



ARBPA ETHICS – PART 3 of 3

ARBPA Code of Good Governance

**The Ethical Framework for Best Practice
in Governance of ARBPA and the relationship
between PACFA and ARBPA**

October 2016

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1. Introduction

The Psychotherapy and Counselling Federation of Australia (PACFA) aims to unite ARBPA and a diverse group of Member Associations (MAs) which are contributing to the art and science of counselling and psychotherapy by developing and advancing professional practice via supervision, training and research, and by supporting their Members who deliver these services directly.

This document is intended to provide guidance on the principles and the processes of good governance. **It sets out the framework for the ethical and management governance of and between PACFA and ARBPA**, and is also for the information and protection of individuals who are using the services of PACFA and ARBPA.

It is a requirement that ARBPA have a Code of Ethics that sets standards of good practice in counselling and psychotherapy for their Members, and that these codes align with the principles and procedures of the PACFA Code of Ethics.

2. Definitions

For the purpose of this document:

- 2.1 The terms ***Committee of Management (Committee)*** refers to any Board, Committee, Executive or any other term that denotes the committee responsible for the management of the organisation.
- 2.2 The term ***Member Association (MA)*** refers to the counselling and psychotherapy associations which have passed the process required to become constituent members of PACFA.
- 2.3 The term ***Member*** covers individual members of PACFA and ARBPA and includes PACFA Registrants.
- 2.4 The term ***Registrant*** means any counsellor or psychotherapist who is listed on the PACFA Register.

3. Ethical principles for the operation of PACFA and ARBPA

PACFA has a role in determining the principles of ethical organisational conduct for psychotherapy and counselling professional associations which are Member Associations of PACFA. PACFA and ARBPA foster ethical practice in organisational management and governance and are accountable to their Members and to the profession in relation to these functions.

3.1 Values and principles of PACFA and ARBPA

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

- 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, opposing discrimination, oppressive and other unjust behaviour and promoting the responsibility of Members to be sensitive to their clients' social and cultural contexts, and to take account of protocols, conventions and customs that pertain to human diversity.
- 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.

3.2 Ethical responsibilities of PACFA and ARBPA

This section relates to the ethical conduct of PACFA and ARBPA. Complaints in relation to these ethical matters are investigated within the framework of the relevant Professional Conduct Procedure of PACFA or the Professional Conduct and Complaints Procedure of ARBPA.

3.2.1 Responsibilities to Members

PACFA and ARBPA, through their structures, processes, leadership and mechanisms, demonstrate a culture in which the following responsibilities are enacted:

- A.** PACFA and ARBPA take all reasonable steps to avoid harm to their Members and actively protect the integrity of their relationship with their Members.

- B.** PACFA and ARBPA set and maintain professional structures and boundaries within their organisations.
- C.** PACFA and ARBPA, when faced with situations which exceed the boundary of their competence, experience, or the internal resources available, seek qualified professional advice or assistance. Where ARBPA due to their small size or other limitations in personnel, cannot attend to all the requirements and processes of managing a professional organisation, it will seek partnerships or co-opt specialised individuals to ensure compliance with core tasks of operation.
- D.** PACFA and ARBPA ensure that an effective complaints mechanisms exists to attend to complaints against Members or against the Association. "Members" in this context refers to those who were current Members at the time the service was provided or at the time a complaint was lodged.
- E.** In the event of harm resulting from organisational management or processes, PACFA and ARBPA take responsibility for acknowledgment and reparation/restitution.
- F.** PACFA and ARBPA ensure that their Members have professional indemnity insurance as part of the process of protecting Members and the public from harm by allowing for restitution.
- G.** PACFA and ARBPA 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 where possible 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 in training contexts, taking part in complaints processes against Members, or promotion of Members' work.

3.2.2 Non-exploitation

PACFA and ARBPA have and adhere to transparent processes for the election and departure of office bearers.

- A.** PACFA and ARBPA will not develop or maintain a culture, or adopt practices, which exploit their Members, past or present, financially, sexually, emotionally, or in any other way. Organisational processes, including complaint mechanisms, clearly reinforce that such practices are unacceptable.
- B.** PACFA and ARBPA will not accept or offer payments for privileges or engage in any financial transactions which are unlawful or against the ARBPA Articles of Association.

