

Code Of Ethics

NSW Family Therapy Association



Contents

1	Introduction	1
1.1	Forward	1
	1.1.1 Intention of this Document	1
	1.1.2 Contents	1
1.2	Preamble	1
	1.2.1 Background to the NSW Family Therapy Association Inc.	1
	1.2.2 Development of the Code	1
	1.2.3 About this Code of Ethics	2
	1.2.4 The Code Binds all Members	2
1.3	Dealing with Breaches of the Codes of Ethics and Conduct	2
1.4	Explanation of Terms	2
2	Code of Ethics and Principles of Family Therapy Practice	4
2.1	Family Therapists Value and Respect Human Rights, the Autonomy of Individuals and Work for Social Justice	4
2.2	Family Therapists adopt a Systemic Approach	4
2.3	Family Therapists Promote the Welfare of Individuals and their Families	4
2.4	Family Therapists Avoid a Conflict of Interest	5
2.5	Family Therapists Respect the Confidentiality and Privacy of Clients and Families	5
2.6	Family Therapists Maintain High Standards of Professional Competence and Integrity	6
2.7	Family Therapists as Teachers, Supervisors and Researchers are Dedicated to High Standards of Scholarship through Education, Research and Training	7
3	Code of Conduct	9
3.1	Financial Arrangements	9
3.2	Advertising	9
	3.2.1 General Advertising	9
3.3	Complaints, Disciplinary and Appeals Procedures	10
	3.3.1 Interim Procedures	10
	3.3.2 Types of Complaints	10
	3.3.3 General Guidelines	11
	3.3.4 Verbal Complaints	11
	3.3.5 Written Complaints	11
	3.3.5.1 Procedures for initiating a formal written complaint	11
	3.3.5.2 Prior to the formal Complaints Proceedings	12
	3.3.5.3 The Conduct of the Complaints Review Proceedings	12
	3.3.5.4 Possible Action	13
	3.3.5.5 Other	13
	3.3.5.6 Appeal	14

1

Introduction

1.1.1 Foreword

1.1.1 *Intention of This Document*

The purpose of this Code of Ethics is to establish minimum standards of ethical practice for members of the NSW Family Therapy Association Inc (the Association) for the guidance of its members and the information and protection of those using their services.

1.1.2 *Contents*

This document contains the:

- Code of Ethics;
- Code of Practice; and
- Code of Conduct for financial arrangements and advertising of the NSW Family Therapy Association Inc

The table of contents identifies the various sections of this document. It has been designed so that significant sections can exist as stand alone documents. Some readers may want to read the whole document; others may only be interested in particular sections. Members of the Association may want to reproduce some or the entire document. For copyright or other information contact the Association Ethics Sub-Committee.

1.2 Preamble

1.2.1 *Background to the NSW Family Therapy Association Inc*

The NSW Family Therapy Association Inc is a voluntary non-profit organisation. It was founded in 1979 and incorporated in 1991. The organisation's aims are:

- To foster and advance clinical practice and theory formation in family therapy
- To establish and maintain standards for relevant training programs
- To encourage the highest standard of ethical practice amongst its members.

The Association achieves these aims by:

- ◆ Providing a focal point for professionals working in the field
- ◆ Maintaining minimum standards for membership and training
- ◆ Providing or facilitating training and opportunities for professional development
- ◆ Adhering to a Code of Ethics
- ◆ Stimulating appropriate research
- ◆ Promoting public awareness of relevant social issues

1.2.2 *Development of the Code*

This Code was developed by the Ethics Sub-Committee of the Association, in collaboration with the Executive Committee and the membership at large through consultation at local, state and national forums. Some elements of other parallel Codes of Ethics, namely the American Association for Marriage and Family Therapy (AAMFT, 1991), the Australian Association of Social Workers (AASW, 1994), the Australian Institute of Welfare and Community Workers (AIWCW, 1991), the Psychotherapy and Counselling Federation of Australia (PACFA, 1999), and the Victorian Association of Family Therapists Inc (VAFT, draft 1998), have been incorporated into this Code.

1.2.3 *About this Code of Ethics*

The Association is committed to ensuring the practice of family therapy in NSW meets the highest ethical standards. As part of that commitment this Code is a statement of ethical principles and standards of practice endorsed by the Association. It is an evolving document that is intended to reflect professional and community values about the practice of family therapy.

