

CODE OF ETHICS FOR THE ADOLESCENT & FAMILY COUNSELLORS' ASSOCIATION.

Revised March 2009

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Purpose of this Code

This code is a statement of ethical principles and standards of practice and conduct endorsed by the Adolescent and Family Counsellors' Association of NSW, to which individual members are required to agree in their practice of family therapy with adolescents and their families.. The development of this code documents our public commitment to ethical practice as family counsellors. It also creates the conditions for appropriate public accountability and the taking of formal responsibility for ethical practice in family therapy for this organisation. Appropriate structures and procedures to deal with any alleged violations of this code will be detailed as part of the overall ethical practice provisions of the organization.

This code is binding on all members of AFCA, including Associate Members. It provides direction to all of the organisation's activities. Violations of this code should be identified in writing to the Chairperson for referral to the Adolescent and Family Counsellors Association Committee.

The primary aim of this code and the associated formal processes is to prevent harm to client families, supervisees and to the professional organisation and empowers the organisation to act in response to complaints or queries and if necessary counsel, discipline or even expel a member as a consequence. It is hoped that the effective implementation of this code will promote the safety and empowerment of those seeking our professional assistance.

1. Definitions.

1.1 Adolescent and Family Counsellor (AFC).

An Adolescent and Family Counsellor (AFC) is employed by a community organisation, Local Government or similar under a SAAP or CSGP grant from the Dept. of Community Services to work with those adolescents and their families who are referred to the service. An AFC is a professional who has been trained in various modalities such as family therapy. An AFC demonstrates the requisite values, knowledge and skills to work with families and their larger systems to promote or restore their social functioning in the community acknowledging differences such as race, class, culture, gender, religion, sexuality and other individual qualities.. The counsellor is trained, competent and sufficiently experienced to work with the broad spectrum of families.

Adolescent and Family Counsellors are members of the Association

1.2 Family

AFCs acknowledge both traditional and non-traditional definitions of “family” as their client group. In this context, the broadest definition of “family” is any social group that defines itself as a family.

1.3 Family Counselling.

Family counselling, in which one or more members of the family is in the counselling relationship

1.4 Student

A student placement can be undertaken by an AFC and approved by the employer/organisation and education body and the AFC.

1.5 Supervisee

A person receiving supervision from a supervisor who is suitably qualified and experienced in order to enhance their professional development as an AFC.

1.6 Supervisor/ Consultant

A person of sufficient skill and experience to assist the development of his/her supervisees

2 Principles of Practice for Adolescent and Family Counsellors.

Responsibility to young people and Families.

AFCs advance the welfare of young people and families and work within the context of broader systems. They respect the rights of those persons seeking their assistance and make reasonable efforts to ensure that their services are used appropriately. AFC’s are obliged to practice at high standards of professional competence and integrity.

2.1 AFCs work within a context of social justice and deal equitably with all young people and families, particularly those who are vulnerable or disadvantaged through structural inequity.

2.2 AFCs do not discriminate against or refuse service to anyone on the basis of race, ethnicity, social and economic status, gender, religion, national origin, disability, age, beliefs, gender and sexual orientation or contribution to society.