3.2.3 Confidentiality

- A.** PACFA and ARBPA treat in confidence any personal information about Members, whether obtained directly or indirectly. This applies to all verbal,

written, recorded or electronic materials 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 ARBPA protect Members' rights to privacy and confidentiality.
- C. Exceptional circumstances may arise which give PACFA or ARBPA reasonable grounds for believing that a Member may cause serious physical or other harm to others or him/herself. In such circumstances, the breaking of confidentiality may be required, preferably with the Member's permission, or after consultation with an appropriately qualified person(s) (such as a therapist or supervisor.)
- D. Any breaking of confidentiality should be minimised 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 or affected party.
- E. Members' rights to confidentiality continue after death unless there are overriding legal considerations.
- F. Special care is required when using client case studies in reports and publications or in presentations and teaching contexts. The author, educator or presenter must obtain the informed consent of the person concerned and comply with relevant privacy legislation.

3.2.4 Professional conduct and relationships

- A. The activities of PACFA and ARBPA are to be undertaken only with professional intent and not casually and/or in extra-professional or personal relationships.
- B. PACFA and ARBPA publish accurate information about the qualifications and experience of Members and the nature of services offered.
- C. PACFA and ARBPA act promptly to address any conflict of interest which may arise in relation to a Member(s).

3.3 Membership responsibilities

3.3.1 Member benefits

- A. PACFA and ARBPA clearly communicate the terms on which membership or registration is offered.
- B. PACFA and ARBPA promote Members' autonomy by informing them with regard to their membership process and encourage Members to make responsible decisions on their own behalf.
- C. PACFA and ARBPA's practices and processes provide due attention to the social context and diversity of their Members.
- D. PACFA and ARBPA will support Members in their work, including professional development, best practice, research and other benchmarking standards of practice.

- E. The Committees of Management of PACFA and ARBPA negotiate and provide where possible attractive benefits for Members such as insurance, practice resources and materials, advertising and marketing opportunities.

3.3.1 Responsibility for the effectiveness and functioning of PACFA and ARBPA

- A. PACFA and ARBPA have a responsibility to maintain their own effectiveness as organisations, and their ability to support and develop Members in their professional work.
- B. PACFA and ARBPA are to monitor their organisational functioning and to ensure proactive assistance is sought when there are insufficient resources for effective functioning.
- C. PACFA and ARBPA regularly evaluate their organisational skills and performance and provide accountability for organisational practice.
- D. PACFA and ARBPA have an obligation to keep abreast of the current legal, quality and compliance requirements in delivering and supporting professional services, through their office bearers, Members, community contacts and professional development. They also have a role in fostering excellence in the education and development of Members through reference to research, best practice and other benchmarking standards in service delivery.

3.3.2 Responsibilities to other ARBPA and the Profession of Counselling and Psychotherapy

- A. PACFA and ARBPA do not conduct themselves in ways which undermine public confidence in their operation, the services of their Members or the profession of Counselling and Psychotherapy as a whole. ARBPA does not undermine the work of other associations established to provide services to Counselling and Psychotherapy professionals.
- B. As a Member of PACFA, ARBPA is bound by the constitution and codified requirements enshrined in that membership. ARBPA is therefore aware that non-compliance with the PACFA Constitution may result in suspension or termination of their PACFA membership.
- C. If ARBPA suspects misconduct by another ARBPA member which cannot be resolved or remedied after discussion with the ARBPA member concerned, then it is encouraged that they approach the PACFA President or CEO to discuss their concerns.
- D. ARBPA do not solicit the Members of other Member Associations.
- E. ARBPA respects the right of Members to belong to more than one professional association.

3.3.3 Responsibilities to the wider community

- A. PACFA and ARBPA work within the law.

- B. PACFA and ARBPA take all reasonable steps to be aware of current legislation and regulations affecting their profession, their Members and their work practices.
- C. PACFA and ARBPA are committed to protecting the public against unlawful or unethical conduct by Members.
- D. PACFA and ARBPA include a community representative in appeals and review processes wherever possible. Committee membership is fostered to reflect its community and constituents.

