

SCAPE
ETHICAL GUIDELINES
May 03

Preamble

The Society of Counselling and Psychotherapy Educators (Australia Inc.), referred to as SCAPE, was established in 1999 to provide a national professional organisational structure to support the practice of counselling and psychotherapy education in Australia.

The purpose of this code is to establish standards of ethical practice for educators of counsellors and psychotherapists.

The term educators in this code is used to include lecturers, trainers, facilitators and supervisors of those preparing to work as counsellors and psychotherapists.

The term supervisors in this code refers to persons providing clinical supervision in experiential elements of training (as distinct from line management), who are employed or utilised by training institutions. It does not include persons in a trainee's workplace or private supervisors not directly employed or contracted by the training institution.

The term trainees refers to those seeking to develop awareness, knowledge, skills and attributes required for the profession of counselling and psychotherapy.

In general, it is expected that educators will model ethical behaviour for counsellors and promote ethical behaviour as part of the training program.

This code is divided into four sections:

1. Ethical Principles
2. Ethical Responsibilities for Educators
3. Ethical Responsibilities for Supervisors
4. Ethical Responsibilities for Counsellors

1. Ethical Principles

1. Educators respect the essential humanity, worth and dignity of all people and promote this value in their work.
 2. Educators recognise and respect diversity among people and oppose discrimination and oppressive behaviour.
 3. Educators respect the privacy of their trainees and preserve the confidentiality of information acquired in the course of their work.
 4. Educators protect the rights of their trainees including the right to informed consent.
 5. Educators take steps to maintain and develop their competence throughout their professional lives.
 6. Educators abide by the laws of the society in which they practice.
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2. Ethical Responsibilities of Educators

2.1 Responsibilities to the trainee

- i. Educators take all reasonable steps to avoid harm to their trainees as a result of the training process.
- ii. Educators acknowledge the boundary of their expertise and facilitate access to wider information.
- iii. Educators provide the training resources required to meet the training objectives unless otherwise contracted.
- iv. Educators promote trainee autonomy and encourage trainees to make responsible decisions on their own behalf.
- v. Educators are responsible for setting and maintaining professional boundaries within the training relationship.
- vi. Educators use transparent processes for selection and assessment and provide adequate feedback when requested.

2.2 Exploitation

- i. Educators are aware of the differential in power that exists and the trainee's possible incomprehension of that power differential. Educators explain to trainees the potential for the relationship to become exploitive.
- ii. Educators must not exploit trainees in financial, sexual, emotional, academic or any other way.

- iii. Educators will not accept or offer payments for referrals or engage in financial transactions with trainees apart from negotiating the ordinary fees specific to offering training courses, resource materials and supervision.
- iv. Educators must avoid dual relationships or openly disclose them, withdrawing from roles such as selection, assessment, or provision of close, personal education should another relationship exist.
- v. Sexual relations between the educator and the trainee during the course of training constitute unethical behaviour. This is not restricted to sexual intercourse and includes any form of physical contact, whether initiated by the trainee or educator, which has as its purpose some form of sexual gratification, or which may be reasonably construed as having that purpose.
- vi. The work of trainees in any form should not be used without their consent.
- vii. Educators should protect clients of trainees who participate in experiences from possible harm and such clients must give informed consent to their participation, preferably in writing.

2.3 Confidentiality

- i. Educators treat with confidence any personal information about trainees, whether obtained directly or by inference. This applies to material provided to access education, disclosed as part of the educative process, by discussion of personal needs or through the assessment of outcomes. Any exception to this should be made explicit to trainees. Trainees are entitled to view all records pertaining to them, and all records other than purely administrative must be kept confidential.

2.4 Contracts

- i. Any publicity material and all written and oral information should reflect accurately the nature of the training offered and the training, qualifications and relevant experience of the educator.
- ii. Prospective trainees must have access to detailed information about the scope and objectives of the training, training methodology, resource availability, assessment criteria and any other requirements.
- iii. Where meeting professional standards of training is an objective, trainees should be made aware of the relationship between the

training and the registration requirements of PACFA or a PACFA member association.