1.2.4 *The Code Binds all Members*

All members of the Association undertake to be accountable for their family therapy practice and to adhere to the Code of Ethics contained in this document.

Members of the Association are expected to take action against unethical conduct. They firstly approach their colleague/s and, if unresolved, refer to the appropriate professional bodies.

Possible breaches of this Code should be identified in writing to the Convenor of the Ethics Sub-Committee. Any member of the Association about whom a complaint has been made, has a right to respond to the matters raised in the complaint.

1.3 **Dealing with Breaches of the Codes of Ethics and Conduct**

As part of their commitment to ensuring the best possible practice of family therapy in NSW, all members of the Association undertake to co-operate with any investigation about possible breaches of this Code.

Detailed policy and procedures for handling complaints are available on request from the Convenor of the Association Ethics Sub-Committee. Possible breaches of this Code should be identified in writing to the convenor of the Ethics Sub-Committee. Complaints will be dealt with firstly by the Ethics Sub-Committee plus an appropriate member of the public. The Executive of the Management Committee will make final decisions.

Once the Ethics Sub-Committee has received notice of a complaint it must commence an investigation into the complaint within fourteen days. Once the Ethics Sub-Committee has commenced an investigation into a complaint, it must complete the investigation of the complaint. Any member of the Association about whom a complaint has been made has a right to respond to the matters raised in the complaint.

After the Ethics Sub-Committee has completed the investigation of the complaint, it must notify the complainant and the person about whom the complaint has been made about the results of the investigation and any proposed course of action it intends to take.

1.4 **Explanation of Terms**

For the purposes of this document some items are explained in detail below. These include everyday terms that may mean different things to different people (for example, "family"). These terms are described in detail to make sure the reader understands the way they are used for the purposes of this document.

Family

Family is the group with whom the Family Therapist is working. In this sense, the "family" is a group of particular individuals. Family Therapists acknowledge both traditional and non-traditional concepts of family. The traditional concept of family is a group of people living in a social kinship system that extends over at least three generations through birth, adoption and committed relationship. Non-traditional concepts of family include any social group that defines itself as a family.

Family Therapy

Family therapy is an approach based on theoretical models, which highlight relationship, context, process and meaning as useful foci for understanding and intervention within therapeutic practice.

Family Therapist

A Family Therapist is a professional who has been trained and qualified in family therapy. A Family Therapist demonstrates the values, knowledge and skills necessary to work with members of a family or other system to promote or restore their functioning in the community regardless of race, class, culture, gender, religion, sexual orientation, age or other individual differences. A Family Therapist is competent and has sufficient experience to work with a broad range of family types.

Supervisee

A supervisee is a student or Family Therapist undergoing supervision with an experienced supervisor in the clinical practice of family therapy, either to gain accreditation as a Family Therapist or as ongoing professional development.

Student

A student is a professional (for example, a social worker, guidance officer, psychologist, psychiatrist, nurse) who is undergoing training as a Family Therapist in a recognised training course. The student has a knowledge and skills base in the social and health sciences or equivalent qualifications, with previous training in basic helping skills. The student also has personal qualities that will enable him or her to facilitate a therapeutic relationship.

Conflict of Interest

A conflict of interest occurs when what is of benefit to one of the participants in a relationship reduces the benefit, or potentially reduces the benefit, to other participants in the relationship. Conflict of interest arises within families. It can also occur between clients, family members and the family interest. Family Therapists have an obligation to declare their interests at the beginning of any therapeutic relationship and to take positive steps to avoid conflict of interest.

Written Informed Consent

Written informed consent involves an explanation in writing and other communication as necessary that gives the person, from whom the consent is being obtained, an understanding about:

- What the consent is being obtained for
- What will happen as a result of the consent
- Who will have access to any information, document, videotape or audiotape released by the consent
- How information will be stored
- How long the consent is valid for
- What will happen to the information at the expiration of the consent

Written informed consent will only be obtained from someone with legal capacity. Where consent is sought from a minor, or adult without legal capacity, consent can only be given by a parent or guardian authorised to give consent on behalf of the person. A person giving informed consent has a right to withdraw consent at any time.