3.4 Complaints and Appeals processes

- A. PACFA and ARBPA are responsible for receiving, investigating and hearing complaints regarding the conduct of its Members.
- B. PACFA is responsible for receiving, investigating and hearing complaints regarding the conduct of ARBPA.
- C. PACFA and ARBPA have clear policies and procedures to be followed in the event of a complaint of unethical conduct against a Member.
- D. Disciplinary procedures in relation to upheld complaints must include the possibility that a Member can be debarred from membership of ARBPA, the PACFA Register and any other register for which approved membership is required.
- E. PACFA and ARBPA must provide an appeals mechanism which includes the involvement of a relevant person external to the counselling and psychotherapy profession.
- F. Notification of the suspension or expulsion of a Member by PACFA or ARBPA may be provided to all other PACFA Member Associations and to the general public via the PACFA or ARBPA website.
- G. The role of the PACFA Ethics Committee in ethical complaints and/or appeals must be documented in the complaints and appeals procedures of ARBPA. PACFA may also have a role in assisting and supporting the process of resolution of complaints against practitioners who are Members of ARBPA.
- H. The role of the PACFA Ethics Committee in an appeal is to establish that a just and procedurally correct investigation was made by ARBPA, that it was conducted in accordance with the ARBPA's complaints and appeals policy and procedures, and carried out in an ethical and fair manner.
- I. The PACFA Ethics committee does not accept appeals against the decision of ARBPA's, except where there are grounds for complaint against the ARBPA in the fairness and due process of the conduct of the complaint.

4. Good Governance Framework

The Good Governance Framework provides specific standards for the Committees of Management of PACFA and ARBPA for good practice in organisational structures, policy, processes, and behaviours.

- A.** It is recommended that the Committees of Management of PACFA and ARBPA should reflect regularly on their application of the Good Governance Framework using the Good Governance Indicators, as a means of evaluation, to ensure that high standards of organisational and ethical governance are being maintained.
- B.** The Good Governance Framework consists of five principles which apply to the effective operation of the Committees of Management of PACFA and ARBPA.
 - i)** The Committee of Management is an effective and viable group based in its constituent community of Counselling and Psychotherapy professionals.
 - ii)** The Committee of Management has a clear understanding of the individual roles of Committee members and the collective role of the Committee. These roles and tasks are determined by its constitution and developed through the process of reflection and evaluation.
 - iii)** The Committee of Management works on behalf of its Members within external requirements, and implements the decisions and policies made at general meetings, in a spirit congruent with the collective history and identity of the Association.
 - iv)** The Committee of Management works in the best interests of the organisation and actively protects the integrity of their relationship with their Members and the wider community.
 - v)** The Committee of Management conducts its business in a transparent, accountable, efficient and effective manner.

4.1 Effective and viable Committees of Management

The Committees of Management of PACFA and ARBPA maintain their effectiveness and viability in the following ways:

- A.** The criteria for membership of Committees of Management are based on competency for the role, performance in the role, and capacity for accountability to the Members. The skills required are identified and appropriate individuals are recruited by Committees. The diversity of interests in the Association are identified and represented on Committees, and open and fair debate is encouraged.
- B.** Committee of Management members are active and interested and regularly meet their commitments, positions on Committees are not left vacant (except in the situation of financial constraints), the majority of meetings attract a quorum and appropriate succession planning is conducted and documented.

- C. Committees of Management discuss, agree on and document a set of operational and procedural values that are consistent with the values of the Association. These values guide the work of Committees and office staff, are regularly evaluated and the procedures that result from these values are refined to flow efficiently and smoothly.

4.2 Roles and responsibilities of Committees of Management

- A. Committee members' roles, responsibilities, duties and delegation of authority are clearly defined.
- B. Office bearers are appropriately qualified to hold positions of leadership and management.
- C. Committees of Management are able to describe their roles, duties and delegated authority. Collectively, Committees of Management regard accurate documentation, review of risk, and delegation of authority, as important to the quality of its work.

4.3 Working for Members' best interests

Committees of Management work on behalf of, and in the best interests of, their Members:

- A. Committees of Management understand the collective history of their Association.
- B. Committees of Management facilitate effective consultation and discussion with their Members and communities, and review and analyse the current and future environment in which they operate. Areas of risk are identified and investigated, and strategies to mitigate risk are developed, implemented and reviewed.