2.5 Responsibilities to Self as Educator

- i. Educators have a responsibility to themselves to maintain their own effectiveness, resilience and ability to assist trainees. They monitor their own personal functioning and seek help or refrain from educating when their personal resources are sufficiently depleted to require this.
- ii. Educators withdraw from their role if their functioning is significantly impaired by personal or emotional difficulties, illness, alcohol, drugs or any other cause.
- iii. Educators have a responsibility to maintain the currency of their expertise through ongoing education and participation in relevant professional groups.

2.6 Responsibilities to other Educators

- i. Educators conduct themselves in their educational role in ways which enhance public confidence in the role of educators and the profession of counselling and psychotherapy.
- ii. Educators who promote a particular approach to counselling and psychotherapy do not denigrate legitimate alternatives to their own approach or the work of other educators.
- iii. Educators who suspect misconduct by another educator which can not be resolved or remedied after discussion with the educator concerned, approach the appropriate manager or professional body concerned.
- iv. Educators are committed to using their expertise to broaden community awareness of what counselling can offer in an unbiased manner.

2.7 Complaints Procedure

- i. In the event of a complaint of ethical misconduct being received, it will be dealt with as fairly and speedily as possible according to the agreed process of SCAPE for complaints and appeals. (See below)

3. Ethical Responsibilities of Supervisors (in addition to Section 2 above)

3.1 Boundary between Supervision and Personal Therapy/Counselling

- i. Supervision should aim to develop self awareness in trainees; however, there should be a differentiation between supervision and personal therapy.
- ii. If there is a repeated pattern or significant personal issue in the trainee's practice, for example a block in empathy, avoidance of intense feelings or impairment in the trainee's mental health, the supervisor should discuss this with the trainee and/or recommend personal therapy/counselling.

3.2 Supervision within a Training Program

- i. It is the responsibility of the supervisor, in consultation with the Director of Training, to ensure that the needs of the trainee, balanced with the well-being of the client, are kept as the primary focus of supervision.
- ii. Assessment of skills in supervision must be kept in balance with the need to provide a supportive learning environment for the trainee.

3.3 Supervisor's responsibilities towards trainees

- i. Supervisors have a responsibility to maintain confidentiality of material relating to both the trainee and the client presented in the supervision session. The parameters of confidentiality applying to supervision and any other training activity should be made explicit as part of the students initial orientation. eg whether or not any personal or clinical material revealed in a supervisory process may be discussed with another training team member.
- ii. The supervisor should not act in a manner which is contrary to the professional interests of the trainee except in instances covered in (iv) below.
- iii. Where third parties are involved in supervision, for example the employer of the practitioner, the trainee should be made aware of any reporting of their practice, and this must be carried out in a manner that is transparent to the trainee. Where there is

- disagreement, the trainee should have an opportunity to add comments to the supervisor's report.
- iv. Supervisors have a responsibility to ensure that the practice of trainees accords with PACFA's code of ethics and legal requirements.
 - v. Where there is a breach of PACFA's code of ethics, the supervisor should clearly inform the trainee of the breach, the supervisor's responsibility to take action, and then to notify the professional association.

3.4 Supervisor's responsibilities towards clients of the trainees

- i. Supervisors have a responsibility towards the clients of the trainees and if they are concerned about the trainee's practice having detrimental consequences for the trainee's client they must clearly communicate this to the trainee. (see 3.3 (iv) & (v) above).

4. Ethical Responsibilities of Counsellors modelled by Educators

4.1 Responsibilities to the client

- i. Counsellors take all reasonable steps to avoid harm to their clients as a result of the counselling process.
- ii. Counsellors faced with situations which extend the boundary of their competence seek supervision and consider referral to other professionals.
- iii. In the event of harm resulting from counselling, counsellors take responsibility for restitution. Professional indemnity should be considered in this context.
- iv. Counsellors promote client autonomy and encourage clients to make responsible decisions on their own behalf.
- v. Counsellors consider the social context of their clients and their connections to others.
- vi. Counsellors are responsible for setting and maintaining professional boundaries within the counselling relationship.

4.2 Exploitation

- i. Counsellors must not exploit clients, past or present, in financial, sexual, emotional or any other way.
- ii. Counsellors will not accept or offer payments for referrals, or engage in any financial transactions, apart from negotiating the ordinary fee charged for counselling.
- iii. Sexual relations between the client and the counsellor can never be acceptable and constitute unethical behaviour. This is not restricted to sexual intercourse and includes any form of physical contact, whether initiated by the client or the counsellor, which has as its purpose some form of sexual gratification, or which may be reasonably construed as having that purpose.
- iv. Counsellors should consider that the deeper the involvement with the client's emotional life during counselling, the less likely is the possibility of a subsequent equal relationship following termination of therapy. Counsellors must seek professional supervision should any attempt to build a relationship with a former client be considered.