2 Code of Ethics and Principles of Family Therapy Practice

The Code is divided into sections. Each section starts with a broad statement about the philosophy and values of Family Therapists that underpin this Code. The rest of the section describes how the philosophy influences the practice of Family Therapists.

2.1 Family Therapists Value and Respect Human Rights, the Autonomy of Individuals and Work for Social Justice

- Family Therapists 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 and sexual orientation or contribution to society.
- Family Therapists provide sufficient information about the extent and nature of their service, fees and the potential benefits and risks of family therapy, so that clients and families can make informed decisions about participating in family therapy.
- Family Therapists respect the client's and family's right to make decisions. They empower clients and families to make these decisions and help them to understand the likely consequences. They provide advice based on their experience and expertise, they do not impose their own values on the client and family.

2.2 Family Therapists Adopt a Systemic Approach

Family Therapists consider individual behaviour, thought and emotion can be best understood in the context of a larger complex of patterned, dynamic relationships (including culture and gender) happening at a particular time and place. These patterns can be enduring. They may be maintained over time by the "system". This allows for some predictability. These patterns can also contribute to the development of longstanding human difficulties that need professional attention.

2.3 Family Therapists Promote the Welfare of Individuals and Their Families

- Family Therapists have a dual responsibility to work with individuals and their families. Family Therapists consider the needs, rights and welfare of each of the individuals and balance these with the benefits of family cohesion and integrity.
- Family Therapists acknowledge that, at times, there will be a conflict of interest between the competing needs of individuals within or between families. In these cases, regard for safety and welfare is always given priority.
- Family Therapists make explicit to the client any relevant conflicts of interest.
- Family Therapists strive to enhance an individual's development while minimising harm to that person or others.
- Family Therapists are guided by the principle of the individual's right to an environment that is the safest and least restrictive of choice, subject to the person's relevant developmental constraints or responsibilities.
- Family Therapists give primary consideration for the welfare of the most vulnerable or dependent individuals in the group – children, older persons or persons who have a disability.
- Family Therapists may appropriately refuse services to clients and families if such service is seen as harmful to any person.
- Family Therapists continue therapeutic relationships only so long as it is considered that clients and families are benefiting from that relationship.

- Family Therapists assist people to obtain other services if therapist is unable, for appropriate reasons, to provide professional help.
- Family Therapists do not abandon or neglect clients and families in therapy without making reasonable arrangements for the continuation of such therapy.

2.4 Family Therapists Avoid a Conflict of Interest

- Family Therapists are aware of their influential position with respect to clients and families. They avoid exploiting the trust and vulnerability of such persons.
- Family Therapists do not use their professional relationships with clients and families to further their own personal interests.
- Family Therapists avoid dual relationships with clients that go beyond therapeutic relationship. Examples of such dual relationships include, but are not limited to, business or close personal relationships with clients. When a dual relationship cannot be avoided, therapists take appropriate professional precautions to ensure that judgement is not impaired and no action is taken that can be to the advantage of therapist at the expense of a client.
- Family Therapists never engage in sexual intimacy with clients. This is not restricted to sexual intercourse and includes any form of physical contact which has as its purpose, some form of sexual gratification, or which may be reasonably construed as having that purpose.
- Family Therapists should consider that the deeper the involvement with clients' emotional lives during therapy, the less likely is the possibility of a subsequent equal relationship following termination of therapy. Family Therapists must seek professional supervision should any attempt to build a relationship with a former client be considered.

2.5 Family Therapists Respect the Confidentiality and Privacy of Clients and Families

- From the outset of therapy, Family Therapists communicate their policy of confidentiality to clients and families.
- Family Therapists obtain written informed consent from clients and families before videotaping, audio-recording, third party observation or professional consultation.
- Family Therapists take special precautions to protect the individual privacy and confidentiality of clients and each family member involved in therapeutic relationship.
- Family Therapists will not disclose client confidences except:
 - ◆ When compelled to by law in respect of abuse-related legislation. Where Family Therapists are not mandated by law to report child abuse, they should exercise duty of care.
 - ◆ When the confidence related to on-going child abuse.
 - ◆ To prevent a clear and immediate danger to a person or persons.
 - ◆ Where a Family Therapist is involved in a civil, criminal or disciplinary action arising from therapy (in which case, client confidences may be disclosed only in the course of that action)
 - ◆ With the written informed consent of the client and then only such information that is covered by the consent. Where more than one person in a family is involved in therapy,

written consent must be obtained from every adult family member and a parent or guardian on behalf of every child or family member who does not have legal capacity. Family Therapists will not disclose any confidences without the consent of all the family members involved in therapy.

