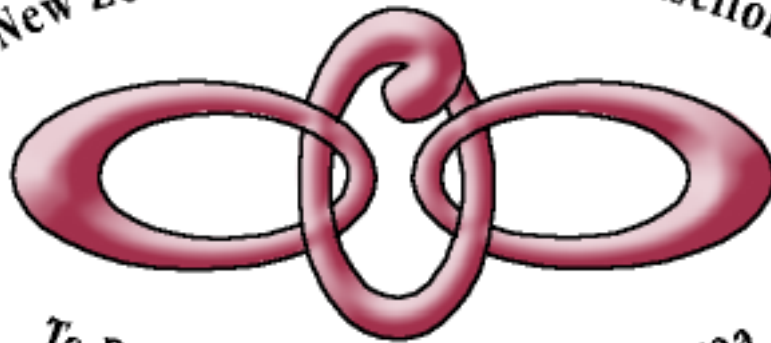


New Zealand Association of Counsellors

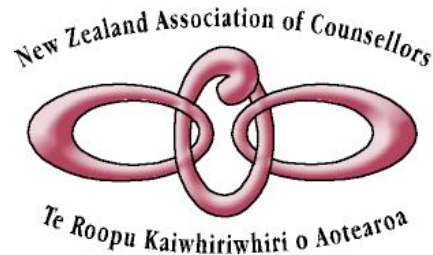


Te Roopu Kaiwhiriwhiri o Aotearoa

CODE OF ETHICS

A Framework For Ethical Practice

2002



CODE OF ETHICS A FRAMEWORK FOR ETHICAL PRACTICE

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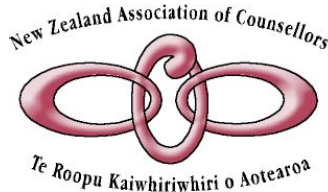
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CODE OF ETHICS A FRAMEWORK FOR ETHICAL PRACTICE

1. INTRODUCTION:

The purpose of this Code is to establish and maintain standards of professional practice for all categories of Member of the New Zealand Association of Counsellors (NZAC) and to inform and protect members of the public seeking their services. Counsellors of this Association, in assenting to this Code, accept their responsibilities to clients, colleagues, the Association, agencies and the wider community.

This Code applies to all categories of NZAC Member in the full range of their professional practices. Professional practice may include work in the fields of: counselling, supervision, therapy, training, education, research, advocacy, mediation, consultancy, management, coaching, community work, group facilitation, mentoring and spiritual advising. The generic terms “counsellor” and “counselling” apply to all the professional roles and activities undertaken by Members. The term “client” refers to those receiving these services.

This Code needs to be read in conjunction with the Treaty of Waitangi and New Zealand law. Counsellors shall seek to be informed about the meaning and implications of the Treaty of Waitangi for their work. They shall understand the principles of protection, participation and partnership with Maori. Counsellors shall also take all reasonable steps to be informed about New Zealand law relevant to their work.

This Code first outlines core values, then elaborates ethical principles which are developed out of these values, followed by general guidelines for professional practice. These values, principles and general guidelines apply to all areas of counselling practice. There follow particular guidelines for specific domains of practice that should be read in conjunction with the general guidelines.

This Code cannot resolve all ethical issues, but it does provide a framework within which ethical and practice related dilemmas might be addressed. Counsellors are responsible for making careful judgements about which parts of this Code apply to particular situations.

Through the NZAC complaints process, sanctions may be imposed upon a Counsellor found to have been guilty of: professional misconduct; conduct unbecoming a Member; or acts or conduct prejudicial to the interests of the Association.

2. THE NATURE OF COUNSELLING

Counselling involves the formation of professional relationships based on ethical values and principles. Counsellors seek to assist clients to increase their understanding of themselves and their relationships with others, to develop more resourceful ways of living, and to bring about change in their lives. Counselling includes relationships formed with individuals, couples, families, groups, communities and organisations.