4.3 Confidentiality

- i. Counsellors treat with confidence any personal information about clients, whether obtained directly or by inference. This applies to all verbal, written, recorded or computer stored material pertaining to the therapeutic context. All records, whether in written or any other form, need to be protected with the strictest of confidence.
- ii. Clients must not be observed by anyone other than their counsellors without having given informed consent. This applies both to direct observation and to any form of audio or visual transmission or recording.
- iii. Counsellors and supervisors are responsible for protecting the client's rights of confidentiality in the supervisory context by ensuring that shared information is disguised appropriately.
- iv. Exceptional circumstances may arise which give the counsellor good grounds for believing that the client will cause serious physical harm to others or themselves. In such circumstances, the breaking of confidentiality may be required, preferably with the client's permission, or after consultation with a counselling supervisor.
- v. Any breaking of confidentiality should be minimised both by restricting the information conveyed to that which is pertinent to

the immediate situation and by limiting it to those persons who can provide the help required by the client.

- vi. Agreements about confidentiality continue after the client's death unless there are overriding legal considerations.
- vii. Special care is required when using specific counselling situations for reports and publication. The author must have the client's informed consent should there be any possibility of identification of the client.

4.4 Contracts

- i. Counselling activities are to be undertaken only with professional intent and not casually and/or in extra professional relationships.
- ii. Contracts involving the client should be realistic and clear.
- iii. When a client is incapable of giving informed consent, counsellors obtain consent from a legally authorised person.
- iv. Any publicity material and all written and oral information should reflect accurately the nature of the service offered and the training, qualifications and relevant experience of the counsellor.
- v. Counsellors are responsible for communicating the terms on which counselling is being offered.
- vi. Counsellors will disclose any conflict of interest which may arise in relation to a client and will seek supervision to resolve appropriate action which may include referral.

4.5 Responsibilities to Self as Counsellor

- i. Counsellors have a responsibility to themselves to maintain their own effectiveness, resilience and ability to help clients. They monitor their own personal functioning and seek help or refrain from counselling when their personal resources are sufficiently depleted to require this.
- ii. Counsellors do not counsel when their functioning is significantly impaired by personal or emotional difficulties, illness, alcohol, drugs or any other cause.
- iii. Counsellors have regular suitable supervision and use such supervision to develop counselling skills, monitor performance and provide accountability for practice.

4.6 Responsibilities to other Counsellors

- i. Counsellors do not conduct themselves in their counselling-related activities in ways which undermine public confidence in either their role as counsellors or in the work of other counsellors.
- ii. Counsellors are committed to the ethical code of their professional organisation which will include procedures to withdraw membership for unethical practice.
- iii. Counsellors who suspect misconduct by another counsellor which cannot be resolved or remedied after discussion with the counsellor concerned, approach the appropriate professional body in their field of work.
- iv. Counsellors do not solicit the clients of other counsellors. They have an obligation not to impair the work of their colleagues. Nevertheless, counsellors need to be aware of the client's right to seek a second opinion.

4.7 Responsibilities to the Wider Community

- i. Counsellors work within the law.
 - ii. Counsellors take all reasonable steps to be aware of current legislation affecting their work.
 - iii. Counsellors are committed to protect the public against incompetent and dishonourable practices and are prepared to challenge these practices.
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SCAPE ETHICAL COMPLAINTS PROCESS

1.1 Steps to be taken prior to a formal complaint

- a) Any person (trainee, professional colleague, and member of the public), considering making a complaint against a member of the Association shall be referred to the President.
- b) On receiving this referral, the President or his/her nominee shall:
 - i) Explain the complaint process with a view to determining whether a formal complaint should be lodged.
 - ii) Discuss the complaint with the complainant.
 - iii) Explain the procedure for preparing, lodging and hearing of complaints.
 - iv) Encourage a complainant to proceed with a formal complaint where the alleged conduct appears to be a breach of ethical behaviour.
 - v) If the complainant decides not to make a formal complaint, take no further action apart from acknowledging the complainant's decision in writing to both the complainant and, where applicable the respondent.

