ACA | AUSTRALIAN COUNSELLING ASSOCIATION

Code Of Ethics and Practice

Version 16

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1.0 Preamble

(a) The Australian Counselling Association (the ACA) has been established to:

i) To provide an industry-based Association for persons engaged in counsellor education and practice;
ii) To monitor, maintain, set, and improve professional standards in counsellor education and practice;
iii) To be a self-regulatory body to provide for registration of members and to provide a mechanism for dealing with complaints about members;
iv) To liaise with Government for the benefit of members and the public.

(b) Membership of the ACA (Inc) commits members to adhere to the ACA (Inc) Code of Ethics and Practice. The Code of Ethics and Practice 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.

(c) The Code of Ethics and Practice is intended to provide standards of professional conduct that can be applied by the ACA (Inc) and by other bodies in Australia, that choose to adopt them. Depending upon the circumstances, compliance or non-compliance with the Code of Ethics and Practice may be admissible in some legal proceedings.

2.0 Definitions

(a) ***The Association*** means the ACA (Inc).

(b) ***Associated Party*** refers to any individual or organisation other than the client/s, with whom the Counsellor interacts, in the course of rendering a counselling service. This is inclusive of but not limited to:

i. clients' relatives, friends, employees, employers, carers, and guardians;
ii. other professionals or experts;
iii. Representative(s) from communities or organisations.

(c) ***Client*** means a party or parties to a counselling service involving counselling, supervising, teaching, research, and professional practice in counselling. Clients may be individuals, couples, families, groups of people, organisations, communities, facilitators, sponsors, or those commissioning or paying for professional activity.

(d) ***Code*** refers to this Code of Ethics and Practice.

(e) ***Counsellor*** refers to anyone delivering what a reasonable person would assume to be a counselling service (see below).

(f) ***Counselling Service*** means any service provided by a Counsellor to a client including but not limited to:

i. Counselling activities;
ii. Professional activities;
iii. Professional practice;
iv. Research practice;
v. Supervision;
vi. Teaching.

(g) ***Guidelines*** refer to these guidelines, any others issued from time to time by the ACA (Inc), the ACA (Inc) Code of Conduct, the ACA (Inc) Complaints Policy and Procedural Guidelines, all ACA policies and procedural documents, and/or ACA (Inc) Scope of Practice.

(h) ***Legal Rights*** refer to those client rights protected under laws and statutes of the Commonwealth, State, or Territory in which the Counsellor provides counselling services.

(i) ***Member(s)*** means all those covered by the ACA (Inc) Code of Conduct.

(j) ***Moral Rights*** refer to the universal human rights, as defined by the United Nations Universal declaration of Human Rights, that may or may not be protected by existing federal, State, or Territory laws.

(k) ***Multiple Relationships*** occur when a counsellor, while providing a counselling service, also has been or is:

i. In a non-professional relationship (sexual or otherwise) with the same client;

ii. In a different professional relationship with the same client;

iii. In a non-professional relationship with an associated party;

iv. A recipient of a service by the same client.

(l) ***Practice*** refers to any act or omission by a Counsellor:

i. That another may reasonably consider to be part of a counselling service;

ii. That, outside of that service, casts doubt upon their ability and competence to practice as a Counsellor;

iii. That, outside of their practice of counselling, harms public trust in the discipline, the Association, or the profession of counselling;

iv. In their capacity as members of the Association

(m) ***A Professional Relationship*** means the relationship between a Counsellor and a client to whom said Counsellor is delivering a counselling service.

3.0 Code of Ethics

(a) The helping relationship constitutes the effective and appropriate use of a helper's skills that are for the benefit and safety of the client in his or her circumstances. Therefore, as members of the Australian Counselling Association, (regardless of level), we will:

i. Offer a non-judgmental professional service: free from discrimination and honouring the individuality of the client;

ii. Establish a helping relationship, in order to maintain the integrity and empowerment of the client, without offering advice;

iii. Be committed to ongoing personal and professional development;

iv. Be responsible for your own updating and continued knowledge of theories, ethics, and practices: through journals, the association, and other relevant bodies;

v. Be responsive to the needs of peers and provide a supportive environment for their professional development;

vi. Undertake regular supervision and debriefing to develop skills, monitor performance, and sustain professional accountability;

vii. Ensure client understanding of the purpose, process, and boundaries of the counselling relationship;

viii. Offer a promise of confidentiality and explain the limits of duty of care;

ix. For the purpose of advocacy, receive written permission from the client before divulging any information or contacting other parties;

x. Endeavour to make suitable referral where competent service cannot be provided;

xi. Not provide legal advice and guidance on matters of law, nor practise as Legal Counsel on behalf of or to a client, when practising as a counsellor;

xii. Not act as an agent for a client;

xiii. 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;

xiv. Be committed to the above code of ethics and recognise that procedures for withdrawal of membership will be implemented for breaches.

