of confidentiality and monetary or other costs or remuneration;

(c) is aware of the voluntary nature of participation and has freely and without undue influence given his consent; and

- (d) has had the opportunity to ask questions and be given answers regarding the activities concerned,

provided that, in the case of a client who is legally incapable of giving informed consent, a counsellor shall nevertheless –

- (i) provide an appropriate explanation;
- (ii) seek the client's assent;
- (iii) consider such client's preferences and best interests; and
- (iv) obtain appropriate permission from a person legally authorised to give consent if such substitute consent is permitted or required by law, but if consent by a legally authorised person is not permitted or required by law, a counsellor shall take all reasonable steps to protect the client's rights and welfare.

(3) In case a client is incapable, it is imperative for the counsellor to get the consent of the guardian of that person or in the case of a minor, to get the consent of one or both parents or the parent who has the legal responsibility of the child.

(4) Where counselling services are ordered by a court or required administratively or ordered through mediation or arbitration, a counsellor shall –

- (a) before proceeding, inform the individual concerned of the nature of the anticipated services, including whether the services were ordered and whether there are any exceptions to the requirement of confidentiality; and
- (b) appropriately document written or oral consent, permission or assent. If ordered by the Court of Justice no consent is needed however the

counsellor will ensure that the client's identity is protected when revealing information to the court. The counsellor's personal notes are to remain confidential.

37. Respect for privacy

(1) A counsellor must limit any discussion of client information obtained from a consulting relationship to persons clearly involved with the case.

(2) Any written and oral reports restrict data to the purposes of the consultation and, every effort is made to protect client identity and to avoid undue invasion of privacy.

38. Conflict of interest

A counsellor shall refrain from assuming a professional role when personal, professional, legal, scientific, financial or other interests or relationships could reasonably be expected to –

- (a) impair his/her objectivity, competence or effectiveness in performing his functions as a counsel; or
- (b) expose the client concerned to harm or exploitation.

39. Sponsorship and recruitment

(1) A counsellor must present any of his organisational affiliations or membership in such a way as to avoid misunderstanding regarding sponsorship or certification.

(2) A counsellor must also avoid the use of any institutional affiliation to recruit private practice clients.

40. Discrimination

(1) A counsellor shall not impose on a client, an employee, a research participant, student, supervisee, trainee or any other person over whom he/she has or had authority any stereotypes of behaviour, values or roles relating to age, belief, birth, conscience, colour, culture, disability, disease, ethnic or social origin, gender, language,

marital status, pregnancy, race, religion, sexual orientation/identity, socio-economic status, health status or any other factor prohibited by law.

(2) (a) A counsellor shall not discriminate on the basis of age, belief, birth, colour, conscience, culture, disability, disease, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation/identity, social and economic status/health status or any other factor prohibited by law.

(b) A counsellor however may not feel that he has the competencies to work with a specific population e.g. children, and might in such cases refer to a colleague.

(3) A counsellor shall make every effort to ensure that language-appropriate and culture-appropriate services are made available to a client and that acceptable standards of language proficiency are met in rendering a service to a client whose primary language differs from him.

41. Third-party requests for service

(1) Where a counsellor agrees to render a counselling service to a client at the request of a third party, he shall clarify at the outset of such service the nature of the relationship with each of the parties involved (whether individuals or organisations).

(2) The clarification referred to in subparagraph (1) shall cover the role of the counsellor (e.g: as therapist, consultant, diagnostician, expert witness), the probable uses of the counselling service provided or the information obtained, and the fact that there may be exceptions to the requirement of confidentiality.

(3) If there is a foreseeable risk of the counsellor's being called upon to fulfil conflicting roles because of the involvement of a third party, he/she shall clarify the nature of his/her responsibilities, keep all parties properly informed as matters develop, and resolve the situation in accordance with these standards.

42. Exploitative relationships

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

(2) Exploitation may be defined as: make full use of or derive benefit from, make use or a situation in a way considered unfair or underhand; take advantage of someone in order to profit from them or otherwise benefit oneself, etc.

43. Cooperation with other professionals

Where indicated and professionally appropriate, a counsellor shall –

- (a) cooperate with such professionals as approved by the Council in order to serve his clients effectively and appropriately; and
- (b) arrange for appropriate consultations and referrals based on the best interests of his clients, subject to such consent and other relevant considerations as may be appropriate, including the applicable legal and contractual obligations.