- If a Family Therapist has permission or is compelled to disclose confidential information, any disclosure will be limited to the information described in the consent or related to the compulsion. Disclosure will be limited to only those persons with a need to know the information.
- Family Therapists use client and family clinical materials in teaching, writing and public presentations (including computer driven) only with written informed consent or when any information that could lead to the identification of the client or family has been deleted.
- Family Therapists and supervisors are responsible for protecting their clients' rights of confidentiality in the supervisory context by ensuring that shared information is disguised appropriately.
- Family Therapists keep accurate records of their work with clients and families. This applies to all verbal, written, recorded and computer stored material pertaining to therapeutic context.
- Family Therapists give clients and families access to family therapy records concerning them, except where access may breach the rights of another person.
- Family Therapists store or dispose of client and family records in accordance with relevant standards and protocols.
 - ◆ Agreements about confidentiality continue after the clients' death unless over-riding legal factors apply.

2.6 Family Therapists Maintain High Standards of Professional Competence and Integrity

- Family Therapists remain informed about, and critically reflect upon, new developments in family therapy theory, practice and research-based knowledge.
- Family Therapists demonstrate competence in their practice that is consistent with recognised standards of effectiveness.
- Family Therapists utilise supervision and consultation during their practice lifetime as a means to further develop their practice competency and efficacy, to monitor performance and provide accountability for practise.
- Family Therapists, because of their ability to influence the lives of others, exercise prudence and care when:
 - ◆ Working with clients, families and other professionals
 - ◆ Making professional recommendations
 - ◆ Publicly stating opinions through testimony or other public statements
- Family Therapists do not treat or advise about problems outside the recognised boundaries of their expertise.
- Family Therapists recognise their personal limitations and seek appropriate professional assistance for personal difficulties that may impair work performance or clinical judgement.
- Family Therapists participate in activities that contribute to a better community and society, including devoting a portion of their professional activity to services for which there is little or no financial return.

- Family Therapists are concerned with developing laws and regulations pertaining to family therapy that serve the public interest and with altering such laws and regulations that are not in the public interest.
- Family Therapists do not engage in conduct likely to bring their profession into disrepute. Conduct that is likely to bring the profession into disrepute includes, but is not limited to:
 - ◆ Being convicted of an indictable offence
 - ◆ Being found to have perpetrated fraud or misrepresentation relating to one's qualifications, functions, research activities, publications or authorship
 - ◆ Being expelled from, or disciplined by, other professional organisations
 - ◆ Having one's registration suspended or revoked or being otherwise disciplined by regulatory bodies
 - ◆ Being unable to demonstrate competence to practice family therapy.
 - ◆ Harassing, exploiting or threatening clients, students, trainees, supervisees, employees, colleagues or research participants
 - ◆ Failing 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

2.7 Family Therapists as Teachers, Supervisors and Researchers are Dedicated to High Standards of Scholarship through Education, Research and Training

- Family Therapists present accurate information.
- Family Therapists make efforts to prevent the distortion or misuse of their clinical and research findings.
- Family Therapists do not permit students, employees or supervisees to perform or hold themselves out as competent to perform professional services beyond their training, level of experience and competence.
- Family Therapists inform clients and families of the status of student therapists and obtain their consent to such services.
- Family Therapists ensure that individuals participating in family therapy training and supervision observe confidentiality and this Code.
- Family Therapists involved in research respect the dignity and protect the welfare of participants in research, whether they are clients, families, students, supervisees or employees. Family Therapists are required to be familiar with Federal and State laws and regulations and comply with professional standards governing the conduct of research.
- Family Therapists do not engage in research that has not been evaluated and approved by an independent Ethics Sub-Committee.
- Family Therapists inform potential participants in research of all aspects of the research that might reasonably be expected to influence a willingness to participate. Investigators take steps to ensure consent is voluntary and informed when participants are also receiving clinical services, have impairments which limit understanding and/or communication, or when participants are children.
- Family Therapists involved in research declare to potential participants any benefit that may accrue to therapist and may give rise to a conflict of interest in the outcome of the research.