1.2 Steps to establish a formal complaint

- a) If after consultation with the President or his/her nominee, a person decides to make a formal complaint, a support person will be appointed by the Executive from outside the Executive to assist the complainant to clarify their complaint in writing. It must be lodged with the President specifying the alleged code violations.
- b) On receipt of a formal complaint, the president shall forward to the respondent a copy of the complaint and a copy of the Association's Code of Ethics, shall advise them of the procedure to be followed and shall invite them to provide a written response to the complaint as soon as possible and within 3 weeks.
- c) On receipt of reply from the respondent, the President or his/her nominee may decide, having due regard for the wishes and safety of the complainant, that a negotiated resolution is both desirable and possible in which case:
 - i. The President shall seek to achieve a negotiated resolution between the complainant and respondent.
 - ii. If the result is that the complainant decides not to proceed with the formal complaint, the President shall

acknowledge the complainant's decision in writing to both the complainant and the respondent.

- iii. Within 6 weeks the President shall notify the Executive with a consultation report, which contains no identifying data.
- d) Within one month after the time limit set for the respondent to reply, or receipt of reply (whichever is sooner), the President shall appoint a Complaints Review sub-committee of 3 SCAPE members to hear the complaint. At least one of the sub-committee needs to be a member of the Executive. In exceptional circumstances where no acceptable committee can be formed from SCAPE membership, then one or more external persons be appointed to form the committee of three to hear the complaint. They will be appointed with regard to familiarity with the issues or workplace concerned, gender equity, and convenience. Any member who has had an association with, or knowledge of the parties to the complaint or the subject matter of the complaint which would prevent them from acting, or appearing to act, objectively in this matter, should disqualify themselves from any involvement in it.
- e) If the respondent does not respond or if in the course of the complaint process the respondent resigns or does not renew their membership; the complaint will still be fully investigated and a decision made according to the complaints process above.
- f) The Chair will convene the Committee to decide whether the complaint has sufficient substance to warrant an investigation. The sub-committee may dismiss the complaint where the matter complained of;
 - i) Does not constitute a breach of the Code of Ethics, or
 - ii) Is not sufficiently substantiated, or
 - iii) Is not of sufficient consequence to proceed with the formal complaint.
- g) The sub committee convener shall within 14 days advise the complainant, respondent and the Executive of its decision not to proceed with the complaint.

1.3 Prior to the formal Complaints Proceedings

In the event that the Committee decides that there is a case to answer and resolves to proceed with the complaint, it will:

- a) Suspend this protocol until there is an outcome to any legal process related to this complaint.
- b) Set a date for the Complaints Review proceedings.
- c) Notify the complainant and the respondent of the date for the Complaints Review proceedings and the respondent's opportunity to present a case in response to the complaints.
- d) Notify the complainant and the respondent that no later than 14 days prior to the hearing, they are required to:
 - i) Submit to the committee, any additional documents relevant to the complaint.
 - ii) Inform the committee if there is any other person, who has relevant information for the committee, that they wish to be invited to the hearing.
- e) Send copies of any written materials to the complainant and the respondent, no later than 7 days before the Complaints Review proceedings.

1.4 The Conduct of the Complaints Review Proceedings

- a) The hearing will be informal and neither party will be bound by the rules of evidence.
- b) The chairperson shall set the procedures for the hearing, ensuring that the process is reasonable and fair to each of the parties to the complaint. The chairperson will communicate these procedures to all participants prior to the hearing.
- c) 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;
 - i) Witnesses and evidence (e.g. written submissions in the form of Statutory Declarations) to the Committee.
 - ii) The right of reply to witnesses and evidence.
 - iii) At the end of the review proceedings to make final representations to the Committee.
- f) Any requests for support (e.g. notetaker or advocate) will be treated on merit, to ensure both parties feel heard. Any expense will be borne by the person requiring such support.
- g) Minutes and documentation of the review will be scribed by the Secretary or his /her nominee.

The powers of the Hearing Committee include the power to:

- i) Adjourn the hearing to a fixed date.
- ii) Determine the matter in the absence of a party where no satisfactory explanation is provided by her or his absence
- iii) Accept evidence in whatever form they consider appropriate; and
- iv) Call witnesses to provide evidence in relation to the complaint.
- v) The hearing Committee will consider the question of both liability and action.

