

Committees

1. The Association may, from time to time, establish various standing and ad hoc committees to assist with the carrying out of the ACA objectives.
2. The Association shall have in its absolute discretion the power to appoint such persons as the Committee in its absolute discretion thinks fit to serve on such committees and such persons need not necessarily be members of the Association.
3. The committees and members of such committees shall without limiting their scope be involved in advising the Association in the following areas:-
 - (a) educating members of the Association;
 - (b) periodically reviewing and recommending changes to the Code of Conduct as well as the practices and procedures of the Association;
 - (c) lobbying Governments for changes to legislation both at Commonwealth and State levels;
 - (d) resolving disputes involving counsellors in their day to day practice;
 - (e) educating the public as to the roles played by Counsellors in Society;
 - (f) assessment, review and co-ordination of course and program development; and
 - (g) counsellor education.

Code of Conduct



Australian Counselling Association Pty Ltd - ACN 085 535 628

PO BOX 33 Kedron Qld 4031
Suite 4, "Heritage Place" 634 Lutwyche Road
Lutwyche Qld 4030
telephone: 1300 784 333 facsimile: 07 3857 1777
email: aca@theaca.net.au
web: www.theaca.net.au

*... the Association for
Counsellors in Australia*

Introduction

1. The Australian Counselling Association ("the ACA") has been established to;
 - (a) To provide an industry based Association for persons engaged in counsellor education and practice.
 - (b) To monitor, maintain, set and improve professional standards in counsellor education and practice.
 - (c) To be a self-regulatory body to provide for registration of members and to provide a mechanism for dealing with complaints about members.
 - (d) To liaise with Government for the benefit of members and the public.
2. Membership of the ACA commits members to adhere to the ACA Code of Conduct. The Code of Conduct applies to counsellors work related activities. It includes the clinical or counselling practice as well as research, teaching, supervision of trainees and other activities that relate to the overall general training and employment of the counselling profession.
3. The Code of Conduct is intended to provide standards of professional conduct that can be applied by the ACA and by other bodies that choose to adopt them in Australia. Depending upon the circumstances compliance or non-compliance with the Code of Conduct may be admissible in some legal proceedings.

7. If a member is:-

- (a) convicted of any indictable offence; or
- (b) fails to comply or in any breaches the Code of Ethics; or
- (c) conducts himself or herself in a manner considered by the Association to be jurious or prejudicial to the interests of the Association;

then the Association shall have in its absolute discretion power to terminate the membership of the Association.

8. All practicing members of ACA are expected to have professional supervision.
9. Persons applying for membership to the ACA may be refused if they have been found guilty of an indictable offence prior to applying.

Register of Members of the ACA

1. The Association shall keep a register of the names and professional addresses of all persons who are members of the Association.
2. The register shall be open for inspection at all reasonable times by any member who applies in writing to the Association for such inspection, within the guidelines of the privacy act.

Membership

1. The Membership of the ACA consists of the following types of Members:-

- (a) Fellowship
- (b) Honorary members;
- (c) Clinical Members;
- (d) Professional Members;
- (e) Qualified Members
- (f) Student Members
- (g) Volunteer Members
- (h) Associate Members

1.1 Members of the ACA shall have the right whilst they are a member of the ACA to use the following after their name:-

- (a) Fellow - FACA
- (b) Honorary Member - MACA (Honorary)
- (c) Clinical Member - MACA (Clinical)
- (d) Professional Member - MACA (Professional)
- (e) Qualified Member - MACA (Qualified)

2. The application for membership shall be made in writing, signed by the Applicant and shall be in such form as the Association shall from time to time prescribe.
3. The membership fees for each type of membership shall be such sum as the Association shall from time to time determine.
4. The Association shall, after the receipt of an application for membership, consider such application and it shall be at the absolute discretion of the Association whether the applicant is admitted to membership of the Association.
5. A member may resign from the Association at any time by giving written notice to the Secretary.
6. Such registration shall take effect at the time such notice is received by the Association or at such later date as may be determined by the Association in its absolute discretion.

Code of Ethics

1. Code of Ethics

The helping relationship constitutes the effective and appropriate use of helper's skills that are for the benefit and safety of the client in his or her circumstances.

