October 2009

PROFESSIONAL CODE OF ETHICS AND CONDUCT

AUSTRALIAN SOCIETY OF SEX EDUCATORS, RESEARCHERS AND THERAPISTS NATIONAL INC (ASSERT National)

This code sets out principles of professional conduct developed to:
Maintain the integrity of ASSERT National and its members

GLOSSARY OF TERMS

1. MEMBER

(A) Professional Member
A member who meets the qualification standards of the selection committee of ASSERT National

(B) General Member
A member who is a current financial member of ASSERT National and who agrees to abide by its ethical standards.

2. SOCIETY

The Australian Society of Sex Educator Researchers and Therapists National Inc

3. COMMITTEE

(A)Executive Committee
Annually elected body, responsible for the day to day running of the society.

(B) Ethics Committee
Annually elected panel of the professional, one general member of the society and one consumer's representative, one of whom shall be male and another female, which will adjudicate in the application of the code of ethics.

4. CLIENT

Any person who enters into a contract with a member for the expressed purpose of receiving a professional service.

5. CODE

Professional code of ethics and conduct.

The sections that follow will expand on and identify specific applications of general principles which operate in all situations.

A. GENERAL ETHICAL PRINCIPLES

1. **RESPONSIBILITY**: Members are personally responsible for the professional decisions they make.

   (a) Members are expected to consider the foreseeable consequences of their actions and decisions and to make every effort to ensure that their services are provided in the best interests of the client.
   (b) In working with organizations, as employees or consultants, member shall have ultimate regards for the highest standards of their profession.

2. **COMPETENCE**: Members shall bring acceptable skill and learning to their areas of professional practice.

   (a) Members shall refrain from offering or undertaking work or advice beyond their professional competence.
   (b) Member shall adhere to supervision requirements.

3. **PROPRIETY:** The welfare of clients, students, the general public and the integrity of the society, shall take over the interests of an employer or colleagues.

   (a) Members shall refrain from any act which would tend to bring the society into public disrepute.

4. **CONFIDENTIALITY:**

   (a) Confidentiality of client information is paramount. Information will be revealed to others only with the informed consent of the client where possible.
   (b) Member must inform their clients of the legal or other contractual limits of confidentiality.

5. **NON-MALEFICENCE**: To always act in order to 'do no harm'.

6. **BENEFICENCE**: To always act to 'do good'.

7. **INTEGRITY**: To act with integrity and in good faith at all times.

8. **AUTONOMY**: To promote and enhance client self-determination.

9. **RESPECT**: To act at all times with respect for the client, their person, their experiences and their rational wishes.

B. CLIENT RELATIONSHIP – The Therapeutic Contract and Client's Welfare.

1. **VULNERABILTY**:

(a) Members are expected to be responsive to the client's vulnerability and to respect the client's autonomy to determine their own requirements.

2. TRUST:

(a) The client's ability to make judgments about their welfare is potentially clouded by the wish to succeed in therapy. The expectation by the client of competence, knowledge and high ethical standards on the part of the member is reasonable. Such standards must be reflected by the member within the professional relationship.

3. CONFIDENTIALITY:

(a) Members must make provisions for maintaining confidentiality in the storage and disposal of records.

(b) When working with persons who are unable to give informed consent, member must protect those persons' best interests.

(c) Members must not convey confidential communications from related professions to a client without permission from the source of such communications.

(d) They must also gain permission from the client before supplying confidential information to another professional person and have sound reason for doing so.

4. SEXUAL CONTACT:

(a) Members must not sexually exploit clients, supervisors or students.
That is, a member shall not engage in sexual misconduct or, conduct or practices, of a sexual or sensual nature or offer services that are sexual or sensual in nature. This includes member/client nudity, genital touch and sexual response elicitation &/or coaching.

5. PROFESSIONAL SKILL AND COMPETENCE:

(a) When a member is not competent to deal with a particular client matter, the member shall make this clear to the client and offer to refer the client to a more appropriate source of expertise.

(b) General members have not been accredited by ASSERT National.