44. Counselling services rendered to or through organisations

(1) A counsellor who provides counselling services to or through an organisation shall, in advance, provide a client with information and obtain his consent about –

- (a) the nature and objectives of the counselling services;
- (b) the relationship between the counsellor and every individual affected by the counselling services;
- (c) the uses to which the counselling information provided by the client will be put;
- (d) the persons who will have access to the information referred to and exceptions to the requirement of confidentiality.

(2) As soon as is feasible, a counsellor shall provide the appropriate persons with information about the results and conclusions of the counselling service concerned. If the law or organisational rules prohibit the counsellor from providing particular individuals or groups with information, he shall so inform the individuals or groups concerned at the outset of the counselling service.

(3) The consent of the individual is still necessary even if the services are requested by an organisation.

45. Delegation and supervision of psychological services

(1) A counsellor shall not delegate professional responsibilities to any person who is not qualified to assume such responsibilities.

(2) A counsellor may delegate to a supervisee, with the appropriate level of supervision, only such professional responsibilities as the supervisee can reasonably be expected to perform competently and ethically on the basis of that supervisee's education, training and experience.

(3) (a) In order to perform the responsibilities/tasks set initially, a supervisee shall receive appropriate training accredited by the Council, including all ethical considerations.

(b) Training in ethical issues should be delivered either by the council, national or international institution.

(4) A counsellor shall be responsible for determining the competence of a supervisee and shall not assign to such supervisee, or allow him to undertake, responsibilities beyond the scope of his training and/or competence.

(5) A counsellor shall be responsible for providing a supervisee with specific instructions regarding the limits of his/her role as a supervisee.

(6) A supervisee shall fully inform a client receiving counselling services of his/her status, and of the rights of the client to consult at any time with the supervising counsellor with regards to the services offered.

(7) When a counselling service is rendered, a counsellor shall –

- (a) take part in the counselling intake process;
- (b) personally make a diagnosis when and if required; and
- (c) personally approve a treatment plan for each client.

(8) A counsellor shall, on a continuous and regular basis, personally meet with a supervisee concerning challenging/complex cases, and review the treatment records/progress notes etc on a regular basis as appropriate to the tasks to be performed.

PART IV – ACTIVITIES IN RESPECT OF ADVERTISING AND OTHER PUBLIC STATEMENTS

46. Accuracy in professional representation

(1) A counsellor shall not misrepresent in any manner his or her professional qualifications with regard to education, experience or areas of competence

(2) A counsellor shall not make false, deceptive or fraudulent statements concerning –

- (a) his education and training, experience or field of competence;
- (b) his academic or professional qualifications and institution and country where he/she has qualified;
- (c) his credentials and exact academic title;

- (d) his institutional, association or professional society affiliations;
- (e) the counselling services he provides;
- (f) the scientific basis for or the results or degree of success of counselling services offered;
- (g) his fees; or
- (h) his publications or research findings.

(3) A counsellor may claim a qualification as a credential for his counselling services only if such qualification –

- (a) was obtained from a nationally and internationally accredited institution; or
- (b) formed the basis for his registration with the Council.

47. Statements by others

A counsellor who engages others to create or place a public statement that promotes his professional practice, products or activities shall retain professional responsibility for such statements and –

- (a) shall not compensate employees of the press, radio, television or other communication medium in return for publicity in a news item;
- (b) if a paid advertisement pertaining to the counselling services rendered by that counsellor is published, such services must be identified or be clearly recognisable unless such services are already apparent from the context of that advertisement;

- (c) when a counsellor provides advice or comment by means of a public lecture, demonstration, radio or television programme, pre-recorded tape, printed article, mailed material, internet or other electronic transmission, or any other media, he/she shall take all reasonable precautions to ensure that –
 - (i) such advice or comment is based on appropriate literature and practice and is consistent with these standards; and
 - (ii) the recipients of such advice or comment are not encouraged to infer that a personal relationship has been established between the counsellor concerned and them;
- (d) shall not solicit testimonials from a current client or any other person who, because of his particular circumstances, is vulnerable to undue influence;
- (e) shall take immediate steps to correct any misrepresentation of himself that may be made by others in any media; and
- (f) take into account that the Council will be held responsible for any comment which is posted by a counsellor. E.g. If a counsellor creates a social media platform to offer services, comments posted on this media by him might impact on the Council.