- 2.3 AFC's acknowledge that at times there will be a conflict of responsibility between individuals within or between families in relation to safety and welfare concerns. In these cases, regard for safety and welfare of children and young people is always given priority.
- 2.4 AFC's may appropriately refuse services to young people and families if such service is seen as harmful to the parties concerned.
- 2.5 AFCs are aware of their influential position with respect to young people and families, and they must not exploit the trust and vulnerability of such persons. They avoid dual relationships with young people and families that go beyond the therapeutic relationship. Examples of such dual relationships include, but are not limited to business or close personal relationships with clients
- 2.6 Sexual intimacy with clients is prohibited. Sexual intimacy with former clients is prohibited.
- 2.7 AFCs must not use their professional relationships with young people and families to further their own personal interests.
- 2.8 AFCs provide reasonable information about the extent and nature of their service, in order to enable young people's and families' informed decision making.
- 2.9 AFCs acknowledge the young person and family's right to make decisions. They empower young people and families to make these decisions and help them to understand the consequences. They make every effort not to impose their own values on the young person and/or family.
- 2.10 AFCs continue therapeutic relationships only so long as it is reasonably clear that young person and families are benefiting from that relationship.
- 2.11 AFCs assist people to obtain other services if the therapist is unable or unwilling, for appropriate reasons to provide professional counselling. AFCs do not accept payment for referrals to other services.
- 2.12 AFCs do not abandon or neglect young people and families in counselling without making reasonable arrangements for the continuation of such counselling.
- 2.13 "AFC's and their clients work jointly to define counselling aims taking into account their abilities and circumstances of clients and reviewing the counselling contract on an ongoing basis".

3. Confidentiality and Privacy

AFCs have concerns of confidentiality, informed consent and privacy because the client in a therapeutic relationship can be more than one person. Therapists respect the consent and guard the confidence and privacy of each individual client.

3.1 AFCs may not disclose client confidences except:

3.1 (i) as mandated by law in relation to abuse related legislation. Where family therapists are not mandated by law to report child abuse, they are expected to do so.

3.1 (ii) to prevent a clear and immediate danger to a person or persons.

3.1(iii) where the therapist is a defendant in a civil, criminal or disciplinary action arising from the therapy (in which case client confidences may be disclosed only in the course of that action) or

3.2 If a waiver was previously obtained in writing, then such information may be revealed only in accordance with the terms of the waiver. In circumstances where more than one person in a family received counseling, each such family member who is legally competent to execute a waiver must agree to the waiver. Without such a waiver from each family member legally competent to execute a waiver, a counsellor cannot disclose information received from any family member.

3.3 AFCs are encouraged to inform clients & families about the process of counselling, & the potential benefits & risks of family therapy.

3.4 From the outset of therapy, AFCs communicate their policy of confidentiality to young peoples and families.

3.5 AFCs take special care to protect the best interests of minors or other persons who are unable to give voluntary consent.

3.6 AFCs inform young people and families fully about the limits of confidentiality in a given situation, the purposes for which information is obtained and how it may be used.

3.7 AFCs are to inform young people and families fully about the purpose and extent of consultation with the referring person or organisation and obtain the written informed consent of young peoples and families beforehand.

3.8 AFCs obtain the written informed consent of young people and families before audio or videotaped recording of sessions.

3.9 AFCs use young people's and families' clinical materials in teaching, writing and public presentations only if a written waiver has been obtained.

3.10 AFCs record their work in ways that respect their clients.

3.11 AFCs give young peoples and families reasonable access to their files under supervision.

3.12 AFCs take care to protect the confidences of others contained in those records, when providing young people and families access to their records.

3.13 AFCs store or dispose of young people's and families' records in ways to maintain confidentiality.

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

3.15 An agreement of confidentiality is insured when the need for using an interpreter is required.

4. Professional Competence and Integrity.

AFCs maintain high standards of professional competence and integrity.

4.1 AFCs remain informed about and critically reflect upon new developments in family therapy theory, practice and research-based knowledge.

4.2 AFCs demonstrate competence in their practice which is consistent with recognised standards of effectiveness

4.3 AFCs because of their ability to influence and alter the lives of others, exercise special care when working with young people and families, other professionals and when making professional recommendations and when publicly stating opinions through testimony or other public statements.