- Family Therapists respect participants' freedom to decline participation in, or to withdraw from, a research study at any time.
- Information obtained about a research participant during the course of an investigation is confidential unless the person has given written informed consent.

Code of Conduct

3.1 Financial Arrangements

- Family Therapists make financial arrangements with clients, families, supervisees and third party payers that may be subject to scrutiny by all involved parties and conform to this Code of Ethics and principles of practice.
- Family Therapists do not offer or accept payment for referrals.
- Family Therapists do not charge excessive fees for services.
- Family Therapists, when setting fees, give consideration to the client's and family's ability to pay.
- Family Therapists disclose their fees to clients, families and supervisees at the commencement of services.
- Family Therapists represent facts truthfully to clients, families, third party payers and supervisees regarding services rendered.

3.2 Advertising

Family Therapists engage in appropriate promotional activities, including those that enable members of the public to choose professional services on an informed basis.

3.2.1 General Advertising

- Family Therapists accurately represent their competence, education, training and experience relevant to their practice of family therapy.
- Family Therapists ensure that advertisements and publications in any media (such as directories, announcements, business cards, newspapers, radio, television, facsimiles and digital technology) convey information that is necessary for the public to make an appropriate selection of professional services. Information should include:
 - ◆ Office information, such as name, address, telephone number, credit card acceptability, fees, language spoken and office hours.
 - ◆ Appropriate degrees, state registrations.
 - ◆ Description of practice.
- Family Therapists do not use a name which could mislead the public concerning the identity, responsibility, source and status of those practising under that name and do not hold themselves out as being partners or associates of a firm if they are not.
- Family Therapists do not use any professional identification (such as a business card, office sign, letterhead or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading or deceptive. A statement is false, fraudulent, misleading or deceptive if it:
 - ◆ Contains a material misrepresentation of fact
 - ◆ Fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading
 - ◆ Is intended to, or is likely to, create an unjustified expectation
- Family Therapists correct, wherever possible, false, misleading or inaccurate information and representations made by others concerning therapist's qualifications, services or products.
- Family Therapists make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading or deceptive.

3.3 Complaints, Disciplinary and Appeals Procedures

3.3.1 Interim Procedures

The following procedure will be used for a trial period of 1 year.

The NSW Family Therapy Association has a Code of Ethics (hereafter called the Code) which is a set of guidelines that establish for the Association's members the common values and practices acceptable in the provision of family therapy.

The Complaints, Disciplinary and Appeals Procedures (hereafter called procedures) outline how individuals can act on presumed breaches of those ethics and the means by which the Association will conduct a complaints process in the event of a complaint being lodged. It also outlines the disciplinary powers available to the Association and the procedures for the right to appeal.

In accepting membership of the Association, members are acknowledging their professional responsibility to work within the terms of the Code and the associated procedures. Where professional conduct is subject to a complaint and/or appears to be in variance with the Code and the procedures, the member will be responsible for demonstrating that their conduct was not unethical.

A member who is subject to a complaint will not be considered to have breached the Code until the Ethics Sub-Committee (hereafter called the Committee) is satisfied that the complaints are proven. Members who are the subject of complaint will be given full opportunity to address these complaints within the procedures laid down. The right to appeal decisions and resolutions made about their ethical conduct will be respected and provision made available.

In terms of the Complaints and Appeals procedures, the Committee and all other members involved are bound to conduct themselves in accordance with the principles and practices of the Association's Code. The Committee is responsible for conducting proceedings in a fair and neutral manner and will act to deter conduct that is not consistent with an individual's rights and personal and professional dignity.

the Association is responsible for responding promptly and professionally to complaints. Members, respondents and complainants have the right to expect that the Association will aim to resolve complaints according to the Code and Procedure within 6 months of the initial complaint notification. Failure or inordinate delay by the Association in responding to an alleged breach of Ethics is in itself a serious ethical breach.

3.3.2 Types of Complaints

Complaints generally can be either written or verbal in nature.

However, only written complaints to the Committee can form the basis for instituting a formal complaint process within the Association.

Verbal complaints are legitimate expressions of opinion and criticism but alone cannot form the substance or basis for the formal complaints process as outlined below.