(c) Members must be mindful that there is always a conflict of interest between personal and professional relationships with a client which will always be detrimental to the client. When such conflict arises, advice regarding action should be sought from the Executive committee.

(d) It is essential that members recognize 'conflicts of duty' when they engage their supervisors, colleagues or supervisees in therapy.

(e) Members may neither give nor receive any remuneration for referring clients to other professional services.

(f) Members shall terminate a clinical or consulting relationship and provide a referral when it is understood that the client is not benefiting from the treatment.

(g) ASSERT members are bound by the National Privacy Principles (www.privacy.gov.au/publications/npps01.html). It is therefore incumbent on all members to be familiar with National Privacy Principles and the collection of information to ensure that the client's rights are safeguarded. Information obtained in a clinical or consulting relationships, may be communicated only for professional purposes and only to persons legitimately concerned with the cases for the benefit of the client and only with the clients consent unless Mandatory Reporting is deemed necessary or a there is a 'risk of harm'.

(h) If a therapeutic relationship has been developed, the protection of that client's rights can only be ensured by considering him/her to always be a client. The therapeutic relationship precludes a sexual relationship between the clients and the therapist at any time in the future.

C. BREACH OF THE CODE: PROCEDURES FOR PERSONS CONSIDERING INVOKING ANY SECTION OF THE CODE

1. SOURCES OF COMPLAINTS:

Complaints may come from a variety of sources such as but not restricted to the following:

(a) The client who might approach a member, asking advice or information on procedures for redress of what they perceive as unprofessional conduct or unethical behaviour by a society member.

(b) A member of some other professional body who may express concern about the ethics or practice involving a society member.

(c) A member who becomes aware of behaviour by a member which could contravene some sections of the code.7.

2. ACTIONS REQUIRED BY MEMBER:

(a) In circumstances where there is factual knowledge of, or reasonable grounds for believing that the code has been or is being violated, it becomes the member's responsibility to report in writing to the ethics committee, the nature of their concern.

(b) Should a member be uncertain that the behaviour is in breach of the code they should consult with the ethics committee.

(c) If a member of the ethics committee is under investigation for a breach of ethics, that member shall stand down from the executive for the period of the investigation.

3. ASSISTING A CLIENT:

Where a client asks for advice or action to obtain redress, a member should:

(a) Advise the complainant to confirm through a member of the executive that the subject of the complaint was / is a member of the society, and

(b) Advise that person to convey the complaint to the ethics committee in writing.

(c) ASSERT National will review any alleged grievances against an ASSERT member. The complainant will be referred to the primary professional affiliation/registration body of the member against whom the alleged grievance has been made. The complainant will be advised to seek legal advice if it appears that the ASSERT member failed to comply with laws pertaining to the state in which the alleged grievance occurred and the laws of the Commonwealth.

4. ALTERNATIVE AREAS FOR REDRESS:

(a) Whether or not the subject of the complaint is a member of the society, advise the complainant of his or her rights and make them aware of the procedures to follow in registering a complaint.

(b) Should a member find her/himself in a breach of the code for any reason they are required to request a confidential consultation with two or more members of the ethics committee for advice.

(c) Members who breach the ethical standards of a related professional organization will be required to appear before the ethics committee.

(d) Members have the right to appeal a decision of the ethics committee before the executive committee.

(e) Any member who appears before the ethics committee or the executive in an appeal may be accompanied by another person.

5. PROFESSIONAL SKILL AND COMPETENCE:

A member who is requested to perform professional duties by an employer that could contravene this code is at all times required to abide by the code. He is advised to seek supervision.

6. SUPERVISION:

All ASSERT practitioners are required to undergo supervision on a regular basis to enhance accountability and ethical practice.

7. DISCLAIMER OF LIABILITY:

This statement applies to user interactions with ASSERT.

Code of Conduct Content

ASSERT makes every effort in good faith to ensure that the content of code of conduct is accurate and up to date. However, ASSERT makes no warranty or undertaking, whether expressed or implied, that the material which appears in this code is correct, complete, current, reliable and/or free from error. ASSERT recommends that consumers exercise their own skill and care with respect to its use.

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