A respondent may make a submission to the Committee regarding any action that may be imposed.

1.6 The Outcome of a Formal Complaint.

- a) After a hearing, the Complaints Review Committee shall provide a written report of findings to the Executive. In this report the Complaints Review Committee shall:
 - i) Recommend that the complaint should be dismissed. This is done when the Committee has found that the matter complained of did not constitute a breach of the Code of Ethics, or was not substantiated.

OR

- ii) Make a recommendation for an appropriate action to be applied. This occurs when the Committee has judged that the complaint has been substantiated and the matter complained of did constitute a breach of the Code of Ethics.
- b) Within 21 days from receiving the Complaints Review Committee's report of findings and recommendations the Executive Committee shall decide:
 - i. The complaint is dismissed.

OR

- ii. The complaint is substantiated and one or more of the following courses of action is appropriate if the Executive

Committee considers a penalty affecting membership should not be applied, - to formally reprimand the respondent in writing - to impose conditions of practice, and where appropriate, to offer interventions which would enable an offending member to develop more appropriate practice and any other course of action not affecting membership status that is deemed appropriate.

OR

iii. The complaint is substantiated and the Executive considers an action affecting membership status should be applied, then it decides on one or more of the following courses of action:

- i) To terminate membership of SCAPE, including any offices held.
- ii) To establish any conditions under which a future application for membership would be considered. (e.g. A course of training, therapy, or specific focused supervision.)

c) The Executives decision about penalties shall be promptly conveyed to the concerned parties within 14 days by the President, together with reasons for the determination.

If the Executive Committee decides on an action affecting membership status and this decision stands at the expiration of the appeal process, the respondent will be required to return his/her SCAPE membership certificate and his/her name will be removed from any membership lists. The decision to suspend membership will also be relayed to PACFA.

d) In determining appropriate penalties, a Executive Committee should examine previous decisions in similar cases and ensure where possible that the action is consistent with those earlier decisions.

1.7 Confidentiality

a) All members of the Association involved in the complaint procedure are obliged to maintain strict confidentiality, so far as the law allows, with respect to information concerning a complaint, except a decision affecting membership status.

- b) All documents produced during the complaint procedure will be marked private and confidential.
- c) The only persons required to know the identity of the individuals involved in a complaint are Association members involved in the complaint procedure, except when a decision affecting membership status has been taken.

1.8 Appeals for Reconsideration of Cases

- a) Either the complainant or the respondent may make an appeal for reconsideration of a case.
- b) Appeals may be made on the grounds of:
 - I. Improper procedure
 - II. the action imposed is inappropriate
 - III. new evidence
- h) A request for an appeal for reconsideration of a case, giving the grounds upon which the appeal is made, shall be lodged in writing within 21 days of receipt of the final decision,
- i) Upon receiving a notice of appeal the Executive Committee must within 1 month, consider the basis of the appeal and the documentation relevant to the case and:
- j) Resolve that:
 - I. There are no adequate or satisfactory grounds for reconsideration at which time they will notify the appellant in writing; or
 - II. There are sufficient grounds for the case to be reconsidered at which time, the matter will be considered by a group (Appeals Hearing Committee) viz a representative of PACFA Ethics Committee, President of SCAPE(or nominee) and a representative of the wider community.
- k) A hearing date for reconsideration will be set within 28 days of notification of the parties.
- l) The reconsideration procedure shall be the same as the complaints procedure, except that - the Appeals Hearing committee shall usually accept submissions in writing only and received no later than ten days prior to the hearing date.

- m) Regardless of the right of a person to Appeal, the disciplinary actions initially issued by the Complaints Process Committee are to be upheld until the conclusion of the Appeals process.
- n) The Appeals Hearing Committee can take action as follows: Uphold or overturn the original decision, determine reduced disciplinary action, determine expanded disciplinary action, any other ruling within it's discretion or combination of the former.
- o) The Appeals Hearing Committee will relay to the respondent and complainant in writing, within 7 days, the decision taken as a result of the Appeals process.
- p) The decision that is taken at the end of the reconsideration process is final and binding on both parties.

1.9 Notices

Notices sent to any person, committee or corporation involved in the complaint procedure shall be deemed to have been received by that entity four days after such notices are forwarded by ordinary mail.