



Psychotherapy & Counselling
Federation of Australia

Code of Good Governance

The Ethical Framework for Best practice in governance of PACFA member associations

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1. Introduction

The Psychotherapy and Counselling Federation of Australia (PACFA) is a unique organisation in Australia. It is the one organisation that seeks to unite under its umbrella a diverse group of Member Associations (MAs) which have in common their contribution to the art and science of Counselling and psychotherapy, through their members delivering these services directly, or by their contribution to the development and furtherance of professional practice via supervision, training, research and other related clinical practice.

This document sets out the ethical framework for the clinical and management governance of member associations. In so doing it also covers the ethical governance practices and requirements of PACFA itself and its officers. It unifies and replaces all the earlier PACFA codes for Member Associations. It is intended to inform the practice of each Member Association of PACFA. It is expected that Member Associations have ethical codes/guidelines of their own, and that these embrace the principles and procedures of the PACFA document.

In many instances, issues arise that can be viewed and/or challenged from both legal and ethical standpoints. Member Associations are required to view these guidelines in light of relevant state and federal legislation, and to seek competent, qualified advice as to which provisions may prevail in any given instance.

The British Association of Counselling and Psychotherapy (BACP) has given PACFA approval (2009) for using its code as a foundation for the development for the revised PACFA ethical guidelines.¹

2. Ethical principles for operation of PACFA and its Member Associations

PACFA is a federation of Member Associations. Thus it has a role in determining the principles of ethical organisational conduct. Although individuals are often responsible for action, organisations also have a role in fostering ethical practices and conduct through their structures, procedures, guidelines and regulation of members.

2.1 Values and principles of PACFA and its Member Associations

PACFA and Member Associations, through their structures, processes, leaders and mechanisms, demonstrate a culture in which the following values and principles can thrive:

¹ **Acknowledgement:**

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- A. Respect for the essential humanity, worth and dignity of all people;
- B. Honouring the trust placed in them by their members and protecting the integrity of that relationship;
- C. Recognition of and respect for the cultural, religious and sexual diversity among people and opposing discrimination, oppressive and other unjust behaviour; ensuring the responsibility of their members to familiarise themselves with the restrictions and demands of a particular client's cultural, sexual or religious background;
- D. Respecting the privacy of their members and preserving the confidentiality of information acquired in the course of their work;
- E. Protection of the rights of, and promotion of the responsibilities of their members.
- F. Competence and good governance;
- G. Abiding by the laws of the society in which they are constituted.

2.2 Ethical Responsibilities of PACFA and its Member Associations

2.2.1 Responsibilities to members

PACFA and Member Associations, through their structures, processes, leaders and mechanisms, demonstrate a culture in which the following responsibilities are enacted:

A. PACFA and Member Associations take all reasonable steps to avoid harm to their members and actively protect the integrity of their relationship with their members.

B. PACFA and Member Associations set and maintain professional structures and boundaries within the organization.

C. PACFA and Member Associations faced with situations which exceed the boundary of their competence, experience or the internal resources available seek qualified professional advice or assistance. Member Associations who, through their small size or other limitations in personnel, cannot attend to all the requirements/processes in managing a professional organisation, will seek partnerships or co-opt specialised individuals to ensure compliance with core tasks of operation.

D. PACFA and Member Associations ensure that an effective complaints mechanism exists to attend to complaints against members or against the Association. "Members" are defined as those who were paid members at the time of the service provided and/or the complaint lodged.

E. In the event of harm resulting from organizational management or processes, PACFA and Member Associations take responsibility for acknowledgment and reparation/restitution.

F. PACFA and Member Associations ensure that their Members have Professional Indemnity Insurance as part of the process of protecting members from harm by allowing for restitution.

G. PACFA and Member Associations promote members' autonomy by informing them with regard to their membership process and encourage members to make responsible decisions on their own behalf.

H. PACFA and Member Associations have clear and transparent guidelines regarding conflicts of interest in relation to members. Any member in a hierarchical position such as trainer, supervisor, committee member and/or mentor will exclude themselves from other dual relationships in matters where the member could be disadvantaged or where objectivity cannot be provided. Such disadvantage could include decisions about membership status, marking/assessing members' work, taking part in complaints processes against members, or promotion of members' work.

I. PACFA and Member Associations have transparent processes for the election and departure of office bearers. Office bearers should be appropriately qualified to hold the positions of leadership and management.

J. PACFA and Member Association's practices and processes provide due attention to the social context of their members and their connections to others who are also members of Member Association.

K. PACFA and Member Associations will support members in their work, including professional development, best practice, research and other benchmarking standards of practice.

2.2.2 Exploitation

A. PACFA and Member Associations will not develop and maintain a culture which exploits its members, past or present, in financial, sexual, emotional or any other way. Organisational processes including complaints mechanisms clearly reinforce that such practices are unacceptable.

B. PACFA and Member Associations will not accept or offer payments for privileges, or engage in any financial transactions, which are unlawful or against the articles of the Association.

2.2.3 Confidentiality

A. PACFA and Member Associations treat in confidence any personal information about members, whether obtained directly or indirectly. This applies to all verbal, written, recorded or computer stored material pertaining to the professional and membership context. All records, whether in written or any other form, need to be protected with the strictest of confidence.