- 4.4 *AFCs do not diagnose, treat or advise on problems outside the recognised boundaries of their competence.*
- 4.5 *AFCs recognise their personal limitations and seek appropriate professional assistance for personal difficulties that may impair work performance or clinical judgment.*
- 4.6 *AFCs do not engage in sexual or other harassment or exploitation of young people and families, students, trainees, supervisees, employees, colleagues, research subjects or actual or potential witnesses or complainants in investigations and ethical proceedings.*
- 4.7 *AFCs as teachers, supervisors and researchers are dedicated to high standards of scholarship and present accurate information.*
- 4.8 *AFCs make efforts to prevent the distortion or misuse of their clinical and research findings*
- 4.9 *AFCs participate in regular supervision of their work and preserve all aspects of their clients anonymity.*
- 4.10 *AFCs are in violation of this Code and subject to termination of membership or other appropriate action if they:-*
- 4.10 (i) *are found on investigation to have violated this code of ethics*
- 4.10 (ii) *are convicted of any felony*
- 4.10 (iii) *are convicted of a misdemeanor related to their qualifications or practice.*
- 4.10 (iv) *can no longer demonstrate their competence to practice. This may be due to physical or mental impairment or the abuse of alcohol or other substances*
- 4.10 (v) *fail to co-operate with the association at any point from the inception of an ethical complaint through to the completion of all proceedings regarding that complaint.*
- 4.10 (vi) *are expelled or disciplined by other professional organisation.*
- 4.11 *AFC's have a responsibility to ensure they read and understand this code of ethics.*

5. Responsibility to Employers and Employing Organisations

AFCs are expected to have clarified prior to employment that agency policies and practices will allow the application of the principles contained in this Code of Ethics.

5.1 As an employee of an organisation AFCs are expected to:

5.1(i) Identify in public statements or behaviour whether acting as an authorised spokesperson of the employer or in a private capacity.

5.1(ii) Be accountable to the employing organisation for the full discharge of duties – except where such contradicts this Code of Ethics.

6. Responsibility to Students, Supervisees and Employees.

AFCs do not exploit the trust and dependency of students, employees and supervisees. Adolescent & family counsellors, supervisors and trainers are obligated to foster and maintain recognised standards of competency, efficacy and ethical practice of their students and supervisees.

- 6.1 AFCs are aware of their influential position with respect to students, employees and supervisees. They do not exploit the trust and dependency of such persons and avoid dual relationships that could impair professional judgement.*
- 6.2 Provision of therapy to students, employees or supervisees is prohibited.*
- 6.3 Sexual intimacy with students or supervisees is prohibited.*
- 6.4 AFCs inform young people and families of the status of student therapists and obtain their consent to such services.*

7. Responsibility to the Profession.

AFCs respect the rights and responsibilities of professional colleagues and participate in activities which advance the goals of the profession.

- 7.1 AFCs acknowledge the primacy of this code of ethics.*
- 7.2 AFCs remain accountable to the standards of the profession when acting as members or employees of organisations.*
- 7.3 AFCs utilise supervision and consultation during their practice lifetime as a means to further develop their practice competency and efficacy*
- 7.4 AFCs ensure that their occupational health and safety is recognised by employers.*
- 7.5 AFCs assign publication credit to those who have contributed to a publication in proportion to their contribution and in accordance with customary professional publication practices.*
- 7.6 AFCs who are the authors of books or other materials that are published or distributed cite persons to whom credit for original ideas is due.*
- 7.7 AFCs who are the authors of books or other materials published or distributed by an organisation take reasonable precautions to ensure that the organisation promotes and advertises the materials accurately and factually.*
- 7.8 AFCs participate in activities that contribute to a better community and society.*
- 7.9 AFCs take action against unethical conduct by their colleagues. They firstly approach their colleagues and if unresolved refer to the appropriate professional bodies.*

8. Advertising

AFCs engage in appropriate informational activities including those that enable members of the public to choose professional services on an informed basis.

- 8.1 AFCs accurately represent their competence, education, training and experience relevant to their practice of family therapy*

9. Complaints Procedure on Ethical Conduct.

9.1 The information leading a member to consider invoking this Code may come from a variety of sources such as, but not restricted to:-

9.1 (i) A consumer of AFCA services who might approach an executive member, asking for advice or information on procedures for redress of what they perceive as unprofessional conduct or unethical behaviour by an Association member.

