

Code of Ethics

(Adopted February 2000)

Preamble

The purpose of this Code is to provide guidelines to members of the CAPACAR on standards of ethical practice in their work as counsellors. The Code should be read in conjunction with the aims and objectives of the CAPACAR, its membership policy and complaints resolution process.

The Code cannot cover all of the circumstances faced by a diverse membership in a range of practice settings. Rather, in articulating key principles and responsibilities, it aims to provide an ethical framework that can assist members in decisions about their work.

For the purpose of this Code the term *member* is used to refer to financial members of the CAPACAR. The term *supervisor* refers to professional counselling supervision rather than a management relationship. The term *client* refers to individuals, couples, families, groups, organisations, or communities, of any member of the CAPACAR where the member is acting in the role of counsellor of the client.

Whilst the Ethical Principles are not enforceable statements they should be taken into consideration by members in arriving at an ethical course of action. The Ethical Responsibilities are enforceable statements describing the conduct of a member and may be used to assist in the adjudication of issues related to ethical counsellor behaviour.

Ethical Principles

- Members respect the fundamental rights, worth and dignity of their clients and, to the best of the member's ability, work in ways that promote their clients' well-being.
- Members are aware of, and respect, diversity among their clients and avoid discriminatory and oppressive behaviour.
- Members keep and protect the privacy and anonymity of their clients. Members also preserve the confidentiality of all client information acquired in the course of their work and in accordance with the agreed guidelines for confidentiality specified in the counselling agreement.
- Members follow accountable and transparent administrative practices, including the client's right to informed consent.
- Members take all reasonable steps to avoid harming clients through their intervention methods or practices, and to minimise harm where it is foreseeable and unavoidable.
- Members develop and maintain their competence and work within their training and experience.
- Members are respectful of others, and honest and trustworthy in their professional relationships.
- Members abide by the laws of society

Ethical Responsibilities

1. General

- (i) This Code applies to members work related functions as a counsellor and not to the member's personal activities which have no relation to, or impact on, their counselling role.

2. Responsibilities to Clients

- (i) Members work for the welfare of clients, within the limits of their training, competence and experience. Where these limits are challenged, members seek supervision or other assistance and, if necessary, offer clients referral to other appropriate professionals.
- (ii) Members recognise the fundamental right and choice of clients to decide on the level, extent and scope of the counselling in which they participate. Members take care to avoid harm to clients in the counselling process, respecting their client's autonomy. Members set and maintain professional boundaries in the counselling relationship by avoiding dual relationships with clients whenever possible.
- (iii) Members accept responsibility for their own actions in the role of the counsellor and for appropriate restitution in the event of harm. They behave fairly and openly towards clients. Members disclose the limits of their competence, capacity and responsibility.

3. Exploitation

- (i) Members should, at the outset, clarify with clients fees and methods of payment and the basis on which they make referrals.
- (ii) Members make every effort to ensure that referrals are in the best interests of clients.
- (iii) Members identify and, where possible, avoid dual relationships and other situations that present a conflict of interest with the counselling relationship.
- (iv) Members shall not engage in sexual activity with former or current clients.

4. Confidentiality

- (i) Members recognise that all information disclosed or otherwise obtained during consultations, training, group practice or education is confidential unless the client otherwise agrees. Confidentiality, and security of information, continues after the death of the client.
- (ii) Members volunteer to, and discuss with, their clients, instances where they may not be able to maintain confidentiality. Such instances may include where a member has good grounds to believe that the client will cause serious harm to themselves or others.
- (iii) Members ensure that information sought from clients, and that which is released with consent, is pertinent and relevant to the client's interests.
- (iv) Members preserve the anonymity of clients and individuals in sharing or discussing case material in supervision, training or reports and, where clients have given prior written consent, in publications.
- (v) Members maintain all client records securely, and with the strictest of confidence.
- (vi) Members allow clients full access to their own records and information.

5. Contracts with Clients

- (i) Members uphold the principle of free and informed consent given in writing. They inform clients (or, where a client is incapable of giving informed consent, a legally authorised person), of the purpose, method, process and, where applicable, the costs of their counselling.

- (ii) Members ensure that all information, including publicity material, accurately reflects the nature of the service and the training, qualifications and experience of the member.
- (iii) Members are alert to potential conflict of interest in relation to personal and/or business connections with a client. Where such boundary challenge exists, members disclose the conflict, seek supervision and, if necessary, refer the client elsewhere.

6. Responsibility to Self

- (i) Members respect their own health in the professional relationship with appropriate self regard.
- (ii) Members engage in self-care activities and avoid conditions that could lead to impaired judgement and interfere with their ability to benefit and not harm others.
- (iii) Members have regular appropriate supervision to monitor their performance and accountability for their practice, to develop counselling skills and to consult on ethical and other problems.