4.0 Code of Practice

This Code applies those values and ethical principles outlined above to more specific situations which may arise in the practice of Counselling. Many clauses and/or sections of the Code are inter-related, and this should be kept in mind both when reading and applying the Code.

5.0 Issues of Responsibility

(a) Counsellors have both a duty of care and a responsibility not to mislead, misguide or misdirect [either overtly by publication or covertly by omission] clients as to the Counsellor's level of competence, experience, or qualifications. To do so is considered to be a most serious ethical breach, as it increases the risk of harm to the client and damages the credibility of the profession in the eyes of the general public.

(b) Counsellors have a responsibility to keep all client records safe and secure.

(c) Counsellors take responsibility for clinical/therapeutic decisions in their work with clients.

(d) Counsellors also have responsibilities to associated parties: that is, any individual or organisation other than the client/s with whom the Counsellor interacts in the course of rendering a counselling service. This is inclusive of but not limited to:

i. A client's relatives, friends, employees, employers, carers and guardians;

ii. Other professionals or experts;

iii. Representatives from communities or organisations.

In reference to the Code of Ethics and Practice, what applies to the client/s also applies to associated parties.

(e) 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.

6.0 Responsibility to the Client

6.1 Client Safety

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

ii. 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.

iii. 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.

6.2 Client Self-determination

i. In counselling, the balance of power is unequal and Counsellors must take care to not abuse their power.

ii. Counsellors do not normally act on behalf of their clients. If they do, it will only be with express written consent of their client, or else in exceptional circumstances.

iii. Counsellors do not normally give advice.

iv. 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.

6.3 Breaks and Endings

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

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

iii. Counsellors should take care to prepare their clients appropriately for any planned breaks from counselling. They should also take steps to ensure the wellbeing of their clients during such breaks.

6.4 Responsibility to Other Counsellors

i. 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.

ii. 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.

6.5 Responsibility to Colleagues and Others

i. 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.

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

iii. 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.

iv. A member will not make any derogatory or insulting remark against the Association or any other Member. Nor will he/she criticise or make an allegation of impropriety or misconduct to or against any employee or another member without first advising the Secretary of his or her complaint or concern. The member making the complaint or expressing concern will, subject to these Rules, abide by any direction given by the Secretary.

6.6 Responsibility to the Wider Community Law

Counsellors must take all reasonable steps to be aware of current law as it applies to their counselling practice; not only Federal Law, but also the particular laws of their State or Territory. This includes those legal rights that refer to client rights protected under laws and statutes of the Commonwealth, State, or Territory in which the Counsellor provides counselling services.

6.7 Resolving conflicts Between Ethical Priorities

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. In all such cases careful and complete notes should be kept – especially in relation to what consultation has taken place and with whom.

7.0 Counsellors' Obligations on Social Media

In using social media, Registered Counsellors need to be aware of their professional obligations under the Scope of Practice for Registered Counsellors, the Code of Ethics and Practice, and Guidelines for Online Counselling and Psychotherapy.

7.1The Code of Ethics and Practice

i. Registered Counsellors will fully explain the provisions of their confidentiality policy and protect the confidentiality of clients in a digital environment, by not identifying clients without their consent.

ii. Registered Counsellors will be fully transparent in the advertising of their service offerings, not misrepresenting their qualifications or experience.

iii. Registered Counsellors do not bring the profession of counselling, the reputation of their peers, nor the reputation of their professional association into disrepute.

iv. Registered Counsellors do not behave in a manner which may undermine public confidence or the resolution of professional issues.

v. Registered Counsellors affirm the individuality of each client; they are culturally sensitive and respectful of all worldviews.

7.2 The Scope of Practice for Registered Counsellors

i. A Registered Counsellor must abide by the professional ethical standards as set out in the Code of Ethics and Practice.

ii. Registered Counsellors will provide consistent information about counselling competencies defined under this Scope.

iii. Registered Counsellors can adhere to their code of practice while maintaining professional relationships with other professionals within a program or a program service.