9.1(ii) A member of some other professional body who may express concern about interdisciplinary ethics or practice involving an Association member.

9.1(iii) A member who may personally observe, or otherwise become aware of, behaviour by a member which appears to contravene some sections of the Code.

9.1(iv) A member who may be required by an employer to perform professional duties or to handle data in a way which could contravene the Code.

9.2 Action required by a Member

In circumstances where a member has factual knowledge of, or reasonable grounds for believing that, a provision of the Code has been, or is being violated, at least one of the following steps is the responsibility of the member who has such knowledge or grounds for belief.

9.2 (i) Contact a member of the A.F.C.A. Committee for advice on applying the Code and what action by a member may be appropriate

9.2 (ii) Approach the member concerned in a friendly and helpful way, drawing attention to the actions thought to be in breach and quoting the section of the Code which would apply. However, should it be deemed inappropriate to approach the member directly, or if the approach proves ineffective, then steps 2.1 and/or 2.3 should be taken. If when contacted, the member admits to behaviour which contravenes the Code, expresses regret and agrees to cease such violation, the matter may still be serious enough to warrant reporting it in writing to the A.F.C.A. Committee.

9.2 (iii) Draw the matter to the attention of the A.F.C.A. Committee in writing.

9.3 Assisting a member of the public.

9.3 (i) Advise the complainant to confirm through the Association that the counsellor whose conduct is in question is a member of AFCA

9.3 (ii) If confirmed, advise the complainant to convey the complaint in writing directly to the Chairperson of AFCA

9.4 Co-operation in Processing Complaints.

When an enquiry is instituted by the association following an allegation of a breach of this code:

9.4 (i) Any member whose conduct is in question following an allegation, is required to co-operate fully with the enquiry.

9.4 (ii) Members are required to respond constructively and sensitively to other members who may contact them regarding violations of the Code of Ethics.

9.4(iii) *It should be recognised that it is in the interests of individual members and of the Association that any complaints be dealt with promptly.*

10 Resolution of Internal Disputes:

Disputes between members (in their capacity as members) of the Association and disputes between members and the Association are to be referred to a Community Justice Centre for mediation in accordance with the Community Justice Centres Act 1983.

11. Suspension/Disciplining of Members:

11.1 *AFC's are subject to termination of membership or other appropriate disciplinary action if they:*

11.1 (i) *are found on investigation to have violated this Code of Ethics*

11.1 (ii) *are convicted of any felony*

11.1 (iii) *are convicted of a misdemeanor related to their qualifications or functions.*

11.1 (iv) *can no longer demonstrate their competence to practice family therapy. This may be due to physical, social or mental impairment or the abuse of alcohol or other substances.*

11.1 (v) *fail to co-operate with the Association at any point from the inception of an ethical complaint through to the completion of all proceedings regarding that complaint.*

11.1 *Where the Executive Committee is of the opinion that a member of the Association:*

11.2 (i) *has persistently refused or neglected to comply with these Rules and/or the policy and procedures of the Association or*

11.2 (ii) *has persistently and willfully acted in a manner prejudicial to the interests of the Association, the Executive Committee may, by resolution institute formal disciplinary procedures.*

11.3 *Where the Executive Committee institutes formal disciplinary procedures, the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member:*

11.3 (i) *setting out the resolution of the Executive Committee and the grounds on which it is based:*

(ii) *stating that the member may address the Executive Committee at a meeting not earlier than twenty-one(21) days and not later than twenty-eight (28) days after the service of the notice; and*

(iii) *stating the date, place and time of the meeting; and*

(iv) *informing the member that the member may do all or any of the following:*

a) *Attend and speak at the meeting;*

b) *Submit to the Executive Committee, three (3) working days prior to the date of that meeting, written representations relating to the resolution,*

c) *The member/s in question may attend the meeting in the company of one support person of their choice.*

11.4 *At a meeting of the Executive Committee held as referred in clause (iv)(b) above, the Executive Committee shall:*