Therefore as members (regardless of level) of the Australian Counselling Association we will:

- Offer a non judgemental professional service, free from discrimination, honouring the individuality of the client.
- Establish the helping relationship in order to maintain the integrity and empowerment of the client without offering advice.
- Be committed to ongoing personal and professional development.
- Ensure client understanding of the purpose, process and boundaries of the counselling relationship.
- Offer a promise of confidentiality and explain the limits of duty of care.
- For the purpose of advocacy, receive written permission from the client before divulging any information or contacting other parties.
- Endeavour to make suitable referral where competent service can not be provided.
- Undertake regular supervision and debriefing to develop skills, monitor performance and sustain professional accountability.
- Be responsive to the needs of peers and provide a supportive environment for their professional development.
- Not act as or practice legal council on behalf of or to a client when practicing as a counsellor or act as an agent for a client.
- Not initiate, develop or pursue a relationship be it sexual or nonsexual with past or current clients, within 2 years of the last counselling session.
- Be responsible for your own updating and continued knowledge of theories, ethics and practices through journals, the association and other relevant bodies.
- Be committed to the above code of ethics and recognise that procedures for withdrawal of membership will be implemented for breaches.

2. Code of Practice

Introduction

This code applies these values and ethical principles outlined above

to more specific situations which may arise in the practice of counselling. No clause or section should be read in isolation from the rest of the Code.

2.1 Issues of Responsibility

2.1.1 The counsellor-client relationship is the foremost ethical concern. However, counselling does not exist in social isolation. Counsellors may need to consider other sources of ethical responsibility. The headings in this section are intended to draw attention to some of these.

2.1.2 Counsellors take responsibility for clinical/therapeutic decisions in their work with clients.

2.1.3 Responsibility to the client

Client Safety

2.1.3.1 Counsellors must take all reasonable steps to ensure that the client does not suffer physical, emotional or psychological harm during counselling sessions.

2.1.3.2 Counsellors must not exploit their clients financially, sexually, emotionally, or in any other way. Suggesting or engaging in sexual activity with a client is unethical.

2.1.3.3 Counsellors must provide privacy for counselling sessions. The sessions should not be overheard, recorded or observed by anyone other than the counsellor without informed consent from the client. Normally any recording would be discussed as part of the contract. Care must be taken that sessions are not interrupted.

Client Self-determination

2.1.3.4 In counselling the balance of power is unequal and counsellors must take care not to abuse their power

2.6.1.8 Counsellors are responsible for ensuring that their relationships with clients are not unduly influenced by their own emotional needs.

2.6.1.9 Counsellors must consider the need for professional indemnity insurance and when appropriate take out and maintain adequate cover.

2.6.1.10 When uncertain as to whether a particular situation or course of action may be in violation of the Code of Ethics and Practice, counsellors must consult with their counselling supervisor and/or other experienced practitioners.

Definition: A client: a person or persons who agrees to be counselled or being counselled by a person who has represented themselves to be a qualified counsellor, regardless of place, time or payment of fees.

Equal Opportunities Policy Statement

The Australian Counselling Association (ACA) is committed to promoting Equality of Opportunity of access and participation for all its members in all of its structures and their workings. ACA has due regard for those groups of people with identifiable characteristics which can lead to visible and invisible barriers thus inhibiting their joining and full participation in ACA. Barriers can include age, colour, creed, culture, disability, education, ethnicity, gender, information, knowledge, mobility, money, nationality, race, religion, sexual orientation, social class and status.

The work of ACA aims to reflect this commitment in all area including services to members, employer responsibilities, the recruitment of and working with volunteers, setting, assessing, monitoring and evaluating standards and the implementation of the complaints procedures. This is particularly important as ACA is the Voice of Counselling in Australia.

ACA will promote and encourage commitment to Equality of Opportunity by its members.

2.5.4 Counsellors are prohibited from sexual activity with all current and former clients for a minimum of two years from cessation of counselling.

2.6 Competence

2.6.1 Counsellor Competence and Education

2.6.1.1 Counsellors must have achieved a level of competence before commencing counselling and must maintain continuing professional development as well as regular and ongoing supervision.

2.6.1.2 Counsellors must actively monitor their own competence through counselling supervision and be willing to consider any views expressed by their clients and by other counsellors.

2.6.1.3 Counsellors will monitor their functioning and will not counsel when their functioning is impaired by alcohol or drugs. In situations of personal or emotional difficulty, or illness, counsellors will monitor the point at which they are no longer competent to practice and take action accordingly.

2.6.1.4 Competence includes being able to recognise when it is appropriate to refer a client elsewhere.

2.6.1.5 Counsellors should take reasonable steps to seek out peer supervision to evaluate their efficiency as counsellors from time to time.