48. In-person solicitation

(1) A counsellor shall not engage, directly or through an agent, in uninvited in-person solicitation of business from actual or potential clients or other persons who, because of their particular circumstances, are vulnerable to undue influence.

(2) The prohibition contained in subparagraph (1) does not preclude a counsellor from –

- (a) attempting to establish appropriate collateral contacts for the purpose of benefiting the client; or

- (b) providing emergency, disaster or community outreach counselling services.

49. Description of workshops and educational programmes

(1) Any professional who form part of the AHPC law associated with an announcement, flyer, brochure or advertisement which describes a workshop, seminar or educational programme for non-degree purposes shall ensure that such announcement, flyer, brochure or advertisement accurately describes –

- (a) the audience for which such workshop, seminar or programme is intended;
- (b) the objectives;
- (c) the presenters;
- (d) the fees involved; and
- (e) the restrictions on practice namely that such a workshop, seminar or programme does not allow people to claim competencies beyond those provided by the workshop.

(2) A workshop, seminar or programme referred to in subparagraph (1) shall not create any impression with a person not registered with the council as a counsellor that such workshop, course or programme will lead to registration as a counsellor.

PART V – EVALUATION AND ASSESSMENT

50. General orientation

A counsellor must adequately orient and inform clients so that evaluation and assessment results can be clearly and concisely communicated.

51. Purposes and results of evaluation and assessment

A counsellor must take responsibility to inform clients of the purpose of any evaluation, assessment instruments, procedures used; its main objectives and expected assessment results.

52. Evaluation and assessment competence

A counsellor must recognise the limits of his competence and offer only those evaluation and assessment services for which he has appropriate preparation, knowledge and training, while meeting established professional standards.

53. Administrative and supervisory conditions

(1) A counsellor must ensure that evaluation, assessment instruments and procedures are administered and supervised under established conditions consistent with professional standards.

(2) He must take into consideration from initial conditions, any unusual behaviour or irregularities which may affect the interpretation of results.

54. Use of technology

(1) A counsellor must recognise that his ethical responsibilities are not altered, or in any way diminished, by the use of technology in the context of any evaluation and assessment instruments.

(2) A counsellor must ensure that the ethical principles in regards to privacy and confidentiality, are maintained regardless of the technology used.

55. Appropriateness of evaluation and assessment

A counsellor must ensure that evaluation and assessment instruments used are valid, reliable, and appropriate to clients and the intended purposes.

56. Reporting evaluation and assessment results

A counsellor must ensure that reporting evaluation and assessment results to clients and any other individuals/institutions is done in an appropriate, accurate and sufficient

manner and ensure that all beneficiaries have a clear understanding of information provided, conclusions and recommendations made.

57. Release of evaluation and assessment data

A counsellor must ensure that evaluation and assessment data are released appropriately, and only to clients and/or any other persons/institutions qualified to interpret and use them properly.

58. Sensitivity to diversity when assessing and evaluating

(1) A counsellor must proceed with caution when judging and interpreting the performance of minority group members when administration evaluation or assessment instruments as these are standardised and might be representative of these groups.

(2) He must recognise and take into account the potential impact of nationality, ethnicity, skin colour, age, religion, gender, sexual orientation, sexual identity, education, language, social status, family status, marital status, financial situation, professional status, political affiliation, social and cultural background, health status, including disability or not; visible or not, on both the administration of, and the interpretation of data from, such instruments and procedures.

59. Security maintenance

(1) A counsellor must ensure the integrity and security of evaluation and assessment instruments and procedures consistent with any legal and contractual obligations.

(2) He must refrain from appropriating, reproducing, or modifying established evaluation and assessment instruments without the expressed permission and adequate recognition of the original author, publisher and copyright holder.

PART VI – RESEARCH AND PUBLICATIONS

60. Researcher responsibility

A counsellor must plan, conduct, and report on research in a manner consistent with relevant ethical principles, professional standards of practice, laws of the Republic of Mauritius, institutional regulations and norms, socio-cultural norms, and standards governing research with human subjects.