Complaints may be:

- From a member of the Association
- From a client of one of our members or from a member of the public
- From another Association or Public Body

3.3.3 *General Guidelines*

- Family Therapists may find themselves in situations where peers and members of the public will raise professional issues directly and indirectly. If a member of the Association is approached by a client of another practitioner, another professional body or member of the public, s/he needs to exercise caution in discussing the substance of the complaint and should inform the complainant of the Complaints Procedures of the Association. S/he should advise the complainant to communicate directly with the Secretary of the Association. This may prevent the member from becoming a third party in the complaints procedure.
- Members who make complaints about other professionals either as a result of direct experience or on behalf of another party should be encouraged first to approach the individuals concerned in the complaint. It is advised that a member who wishes to undertake this course of action first seeks advice from his/her supervisor and approaches the matter in a relatively formal manner (see 4 below).
- As a general rule, members of the Association are bound to act to protect the standing of the profession, which includes acting upon issues that appear to involve a breach of Ethical standards by other members of the profession. The Code specifically expects members to do so.
- Members can, on their own or on behalf of a complainant or member of the public, informally approach a member whose conduct is in question.
 - ◆ They can draw the member's attention to the complaint and the grounds for considering that there may be a breach of Ethics. It is advisable that the member makes a formal record of the meeting and provides a copy of this to the person whose conduct is in question.
 - ◆ If the matter does not appear to be resolved by this informal approach and it appears that a breach of the Code has occurred, then the member can approach the Committee to institute a formal complaints process.
 - ◆ If, in the informal contact between the member and the person whose conduct is in question, the latter acknowledges the complaint and agrees to cease the conduct, the member may still regard the conduct as serious enough to refer to the Committee.
 - ◆ A member who is contacted by another member as in the points above, is responsible for responding professionally and constructively to the contact and ensuing communications with the member.

3.3.4 *Verbal Complaints*

- The complaint should be heard and acknowledged and the complainant advised of the Code in respect to breaches of ethical standards.
- The complainant will be invited to place their complaint in writing to the Committee.
- If the complainant chooses to put it in writing, the written complaints procedure will follow.

3.3.5 *Written Complaints*

3.3.5.1 *Procedures for initiating a formal written complaint*

- Written complaints can be written directly to the Secretary of the Association or through a member of the Executive who then directs the complaint to the Secretary.
- The Secretary will refer the complaint to the President of the Association and to the Convenor of the Ethics Sub-Committee (see 1.3).

- A letter acknowledging receipt of the complaint and the general process to be undertaken will be sent by the Secretary to the complainant and to the subject of the complaint. A copy of all correspondence with the complainant is to be sent to the President.
- Formal complaints are not to be responded to or discussed except within the procedures outlined in the following and through the proper channels of the Committee.
- The Convenor will chair the Committee to decide whether the complaint has sufficient substance to warrant investigation, in accordance with the Association Code of Ethics.
- If the complaint is considered to entail a breach of ethics, the Committee will designate a representative who will contact the complainant for an interview. This contact will be followed up by a formal letter from the Committee to the complainant.
- The Committee Representative will, on the conclusion of his/her meeting with the complainant, present a written report of the meeting to the complainant and the Committee.
- On consideration of the report of the interview between the representative of the Committee and the complainant, the Committee may decide that the complaint does not constitute a breach of Ethics and through its Chair will write to the complainant outlining its response and reasons. The Chair may also refer a response to a member of the Executive if the matter can be more satisfactorily responded to by this member. A copy of the Committee's responses and actions will be sent to the President.
- On consideration of a report on the interview with the complainant, if the Committee considers there is a case to answer, it will:

3.3.5.2 Prior to the Formal Complaints Proceedings

- Set a date for a Complaints Review proceedings by the Committee
- Notify the complainant and the member at whom the complaint is directed (hereafter called the 'respondent') of the date for the Complaints Review proceedings and of the respondent's opportunity to present a case in response to the complaint.
- Include in the written notification to the respondent, details of the complaint, any other documentation and a summary of the Committee's interview of the complainant and basis for undertaking a full review of the complaint.
- Notify the complainant that they are required to submit to the Committee 21 days before the actual Complaints Review proceedings, copies of evidence and/or statements outlining the basis for the complaint.
- The Committee will send copies of the materials to the complainant and respondents, 14 days before the Complaints Review proceedings.
- The Committee can arrange for expert legal or otherwise advice on matters arising from the complaint and the review proceedings and has the right to act on the advice given.
- If an Executive Member and/or Committee member is the respondent to the complaint, they are automatically excluded from any official part in the Complaints and Review procedures, and the other Executive and/or Committee members may require her/him to step aside.