2.6.1.6 Counsellors must recognise the need for continuing education in their chosen profession to maintain a professional level of awareness of current scientific and professional information and education in their particular fields of activity.

2.6.1.7 Counsellors should take steps to maintain their level of competence in the skills they use, be open to new procedures and keep up to date with all dangers that are relevant to their area of expertise.

2.1.3.5 Counsellors do not normally act on behalf of their clients. If they do, it will be only at the express request of the client, or else in exceptional circumstances.

2.1.3.6 Counsellors do not normally give advice.

2.1.3.7 Counsellors have a responsibility to establish with clients at the outset of counselling the existence of any other therapeutic or helping relationships in which the client is involved and to consider whether counselling is appropriate. Counsellors should gain the client's permission before conferring in any way with other professional workers.

Breaks and Endings

2.1.3.8 Counsellors work with clients to reach a recognised ending when clients have received the help they sought or when it is apparent that counselling is no longer helping or when clients wish to end.

2.1.3.9 External circumstances may lead to endings for other reasons which are not therapeutic. Counsellors must make arrangements for care to be taken of the immediate needs of clients in the event of any sudden and unforeseen endings by the counsellor or breaks to the counselling relationship.

2.1.3.10 Counsellors should take care to prepare their clients appropriately for any planned breaks from counselling. They should take any necessary steps to ensure the well being of their clients during such breaks.

2.1.4 Responsibility to other Counsellors

2.1.4.1 Counsellors must not conduct themselves in their counselling-related activities in ways which undermine public confidence either in their role as a counsellor or in the work of other counsellors.

2.1.4.2 A counsellor who suspects misconduct by another counsellor which cannot be resolved or remedied after

discussion with the counsellor concerned, should implement the Complaints Procedure, doing so without breaches of confidentiality other than those necessary for investigating the complaint.

2.1.5 Responsibility to Colleagues and Others

2.1.5.1 Counsellors are accountable for their services to colleagues, employers and funding bodies as appropriate. At the same time they must respect the privacy, needs and autonomy of the client as well as the contract of confidentiality agreed with the client.

2.1.5.2 No-one should be led to believe that a service is being offered by the counsellor which is not in fact being offered, as this may deprive the client of the offer of such a service elsewhere.

2.1.5.3 Counsellors must play a demonstrable part in exploring and resolving conflicts of interest between themselves and their employers or agencies, especially where this affects the ethical delivery of counselling to clients.

2.1.6 Responsibility to the Wider Community Law

2.1.6.1 Counsellors must take all reasonable steps to be aware of current law as it applies to their counselling practice.

2.1.7 Resolving Conflicts Between Ethical Priorities

2.1.7.1 Counsellors may find themselves caught between conflicting ethical principles, which could involve issues of public interest. In these circumstances, they are urged to consider the particular situation in which they find themselves and to discuss the situation with their counselling supervisor and/or other experienced counsellors. Even after conscientious consideration of the salient issues, some ethical dilemmas cannot be resolved easily or wholly satisfactorily.

2.4.3.4 Records of appointments should be kept and clients should be made aware of this. If records of counselling sessions are kept, clients should also be made aware of this. At the clients request information should be given about access to these records, their availability to other people, and the degree of security with which they are kept.

2.4.3.5 Counsellors must be aware that computer-based records are subject to statutory regulations. It is the counsellors responsibility to be aware of any changes the government may introduce in the regulations concerning the clients right of access to his/her records.

2.4.3.6 Counsellors are responsible for addressing any client dissatisfaction with the counselling.

2.5 Boundaries

With Clients

2.5.1 Counsellors are responsible for setting and monitoring boundaries throughout the counselling sessions and will make explicit to clients that counselling is a formal and contracted relationship and nothing else.

2.5.2 The counselling relationship must not be concurrent with a supervisory or training relationship.

With Former Clients

2.5.3 Counsellors remain accountable for relationships with former clients and must exercise caution over entering into friendships, business relationships, training, supervising and other relationships. Any changes in relationships must be discussed in counselling supervision. The decision about any change(s) in relationships with former clients should take into account whether the issues and power dynamics presented during the counselling relationship have been resolved.

2.4.1.2 All advertising and public statements should be accurate in every particular.

2.4.1.3 Counsellors should not display an affiliation with an organisation in a manner which falsely implies sponsorship or validation by that organisation.

2.4.2 Pre-Counselling Information

2.4.2.1 Any publicity material and all written and oral information should reflect accurately the nature of the service on offer, and the relevant counselling training, qualifications and experience of the counsellor.