61. Subject welfare

A counsellor must be responsible for protecting the welfare of research subjects for the whole duration of the research, and avoid causing any psychological, physical or social harm to participants.

62. Principal researcher responsibility

(1) A counsellor must, when in the role of principal researcher ensure that all ethical research practices are followed, and with respect to research involving human subjects obtain an independent and appropriate ethical review before proceeding with the research.

(2) Research associates involved in the research activities need to share all the ethical obligations.

63. Voluntary participation

A counsellor must ensure that participation in research is voluntary. However, involuntary participation may be appropriate when it can be shown that participation will have no harmful effects on subjects (i.e no impact on their physical and mental health; or on their life in general), is essential to the research, and meets ethical review requirements.

64. Informed consent of research subjects

(1) A counsellor must inform all research subjects of the purpose(s) of his research.

(2) In addition, subjects are to be made aware of any experimental procedures, possible risks, disclosures and limitations on confidentiality. Subjects should be informed that he can ask questions/clarifications at any time during the research, and discontinue if he wishes to do so.

65. Confidentiality

(1) A counsellor must ensure that research information on participants is confidential, and any information pertaining to their identities protected unless otherwise authorised by them.

(2) All aspects pertaining to confidentiality and anonymity need to be aligned with the informed consent procedures.

66. Use of confidential information for didactic or other purposes

(1) A counsellor must not disclose in any form (e.g. writings, public presentations/media) any identifiable information in regards to participants, unless –

(a) there is legal authorisation to do so,

(b) the person or organisational client has given informed written consent.

(2) (a) A counsellor is encouraged to collaborate with colleagues/other qualified research professionals in making original research data available, in case there is a need to replicate/verify/explore further.

(b) This possibility needs to be clearly outlined to participants in the original research.

67. Research financial partners and institutions

A counsellor must, when conducting research, obtain informed consent from financial partners/institutions and ensure that financial partners and institutions are given feedback information and proper acknowledgement.

68. Review of manuscripts

A counsellor who reviews material submitted for publication, research or other scholarly purposes, must respect the confidentiality and proprietary rights of those who submitted the research.

69. Reporting results

In reporting research results, counsellors should mention any variables and conditions that might affect the outcome of the investigation or interpretation of the results.

70. Research contributions

(1) A counsellor must give due credit through joint authorship, acknowledgement, footnote statements, or other appropriate means to those who have contributed significantly to the research and/or publication, and to those who have done previous work on the topic.

(2) For an article derived mainly on a student thesis/dissertation/research work, the student should be listed as the principal author.

71. Submission for publication

(1) A counsellor can submit the same manuscript or one essentially similar in content for publication simultaneously.

(2) In addition, manuscripts published in whole or in substantial part in another journal or published work should not be submitted for publication without acknowledgement and permission from the previous publication.

PART VII – EDUCATION, TRAINING AND SUPERVISION

72. General responsibility

A counsellor who has the responsibility for training and supervision must adhere to current guidelines and standards consistent with AHPC Code of Ethics and Standards of Practice for Counsellors.

73. Competence

A counsellor who conducts counsellor education, training and supervision must have the necessary knowledge and skills to do so, and limit his/her involvement to such competencies.

74. Ethical orientation

A counsellor who is responsible for counsellor education, training and supervision has an obligation to make his students, trainees, and supervisees aware of the ethical responsibilities as expressed in the Code of Ethics and Standards of Practice for Counsellors.

75. Clarification of roles and responsibilities

A counsellor who engages in counselling supervision of students or trainees must take responsibility for clarifying his respective roles and obligations.

76. Welfare of clients

A counsellor who engages in counselling supervision of students or trainees must take steps to ensure the welfare of clients during the supervised practice period, and intervene, when necessary, to ensure that this obligation is met.

77. Program orientation

A counsellor who is responsible for counsellor education programs and training activities must take responsibility to orient prospective students and trainees to all core elements of such programs and activities, including to a clear policy with respect to all supervised practice components, both those simulated and real.

78. Boundaries

A counsellor who works as an educator/trainer/supervisor must establish relationships with his students, trainees and supervisees such that appropriate relational boundaries are clarified and maintained, and dual relationships avoided.

79. Obligation to inform

A counsellor who works as an educator/trainer/supervisor must take steps to inform students, trainees, and supervisees, at the beginning of activities associated with these roles, of all reasonably foreseeable circumstances under which confidentiality may be breached during such activities.