7.3 Guidelines for Online Counselling and Psychotherapy

i. Practitioners should ensure that all information on their own site(s) is accurate, is not misleading, and is up to date.

ii. Issues relating to confidentially in face-to-face consultations also apply to the online provision of a counselling service: for example, disclosure of information as in high-risk situations, use of case

material in supervision, research, etc. However, practitioners should be fully aware of the additional issues relating to confidentiality when working online.

8.0 Anti-Discriminatory Practice

8.1 Client Respect

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.

8.2 Client Autonomy

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

8.3 Counsellor Awareness

i. 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.

ii. Counsellors have a responsibility to consider and address their own prejudices, biases, stereotyping attitudes, and behaviour. They are to give particular consideration to ways in which these may be affecting the counselling relationship and influencing responses.

9.0 Confidentiality

(a) 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.

(b) The counselling contract will include any agreement about the level and limits of the confidentiality offered. This agreement can be reviewed and changed by negotiation between the Counsellor and the client. Agreements about confidentiality continue after the client's death, unless there are overriding legal or ethical considerations. In cases where the client's safety is in jeopardy any confidentially agreements that may interfere with this safety are to be considered void (see 11.0 'Exceptional Circumstances').

(c) Confidentiality extends to client records which must be kept securely – be they maintained as hard copy or by digital processes.

10.0 Settings

(a) 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: for example, updating doctors in primary care or team case discussions in agencies. These are made explicit through clear contracting.

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

11.0 Exceptional Circumstances

(a) 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 circumstance 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 the supervisor is not available, an experienced Counsellor.

(b) 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 under the law and to the wider community.

(c) While Counsellors hold different views about grounds for breaking confidentiality - such as potential self-harm, suicide, and harm to others – they must also consider those put forward in this Code, as these, too, should imbue their practice. These views should be communicated to both clients and significant others: for example, supervisor, agency, etc.

12.0 Management and Confidentiality

(a) Counsellors must pay particular attention to protecting the identity of clients.

(b) Counsellors should ensure that records of the client's identity are kept separately from any case notes.

(c) Arrangements must be made for the safe disposal of client records, especially in the event of the Counsellor's incapacity or death.

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

(e) When case material is used for case studies, reports, or publications, the client's informed consent must be obtained wherever possible, and their identity must be effectively disguised.

(f) Any discussion of a Counsellor's work with other professionals should be purposeful and not trivializing.

13.0 Contracts

13.1 Advertising and Public Statements

i. Counsellors who hold accredited qualifications and who are members of recognised bodies are encouraged to display and/or mention this fact.

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

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

13.2 Pre-Counselling Information

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

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

13.3 Contracting with Clients

i. Counsellors are responsible for reaching agreement with clients about the terms on which counselling is being offered – including availability, degree of confidentiality offered, arrangements for the payment of 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.

ii. 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.

iii. 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 and/or associated parties.

iv. Records of appointments should be kept and clients should be made aware of this. If notes of relating to counselling sessions are kept, clients should also be made aware of this. At the client's 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

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

vi. Counsellors are responsible for addressing any client dissatisfaction with counselling services received.

14.0 Boundaries

14.1 With Clients

i. 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.

ii. The counselling relationship must not be concurrent with a supervisory, training, or other form of relationship (sexual or non-sexual).

14.2 With Former Clients

i. 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. Section 4.9 (b) ii below is also of relevance here.

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

15.0 Dual and Multiple Roles

Where possible, Registered Counsellors are to avoid dual or multiple roles with clients. For example, slipping between the roles of teacher, coach, and counsellor, bartering services with clients and friends, offering payment breaks to clients (thus, becoming a creditor), providing counselling services to friends and family, engaging in a social (platonic) relationship with a client, accepting gifts from clients or going into business with clients.

In rural and regional areas particularly, dual roles are difficult to avoid. A Registered Counsellor may have clients that include their local banker, school teachers from where their children attend the local school, and local restauranteurs

associated with places where they dine. Thus, Registered Counsellors are encouraged to discuss this within professional supervision: for the impact of dual roles can be pervasive and difficult to spot.

Dual relationships carry significant potential risk to create boundary problems and trigger ethical concerns. Playing a single role as a Counsellor can be difficult, and Registered Counsellors will often have to wrestle the temptation to step into another role. While appropriate dual roles might be beneficial when managed thoughtfully, there is a risk of perceived exploitation.