3.3.5.3 The Conduct of the Complaints Review Proceedings

- The review proceedings will be conducted fairly and in accordance with the tenets of natural justice and evidence giving.

- The complainant and the respondent are entitled to include in the review proceedings, at their own expense and on informing the Committee of their intention to do so:
 - ◆ Legal or other representation
 - ◆ Witnesses and evidence to the Committee
 - ◆ An individual who can act as a non-participating consultant and note-taker
 - ◆ The right of reply to witnesses and evidence
 - ◆ At the end of the review proceedings to make final representations to the Committee
- The conduct of the complaints and review proceedings will be determined by the Committee
- Minutes and documentation of the review proceedings will be scribed.

3.3.5.4 Possible Action

If the Committee finds that the complaint has been justified and that a breach of the Code has occurred it can resolve upon one or more of the following actions:

- ◆ Suspend the membership of the respondent for a stipulated time. At the conclusion of the suspension period, the Committee may request that the respondent undertakes and shows proof of supervision and/or further training the Committee sees as appropriate. The Committee has the right in these circumstances to appoint a supervisor and nominate a training course(s), the cost of which will be borne by the respondent. The Committee reserves the right not to renew the membership of the respondent at the end of the suspension period. In its review, the Committee needs to be satisfied that the subject of complaint and breach of Ethics has been successfully resolved in the respondent's practice and understanding.
- ◆ Retain the respondent's membership and request that s/he undertake and show proof of supervision and/or further training as the Committee sees as appropriate. The Committee has the right in these circumstances to appoint a supervisor and/or training course(s) the cost of which will be borne by the respondent. The Committee reserves the right not to renew the membership of the respondent who is the subject of supervision and/or training. In its review, the Committee needs to be satisfied that the subject of complaint and breach of Ethics has been successfully resolved in the respondent's practice and understanding.
- ◆ Expel the respondent from the Association.
- ◆ Not accept application for membership to the Association.
- ◆ Issue a warning to the respondent in a manner the Committee considers appropriate.
- In the event of expulsion of a member, the Committee will notify PACFA and meet other ethical and legal obligations.

3.3.5.5 Other

- In all cases, the Committee will negotiate with the respondent about, but ultimately determine, the length of a suspension and supervision and/or training period.
- The Committee will without delay inform the complainant and the respondent in writing of its decision.
- The complainant and/or respondent have 21 days to request an Appeal to the disciplinary decision(s) of the Committee

3.3.5.6 Appeal

- The Committee will set a date as soon as practical for an Appeal process to be heard.
- The Committee will designate: a person, external to the Association and the Association profession; the Convenor of the Ethics Committee or his/her nominee; and a non-member who is a member of a peer professional body or association, to hear and adjudicate the appeal.
- At the Appeal proceedings, the complainant and/or respondent may present a written or verbal response to the disciplinary decision. The respondent may undertake this personally or through a representative.
- The Committee will receive a report from the panel designated to hear the Appeal and take action as follows:
 - ◆ Overturn the original decision
 - ◆ Determine reduced disciplinary action
 - ◆ Determine expanded disciplinary action
 - ◆ Any other ruling within its discretion, or combination of above or from actions under disciplinary procedures. (Disciplinary Procedures No 3.3)
- Regardless of the right of a person to appeal, the disciplinary actions initially issued by the Committee are to be upheld until the conclusion of the Appeals process.
- The Committee will relay to the respondent and complainant in writing, within 7 days, the decision taken as a result of the Appeals process.
- In the event of expulsion of a member, the Committee undertakes to inform PACFA and others notified under Ethical and Legal obligations, of the results of the appeals process.

In the preparation of this document we gratefully acknowledge the permission of the Queensland Association for Family Therapy (QAFT) and the Counsellors and Psychotherapists' Association of NSW (CAPA) to borrow heavily from some of their documentation.