80. Self-development and self-awareness

A counsellor who works as counsellor an educator/trainer/supervisor must encourage and facilitate the self-development and self-awareness of students, trainees and supervisees, so that he learns to integrate his professional practice and personal insight.

82. Dealing with personal issues

A counsellor who is responsible for education/training/supervision must recognise when such activities evoke significant personal issues for students, trainees, and supervisees and refer to other sources when necessary to avoid counselling those for whom he/she holds administrative or evaluative responsibility.

83. Self-growth activities

A counsellor who works as counsellors an educator/trainer/supervisor must ensure that any professional experiences which require self-disclosure and engagement in self-growth activities are managed in a manner consistent with the principles of informed consent, confidentiality, and safeguarding against any harmful effects.

PART VIII – RESOLVING ETHICAL ISSUES

84. Uncertainty about ethical issues

When a counsellor is uncertain whether a particular situation or course of action would violate these standards, he shall consult with another counsellor knowledgeable about ethical issues, with an appropriate national counsellor ethics committee, or with another appropriate authority in order to make the proper decision.

85. Conflicts between ethics and law

(1) If a counsellor's ethical responsibilities conflict with the law, he shall make known his commitment to these standards and take steps to resolve the conflict.

(2) If the conflict referred to in subparagraph (1) cannot be resolved, the counsellor concerned shall comply with the requirements of the law.

86. Conflicts between ethics and organisational demands

If the demands of an organisation with which a counsellor is affiliated, conflict with these standards, he shall clarify the nature of the conflict, shall make known his commitment to these standards and shall, to the extent feasible, seek to resolve the conflict in a way that permits the fullest compliance with these standards.

87. Informal resolution of ethical violations

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

88. Reporting ethical violations

(1) If the informal resolution of an apparent ethical violation is not appropriate or if such a violation cannot properly be resolved in that fashion, a counsellor shall take such further action as is appropriate to the situation, unless that action conflicts with confidentiality rights in a manner that cannot be resolved.

(2) Any action referred to in subparagraph (1) may include referral to an appropriate professional ethics committee or colleague for arbitration, conciliation, or advice on a further course of action.

89. Reporting colleague impairment

If a counsellor has a reasonable basis for suspecting that a colleague is professionally impaired owing to a psychological disturbance, a physical illness or substance abuse or any other illegal behaviour, he shall timeously encourage that colleagues whose professional abilities seem to be impaired (for health reasons or personal issues) to seek the necessary assistance and/or inform the Council of his/her concerns.

90. Co-operating with ethics committees

(1) A counsellor shall give his full cooperation with respect to an ethics investigation, any proceedings or any related requirements of the Council and shall, for purposes of such investigation, proceedings or requirements, make a reasonable effort to resolve any issues relating to confidentiality.

(2) Failure by a counsellor to cooperate as specified in subparagraph (1) shall in itself be an ethics violation.

91. Improper complaints

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

92. Discrimination against complainant or respondent

(1) A counsellor shall not deny any person treatment, employment, advancement, promotion or admission to a training programme on the grounds of that person having made or having been the subject of an ethics complaint.

(2) Subparagraph (1) does not preclude a counsellor from taking any action based on the outcome of an inquiry held in accordance with the Act.

93. Disciplinary sanctions

Behaviour by a counsellor that is unlawful/illegal/illicit/or that fails to meet the minimum reasonable standards of acceptable and prevailing counsellor practice shall include, but not be limited to, any act or practice that violates these standards, or the Act, or any regulations that are made under the Act and that are applicable to a counsellor, or Council notices or Council resolutions.

PART IX – PSYCHO-LEGAL ACTIVITIES

94. Competence

(1) A counsellor who performs counselling-legal (including forensic) functions, such as assessments, interviews, consultations, reports or expert testimony, shall comply with all the provisions of these standards to the extent that they apply to such activities.

(2) A counsellor shall base his counselling-legal work on appropriate knowledge of and competence in the areas underlying such work, including specialised knowledge concerning specific populations.