11.4 (i) *Give the member an opportunity to make oral representations*

- 11.4(ii) Give due consideration to any representation submitted to the Executive Committee by the member prior to the meeting and
- 11.4 (iii) At that meeting or within seven(7) days of the meeting confirm or revoke disciplinary action of the Executive Committee that may include any of the following at the discretion of the Executive Committee:
- a) censure member
 - b) suspend the member from membership for a specified period and/or
 - c) Expel the member from the Association
- 11.5 Where the Executive Committee makes a resolution under clause (c)above, the Secretary shall, within seven (7) days after the making of the resolution, by notice in writing, inform the member of the fact and of the member's right to appeal under Clause 12
- 11.6 A resolution made by the Executive Committee under clause (c) does not take effect
- 11.6 (i) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right to appeal within the set period as set forth in Clause 12 (a) or
- 11.6 (ii) Where the member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with Clause 12 (d)
- 11.7 Upon conviction of any offence a person shall cease to be a member of the Association

12. Right of Appeal of Disciplined Members:

- 12.1 A member may appeal to the Association in a Special General Meeting against a resolution of the Executive Committee which is made under clause 11.4, within seven (7) days after notice of the resolution is served on the member by lodging of a notice with the Secretary to that effect.
- 12.2 Upon receipt of a notice from a member under clause 12.1, the Secretary will notify the Executive Committee, which shall convene a Special General meeting of the Association to be held within twenty-eight (28) days after the date on which the Secretary received the notice.
- 12.2 (i) In the notification of the Special General Meeting it will be made clear to all members of the Association that all relevant documentation from both the Executive Committee and the appellant shall be available to the membership from seven (7) working days prior to the Special General Meeting.
- 12.2 (ii) All members of the Association can apply to view the relevant documentation in the seven (7) days preceding the Special General Meeting.
- 12.3 The Secretary, in discussion with the appellant, will then appoint, from the membership, an ex-officio Chairperson, Secretary and Returning Officer for the Special General Meeting. If there is no agreement as to who shall fulfil these roles at the Special General Meeting then these will be elected at the meeting as the first business.
- 12.3 (i) The ex-officio Chairperson will be responsible for the running of the Special General Meeting.
- 12.3 (ii) The ex-officio Secretary will be responsible for taking minutes of the Special General Meeting. At the completion of the process, minutes will be handed to the Secretary for storage in a special archive.
- 12.3 (iii) It will be the responsibility of the ex-officio Returning Officer to count the votes from the Special General Meeting and any proxy votes. Both the appellant member and the Executive Committee may appoint scrutineers to this process if they so desire.

12.4 At the Special General Meeting of the Association convened in accordance with clause 12.2 –

12.4 (i) no business other than the appeal shall be transacted;

12.4 (ii) The Executive Committee and the appellant member shall be given the opportunity to state their cases orally and/or in writing;

12.4 (iii) Both parties to the appeal seven (7) working days prior to the Special General Meeting must receive all written submissions;

12.4 (iv) All written submissions shall be available to the membership from seven (7) days prior to the Special General Meeting

12.5 The members present shall vote by secret ballot on the question of whether the resolution of the Executive Committee should be confirmed or revoked.

12.6 Where the Executive Committee resolve

- (1) Suspension of the member or*
- (2) Expulsion of the member*

Then confirmation of this resolution requires a two-thirds (2/3) majority of members voting at a properly constituted Special General Meeting.

12.7 The decision of the Special General Meeting confirming or revoking the resolution of the Executive Committee will be final.

12.7 (i) It will be the task of the ex-officio Secretary to convey, in writing, the resolution of the membership at the Special General Meeting to both the appellant member and the Executive Committee within seven (7) working days of the completion of the counting of votes.

12.7 (ii) It will be the task of the Executive Committee Secretary to inform the membership as to whether the resolution of the Executive Committee was confirmed or rejected.

AFCA Code of Ethics as amended by AFCA Executive Meeting March 5th 2009