16.0 Competence

(a) Counsellor Competence and Education:

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

ii. 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.

iii. Counsellors must have a zero-tolerance alcohol and illicit drug policy in their workplace and, for the Counsellor, up to eight hours before engaging in a counselling session. Under no circumstance is alcohol to be consumed by a Counsellor during a counselling session or during their working hours.

Counsellors are responsible for monitoring their functioning and will not counsel when their functioning is impaired by alcohol or drugs (be they illicit or licit). In situations of personal or emotional difficulty, excessive tiredness or illness, Counsellors will monitor the point at which they are no longer competent to practise and take action accordingly. Counsellors should always err on the side of caution in such cases.

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

v. As well as engaging in regular professional supervision in accordance with supervision policy, Counsellors should take reasonable steps to also seek out peer supervision to evaluate their efficiency as Counsellors on a regular basis, as required by the ACA (Inc) membership guidelines.

vi. 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.

vii. Counsellors should take steps to maintain and improve their level of competence though on-going professional development and to keep up to date with best practice.

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

ix. Counsellors must have professional indemnity insurance and maintain adequate cover.

x. 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 practitioners.

17.0 The Counselling Environment

There are two environmental factors to be considered:

i. physical factors;

ii. emotional factors.

Because of this . . .

(a) ideally the counselling room should:

i. Be well lit and ventilated and preferably have window(s);

ii. Have a temperature that is set at a comfortable level for both Counsellor and client;

iii. Have the exit easily accessible to the client, should they choose to avail themselves of it;

iv. Provide for confidentiality while allowing the client to feel safe;

v. Have within it a comfortable open space between the Counsellor and the client: insofar as the work environment allows.

(b) In terms of ethics, a failure to provide such an environment could be seen as leading to a breach of 4.2(a)i: depending upon the effect of the counselling environment both physically and emotionally upon the client. . .

> "Counsellors must take all reasonable steps to ensure that the client does not suffer physical, emotional, or psychological harm during counselling sessions or as an outcome of counselling sessions."

18.0 Committees

(a) All members of all committees (standing and ad hoc) established by the ACA (Inc) to carry out its objectives must abide by the Code of Ethics and Practice.

(b) While acting in accordance with this Code, the Association shall have absolute discretionary power to appoint such persons as it sees fit to serve upon these committees. In those cases where that person(s) is not a member of the Association they must agree, in writing, to abide by the Code for the duration of their secondment.

(c) Such Committees may be established for purposes including but not limited to:

i. Education of Association members;

ii. Education of the Public with regard to The Counselling Profession;

iii. Review of the Codes, practices, and procedures of the Association;

v. Lobbying of all levels of Government for the furtherment of the Association's goals;

vi. Resolving of disputes between Counsellors;

vii. Assessment, review, and co-ordination of course and program development.

19.0 Equal Opportunities Policy Statement

(a) The Australian Counselling Association (ACA Inc)) is committed to promoting quality of opportunity of access and participation for all its members in all of its structures and their workings. ACA (Inc) 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. Barriers can include age, colour, creed, culture, disability, education, ethnicity, gender, information, knowledge, mobility, money, nationality, race, religion, sexual orientation, social class, and status.

(b) The work of ACA (Inc) aims to reflect this commitment in all areas including services to members, employer responsibilities, the recruitment of and working with volunteers, setting, assessing, monitoring and evaluating standards, and the implementation of the complaint's procedures. This is particularly important as ACA (Inc) is the voice of Counselling in Australia.

(c) ACA (Inc) will promote and encourage commitment to equality of opportunity by its members.

20.0 Application of the Code

(a) This Code is deemed to apply to all members of the ACA (Inc) regardless of level, modality, environment, employment, or type of counselling in which they are engaged: including for example, but not exhaustively, such counselling modes as:

i. Business;

ii. Career;

iii. Couple;

iv. Employment;

v. Family;

vi. Loss and Grief;

vii. Group;

viii. Individual;

ix. School;

x. University/College/TAFE.

(b) This Code is also deemed to include those members of the Association engaged in providing associated Counselling services. For example:

i. Education and training in counselling and/or counselling related fields;

ii. Executives of Member Associations;

iii. Members of Committees (standing or *ad hoc*) of the ACA (Inc) in the execution of their duties;

iv. Research;

v. Supervision.

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ACA acknowledge and respect the Aboriginal and Torres Strait Islander peoples as the country's first peoples and nations, and recognise them as traditional owners and occupants of land and waters.