B. PACFA and Member Associations protect members' rights to privacy and confidentiality.

C. Exceptional circumstances may arise which give the PACFA Member Association reasonable grounds for believing that the registrant/member may cause serious physical or other harm to others or themselves. In such circumstances, the breaking of confidentiality may be required, preferably with the registrant's/member's permission, or after consultation with an appropriately qualified person(s).

D. Any breaking of confidentiality should be minimized both by restricting the information conveyed to that which is pertinent to the immediate situation and by limiting it to those persons who can provide the help required by the member.

E. Member/Registrant confidentiality continues after the member's death unless there are overriding legal considerations.

F. Special care is required when using specific situations for reports and publication. The author must have the member's informed consent should there be any possibility of identification of the member.

2.2.4 Contracts

A. PACFA/Member Associations' activities are to be undertaken only with professional intent and not casually and/or in extra professional or personal relationships.

B. Contracts involving the members should be realistic and clear.

C. When a member/registrant is incapable of giving informed consent, Member Associations obtain consent from a legally authorised person.

D. PACFA and Member Associations publish accurate information about the nature of the service offered, qualifications and experience of members.

E. PACFA and Member Associations communicate the terms on which membership/registration is offered.

F. PACFA and Member Associations will disclose any conflict of interest which may arise in relation to a member and will seek assistance to resolve the situation.

2.2.5 Responsibility for PACFA and Member Association Effectiveness and Functioning

A. PACFA/Member Associations have a responsibility to maintain their own effectiveness, and their ability to support and develop members in their professional work.

B. PACFA/Member Associations need to monitor their organizational functioning, and seek help or suspend services when their resources are sufficiently depleted to require this.

C. PACFA/Member Associations regularly evaluate their organizational skills, performance and provide accountability for organizational practice.

D. PACFA/Member Associations, through their office bearers, members and community contacts, have an obligation to keep abreast of the current legal, quality and compliance requirements in delivering and supporting professional services. They also have a role in leading excellence in education and development of members through reference to research and best practice and other benchmarking standards in service delivery.

2.2.6 Responsibilities to other Member Associations and the Professions of Counselling and Psychotherapy.

A. Member Associations do not conduct themselves in ways which undermine public confidence in their operation, the services of their members or the professions of Counselling and Psychotherapy as a whole. MAs do not undermine the work of other associations established to provide services to Counselling and Psychotherapy professionals.

B. As members of PACFA, Member Associations are bound by the constitution and codified requirements enshrined in that membership. Member Associations are therefore aware that non-compliance with the PACFA Constitution may result in termination of their PACFA membership.

C. Member Associations who suspect misconduct by another Member Association which cannot be resolved or remedied after discussion with the Member Association concerned, should approach the appropriate professional body in their field of work.

D. Member Associations do not solicit the members of other Member Associations.

E. Member Associations respect the right of members to belong to more than one professional association.

2.2.7 Responsibilities to the Wider Community

A. PACFA and Member Associations work within the law.

B. PACFA and Member Associations take all reasonable steps to be aware of current legislation and regulations effecting their profession, their members and their work practices.

C. PACFA Member Associations are committed to protecting the public against unlawful or unethical conduct by members/registrants.

D. PACFA and Member Associations include a community representative in complaints, appeals and review processes wherever possible. Board membership is fostered to reflect its community and constituents.

2.3 Complaints and Appeals Framework

A. Each Member Association is responsible for receiving, investigating and hearing complaints regarding the conduct of its Members. PACFA is responsible for receiving, investigating and hearing complaints regarding the conduct of its Member Associations and registrants.

B. PACFA and each member association has a procedure to be followed in the event of a complaint of unethical conduct against a member.

C. Disciplinary procedures must include the possibility that a Member/registrant can be debarred from membership. This would automatically lead to the removal of the Member/registrant from any register for which approved organizational membership is required.

D. PACFA and each member association must have an appeals mechanism including a relevant person from outside the Counselling profession.

E. Notification of the suspension or expulsion of a member from the association must be given to all other associations on whose register the person is listed.

F. The role of the PACFA ethics committee in hearing complaints and/or appeals must be documented in the complaints and appeals procedures of the Member Association. PACFA may also have a role in assisting and supporting the process of resolution of complaints against practitioners who are Members of Member Associations.

G. The role of PACFA Ethics committee in an appeal is to establish that a just and procedurally correct investigation was made by the Member Association, that it was done in accordance with the Member Association's complaints and appeals process and carried out in an ethical manner.

H. PACFA Ethics committee does not accept appeals against the decision of Member Association determinations except where there are grounds for complaint against the member Association in the fairness and due process of the conduct of the complaint.

3. Complaints Handling

Complaints and Appeals about the conduct and governance of PACFA Member Associations will be heard in accordance with the DRAFT Professional Conduct Procedures 2014.

Notes:

1. The document supersedes previous documents PACFA Ethical Framework; PACFA Code of Ethics for Member Associations.
2. This document should be read in conjunction with the PACFA Code of Ethics and the DRAFT Professional Conduct Procedures 2014