95. Basis for counselling-legal opinion

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

96. Qualified opinions

A counsellor may provide written or oral counselling-legal reports or testimony about the psychological characteristics of a client only after he has conducted an examination of the client which is adequate to support his findings provided that when, despite reasonable efforts, such an examination is not feasible, the counsellor shall clarify the effect of his limited information on the reliability and validity of his reports and testimony, and limit the nature and extent of his findings accordingly.

97. Truthfulness and candour

In counselling-legal testimony and reports, a counsellor shall –

- (a) testify truthfully, honestly and candidly and in a manner consistent with the applicable legal procedures; and
- (b) describe fairly the basis for his testimony and conclusions based on evaluation-based research and documentation.

98. Conflicting roles

(1) A counsellor shall avoid performing multiple and potentially conflicting roles in counselling-legal matters.

When a counsellor may be called on to serve in more than one role in legal proceedings, for example as a consultant or expert for one party or for the Court and as a witness on the facts, he/ she shall, in advance and to the extent feasible, clarify his/her role

expectations and any exceptions to the requirement of confidentiality in order to avoid compromising his/her professional judgement and objectivity.

99. Maintenance of expert-witness role

A counsellor shall be aware of the conflicting demands made on him/her by the code of ethics and the requirements of the court system, and shall attempt to resolve such conflict by making known to the law representative of his commitment to these standards and by taking steps to resolve such conflict in a responsible manner.

100. Prior relationships

(1) A prior professional relationship with a client shall not preclude a counsellor from testifying as a witness on the facts to the extent permitted by law.

(2) A counsellor shall take into account the ways in which a prior relationship might affect his professional objectivity or opinion and disclose the potential conflict to the attorney or presiding officer whether a client or not.

101. Role as witness on facts

(1) When a counsellor is required by a Court to appear as a witness, the counsellor is legally obliged to present evidence (e.g. professional notes taken during the session and clinical observations). In the case that the notes of the counsellor have been destroyed or a counsellor states that he/she has no remembrance of the specific case (e.g. after 5 years), no written evidence will be presented to the Court.

(2) A counsellor may declare his reluctance to appear as a witness on the facts by appearing as a witness under protest.

(3) Irrespective of whether a counsellor appears as a witness under protest or not, he shall be a truthful and fully disclosing witness.

(4) In giving evidence, the counsellor cannot disclose confidential information except with the consent of the client/family member (depending on circumstances)/responsible party of the child (unless required by the Court of Justice).

PART X – FEES AND FINANCIAL ARRANGEMENTS

102. Agreement about fees

A counsellor and client or other user of the counselling services concerned may negotiate a fee as early as is feasible in a professional or scientific relationship.

103. Overcharging

A counsellor shall not exploit users of counselling services or payers with regard to fees.

104. Accuracy in billing

A counsellor shall not misrepresent his fees, nor bill for counselling services partially rendered or not rendered at all.

105. Limitations

If limitations on the provision of psychological services are anticipated because of financial limitations, a counsellor shall, as early as is feasible, discuss such limitations with the client or other user of the psychological services.

106. Collection of outstanding fees

If a client does not pay for counselling services as agreed with the counsellor and if the counsellor wishes to use a collection agency or take legal steps to collect any outstanding fees, he shall first inform the client that such measures will be taken and shall afford the client the opportunity to make prompt payment.

107. Withholding information, reports or records owing to non-payment

A counsellor shall not, on the grounds of non-payment of fees, withhold information, reports or records under his control which are required for the treatment of the client or for any court action.

108. Account itemisation

(1) A counsellor shall submit billing claims to third-party funders which clearly state the name of the person who provided the counselling services.

(2) (a) When a counsellor supervises another professional, including an intern, a colleague or student who primarily provided the counselling services, the itemised bill and/or reimbursement form shall contain such counsellor's signature as supervisor.

(b) In cases where there needs to be an attestation that payment has been made, initials of the service provider can be asked.

(c) There may be no ambiguity as to who the direct service provider was.

109. Barter with client

A counsellor may barter only if –

(a) it is not professionally contraindicated;

(b) the resulting arrangement is not exploitative; and

(c) it is the client's only mode of remuneration for the counselling services provided.

110. Withholding of emergency services

(1) A counsellor shall not withhold emergency counselling services because the client is unable to guarantee remuneration for such services.

(2) In case the counsellor cannot attend to the emergency case, he shall refer the client to another practitioner or suitable health care institution.