2.4.2.2 Counsellors should take all reasonable steps to honour undertakings made in their pre-counselling information.

2.4.3 Contracting with Clients

2.4.3.1 Counsellors are responsible for reaching agreement with their clients about the terms on which counselling is being offered, including availability, the degree of confidentiality offered, arrangements for the payment of any fees, cancelled appointments and other significant matters. The communication of essential terms and any negotiations should be concluded by having reached a clear agreement before the client incurs any commitment or liability of any kind.

2.4.3.2 The counsellor has a responsibility to ensure that the client is given a free choice whether or not to participate in counselling. Reasonable steps should be taken in the course of the counselling relationship to ensure that the client is given an opportunity to review the counselling.

2.4.3.3 Counsellors must avoid conflicts of interest wherever possible. Any conflicts of interest that do occur must be discussed in counselling supervision and where appropriate with the client.

2.2 Anti-Discriminatory Practice

Client Respect

2.2.1 Counsellors work with clients in ways that affirm both the common humanity and the uniqueness of each individual. They must be sensitive to the cultural context and worldview of the client, for instance whether the individual, family or the community is taken as central.

Client Autonomy

2.2.2 Counsellors are responsible for working in ways that respect and promote the clients ability to make decisions in the light of his/her own beliefs, values and context.

Counsellor Awareness

2.2.3 Counsellors are responsible for ensuring that any problems with mutual comprehension due to language, cultural differences or for any other reason are addressed at an early stage. The use of an interpreter needs to be carefully considered at the outset of counselling.

2.2.4 Counsellors have a responsibility to consider and address their own prejudices and stereotyping attitudes and behaviour and particularly to consider ways in which these may be affecting the counselling relationship and influencing their responses.

2.3 Confidentiality

2.3.1 Confidentiality is a means of providing the client with safety and privacy and thus protects client autonomy. For this reason any limitation on the degree of confidentiality is likely to diminish the effectiveness of counselling.

2.3.2 The counselling contract will include any agreement about the level and limits of confidentiality offered. This agreement can be reviewed and changed by negotiation between counsellor and

client. Agreements about confidentiality continue after the client's death unless there are overriding legal or ethical considerations.

2.3.3 Settings

2.3.3.1 Counsellors must ensure that they have taken all reasonable steps to inform the client of any limitations to confidentiality that arise within the setting of the counselling work, e.g. updating doctors in primary care, team case discussions in agencies. These are made explicit through clear contracting.

2.3.3.2 Many settings place additional specific limitations on confidentiality. Counsellors considering working in these settings must think about the impact of such limitations on their practice and decide whether or not to work in such settings.

2.3.4 Exceptional Circumstances

2.3.4.1 Exceptional circumstances may arise which give the counsellor good grounds for believing that serious harm may occur to the client or to other people. In such circumstances the client's consent to change in the agreement about confidentiality should be sought whenever possible unless there are also good grounds for believing the client is no longer willing or able to take responsibility for his/her actions. Normally, the decision to break confidentiality should be discussed with the client and should be made only after consultation with the counselling supervisor or if he/she is not available, an experienced counsellor.

2.3.4.2 Any disclosure of confidential information should be restricted to relevant information, conveyed only to appropriate people and for appropriate reasons likely to alleviate the exceptional circumstances. The ethical considerations include achieving a balance between acting in the best interests of the client and the counsellor's responsibilities to the wider community.

2.3.4.3 Counsellors hold different views about the grounds for breaking confidentiality, such as potential self-harm, suicide, and harm to others. Counsellors must consider their own views, as they will affect their practice and communicate them to clients and significant others e.g. supervisor, agency.

2.3.5 Management and Confidentiality

2.3.5.1 Counsellors should ensure that records of the clients identity are kept separately from any case notes.

2.3.5.2 Arrangements must be made for the safe disposal of client records, especially in the event of the counsellors incapacity or death.

2.3.5.3 Care must be taken to ensure that personally identifiable information is not transmitted through overlapping networks of confidential relationships.

2.3.5.4 When case material is used for case studies, reports or publications the clients informed consent must be obtained wherever possible and their identity must be effectively disguised.

2.3.5.5 Any discussion about their counselling work between the counsellor and others should be purposeful and not trivialising.

2.3.5.6 Counsellors must pay particular attention to protecting the identity of clients.

2.4 Contracts

2.4.1 Advertising and Public Statements

2.4.1.1 Counsellors who hold accredited qualifications and who are members of recognised bodies are encouraged to mention this.