4.4 Working in the best interests of PACFA and ARBPA

- A. Committees of Management are responsible for financial planning, setting and implementing strategic plans, and monitoring and reviewing progress against key performance indicators. Record keeping and communication processes are documented and reviewed, and progress and achievements are communicated to their Members.
- B. The management of office staff and volunteers by Committees of Management is congruent with the values of the Association, and compliance with industrial and legal requirements and good human resources practices is ensured and regularly reviewed.
- C. Committees of Management foster productive and positive working relationships between committee members, with volunteers and office staff, and with other groups internal and external to the Association.
- D. PACFA and ARBPA aim to be respected as good organisational citizens in the wider community, and Committees of Management foster this culture at all levels of the organisation. Committees of Management promote positive representation to and interaction with other bodies in the community.

- E.** Committee members do not accept or offer payments for privileges, or engage in any financial transactions, apart from those detailed in the Association's articles of association. Any conflicts of interest will be declared, and individual Committee members will stand down from participating in discussions and voting on decisions where there is a conflict of interest.

4.5 Conduct of the business of Committees of Management

The Committees of Management of PACFA and ARBPA conduct the business of their Associations in a transparent, accountable, efficient and effective manner.

- A.** Committees of Management foster a process of consultation with Members and establish a set of agreed aims and goals for their current term of office. Committees develop and implement transparent reporting processes, and Members are informed of pathways to raise concerns.
- B.** Committees of Management balance different interests and views openly in public forums, and support balanced and fair debate. On highly contentious matters, general meetings are held to enable due process in decision-making.
- C.** Committees of Management regularly reflect on the quality of their activities, request and accept feedback from their Members, and plan for performance improvement.
- D.** Committees of Management establish specialist task-focused sub-committees in order to maintain the quality and timeliness of services and activities provided for Members. Such sub-committees may include a combination of standing and single task sub-committees, which are established with clear procedures for reporting and action, and are provided with clear boundaries for their authority.
- E.** Committees of Management regularly review the participation of Committee members and their cohesion and morale. Committee members are encouraged to express their views and ask questions, with the expectation that comments will be taken as a contribution to decision-making processes.
- F.** Committees of Management take responsibility for acknowledging and making restitution in the event of harm resulting from their decision-making processes. Committees purchase Association and Committee of Management Indemnity Insurance and maintain their currency to protect the interest of the Association and its Members.
- G.** Committees of Management undertake and carry out Committee activities with due care and diligence, responsibility and professional intent.
- H.** Committees of Management work within the law and take all reasonable steps to be aware of current legislation and regulations effecting their Associations and professional work practices. Committees of Management are proactive in identifying and complying with legal responsibilities to their Members and to the public.
- I.** Committees of Management are committed to protecting the public against incompetent and dishonourable practices in Counselling and Psychotherapy,

including misrepresentation of qualifications and experience, and are prepared to challenge these practices. Committee activities and procedures support the Association to maintain the integrity, safety and credibility of the Counselling and Psychotherapy profession.

5. Complaints Handling

5.1 Complaints about the governance of PACFA or ARBPA

Complaints may be brought against PACFA or ARBPA in relation to the principles and matters covered in this Code of Good Governance. Complaints must be brought using the relevant complaints process.

- Complaints about the governance or conduct of PACFA will be investigated within the framework of the [PACFA Complaints and Feedback Policy](#).
- Complaints about the governance or conduct of ARBPA will be investigated within the framework of the relevant Complaints Policy of ARBPA.

5.2 Complaints about the ethical conduct of PACFA and ARBPA

Complaints and appeals about the ethical conduct of PACFA or ARBPA, or the handling of an ethical complaint by PACFA or ARBPA, must be made using the relevant Professional Conduct and Complaints Procedure.

- Ethical complaints against PACFA will be investigated using the [PACFA Professional Conduct Procedures 2015](#).
- Ethical complaints against ARBPA will be investigated using the Professional Conduct and Complaints Procedure of ARBPA.

Complaints about the ethical conduct of PACFA or ARBPA may only be made in relation to the matters in paragraph 3.2 of this Code of Good Governance. PACFA can only hear complaints under the [Professional Conduct Procedures 2015](#) where it has the jurisdiction to do so as detailed in Procedures, and where the complaint meets the requirements of the Procedures.

NOTE:

This Code is based on PACFA's Code of Good Governance October 2015 and becomes Part 3 of the ARBPA Code of Ethics October 2016.