7. Responsibility to other Counsellors/ the Profession

- (i) Members conduct themselves in their counselling activities in ways that maintain public confidence in the role and work of the profession.
- (ii) In circumstances of possible misconduct of another member, members aim for resolution or remedy through discussion or mediation. Where necessary, members may recommend, or themselves consider, approaching the CAPACAR or other relevant professional association.
- (iii) Members avoid soliciting the clients of other counsellors. They identify instances where they perceive a conflict with their own approach and that of another counsellor whom the client is seeing. Where such conflict cannot be resolved, they are prepared to cease counselling after appropriate advice and discussion with the client.
- (iv) Members endorse the Association's Code of Ethics and adhere to the associated complaints and disciplinary process.

8. Responsibilities to the Community

- (i) Members act appropriately within the legislative, social and cultural context of their community
- (ii) Members are committed to transparent and accountable practices, and support public and collegiate scrutiny of the profession.

9. Complaints

- (i) Members are required to be familiar with the CAPACAR Code of Ethics. A member's lack of knowledge or misunderstanding is not a defence against a charge of unethical conduct.
- (ii) Members who are uncertain whether a particular situation or course of action would violate the Code shall consult with other counsellors knowledgeable about ethical issues and with their supervisor in order to choose a proper course of action.
- (iii) Members inform clients of the process of complaints for an alleged breach of the Association's Code of Ethics.
- (iv) Members involved in an alleged breach of the Code participate and cooperate in the complaints resolution process. Unethical conduct by a member lies in a breach of the Ethical Responsibilities.

APPENDIX to the CAPACAR Code of Ethics

Ethics Committee

Preamble

The Ethics Committee is a Standing Committee of the Association with its members being appointed each year by the CAPACAR Committee (constituted in accordance with Part 111 of the CAPACAR Constitution and Rules) for a twelve-month term. Members of the Ethics Committee may be re-appointed for successive terms. The Ethics Committee will meet as required to consider complaints of unethical conduct made to it in writing by a client of an CAPACAR member, or by a member of the Association.

The Ethics Committee may also make recommendations to the CAPACAR Committee concerning changes or amendments to the Code of Ethics.

1. Membership

Three senior members of the CAPACAR whose qualifications, experience and professional standing provide the Ethics Committee with credibility and authority.

2. Procedures

General Approach - Discussion and Mediation

- (i) Where it considers it appropriate the Ethics Committee will seek to resolve the complaint by bringing the parties together for private discussion, clarification and resolution of the complaint.
- (ii) In cases where the Ethics Committee and the parties agree, the Ethics Committee will establish a mediation process to facilitate resolution of the complaint by the parties.

The Formal Approach when Discussion and Mediation Fail to Resolve the Complaint

The Ethics Committee shall:

- (i) Examine all documentation, protecting any necessary confidentiality requirements.
- (ii) Interview the parties applying rules of natural justice.
- (iii) Consider the application of the Code in the particular context and apply the spirit of the Code as well as its literal meaning in coming to a conclusion.
- (iv) Inform the parties of its decision within a reasonable time and the nature of any proposed disciplinary action.
- (v) If a complaint is proven, inform the member concerned of the appeal processes open to the member.

Appeals Committee

1. Membership

The Appeals Committee will consist of three members with expertise in the evaluation of ethical issues and who are independent of the CAPACAR. .

Procedures

- (i) Appeals to be lodged within one month following receipt of the decision of the Ethics Committee.
- (ii) Grounds for appeal may include the process applied by the Ethics Committee, its interpretation of the Code or the nature of the disciplinary action proposed.

- (iii) Appeals to be heard by suitably qualified Appeals Committee members two being drawn from PACFA member associations and one from outside the counselling profession, none of whom are members of the CAPACAR.
- (iv) The decision of the Appeals Committee to uphold or reject the appeal is final.

Disciplinary Action

The CAPACAR considers that any need it may have to take disciplinary action is a very serious matter. The purpose of taking disciplinary action where breaches of the Code of Ethics have occurred is to protect clients from further professional misconduct and to protect the reputation and standing of the profession.

Generally, the CAPACAR will consider three forms of disciplinary action. Expulsion, suspension or censure. A censure will be conveyed to a member in writing outlining the concern of the Association and seeking an assurance from the member that the breach will not recur. Suspension of membership may be for a period of one month or longer and notice of the suspension will be published in the *CAPACAR News*. During the period of suspension the member will lose all rights of CAPACAR membership. In some instances the CAPACAR Committee may decide to place the member on probation for a period of time avoiding suspension during the probationary period. No public notification of such action would be made by the CAPACAR during the period of probation.

Expulsion of membership will be applied in accordance with the Association's constitutional requirements. The intention to expel the member would be conveyed in writing with due notice being given. The effect of expulsion is that the member would lose all entitlements of membership and any future applications for re-admission would be subject to careful scrutiny. Notice of the expulsion of a member would be published in the *CAPACAR News*.

Procedures

- (i) If a member is to be disciplined following application of the Associations Complaints procedures the Ethics Committee may recommend to the CAPACAR Committee that the member be censured; suspended or expelled from the Association.
- (ii) The CAPACAR Committee will take the disciplinary action and, in those cases where a member is expelled, PACFA will be informed if the member is included in the National Register of Practitioners.