3. CORE VALUES OF COUNSELLING

The practices of counselling involve the expression of particular core values. This Association expects counsellors to embrace these core values as essential and integral to their work.

The core values of counselling are:

- 3.1 Respect for human dignity
- 3.2 Partnership
- 3.3 Autonomy
- 3.4 Responsible caring
- 3.5 Personal integrity
- 3.6 Social justice

4. ETHICAL PRINCIPLES OF COUNSELLING

The following principles are expressions of these core values in action. They form the foundation for ethical practice.

Counsellors shall:

- 4.1 Act with care and respect for individual and cultural differences and the diversity of human experience.
- 4.2 Avoid doing harm in all their professional work.
- 4.3 Actively support the principles embodied in the Treaty of Waitangi.
- 4.4 Respect the confidences with which they are entrusted.
- 4.5 Promote the safety and well-being of individuals, families, communities, whanau, hapu and iwi.
- 4.6 Seek to increase the range of choices and opportunities for clients.
- 4.7 Be honest and trustworthy in all their professional relationships.
- 4.8 Practice within the scope of their competence.
- 4.9 Treat colleagues and other professionals with respect.

GENERAL GUIDELINES

5. THE COUNSELLING RELATIONSHIP

5.1 Safety

- (a) Counsellors shall take all reasonable steps to protect clients from harm.
- (b) Counsellors shall, in their professional practice, take responsible action to challenge violence and abuse of power.
- (c) Counsellors shall take all reasonable steps to protect themselves from actual or potential danger.
- (d) Counsellors shall warn third parties and appropriate authorities in the event of an imminent threat of serious harm to that third party from the client.

5.2 Respecting Diversity and Promoting Social Justice

- (a) Counsellors shall take account of their own cultural identity and biases, and seek to limit any harmful impact of these in their work with clients.
- (b) Counsellors should work towards bi-cultural competence.
- (c) Counsellors shall learn about and take account of the diverse cultural contexts and practices of the clients with whom they work.
- (d) Counsellors shall avoid discriminating against clients on the basis of their race, colour, disability, ethnic group, culture, gender, sexual orientation, social class, age, religious or political beliefs or on any other basis.
- (e) Counsellors shall work with clients in ways that are meaningful in the context of, and respectful towards, the clients' cultural communities.
- (f) Counsellors shall support their clients to challenge the injustices they experience.
- (g) Counsellors shall be committed to the equitable provision of counselling services to all individuals and social groups.
- (h) Counsellors shall promote social justice through advocacy and empowerment.

5.3 Appropriateness / Suitability of Counsellor

- (a) Counsellors shall determine, in consultation with the client, whether they are appropriate to provide the counselling. Where necessary and feasible, counsellors shall refer clients to other counsellors who would be more appropriate by reason of their skills, gender or culture or for any other reason indicated by the clients' needs.

5.4 Clear Contracts

- (a) The terms on which counselling is provided shall be clear and reasonable. Contracts negotiated between counsellors and clients may include matters to do with availability, fees, cancelled appointments, the degree of

confidentiality offered, handling of documentation, complaint procedures and other significant matters.

- (b) Counsellors shall establish with clients the aims or purposes of counselling and renegotiate them as necessary.

5.5 Informed Consent

- (a) Counsellors shall provide services to clients in the context of free and informed consent. Informed implies understanding and free consent implies a lack of pressure. Counsellors shall respect clients' rights to refuse or withdraw consent at any time.
- (b) Counsellors shall use clear and understandable language to discuss with clients the purposes, risks, limits and costs of the counselling.
- (c) Counsellors shall take all reasonable steps to safeguard the interests and rights of clients with limited or diminished capacity to give informed consent. Where relevant, this needs to be done in partnership with caregivers.
- (d) Counsellors should respect the rights of children: to receive age appropriate information and to give consent on their own behalf, commensurate with their capacity to do so.
- (e) Counsellors shall inform clients, where relevant, of the availability of government funding for counselling services.

5.6 Fees

- (a) Counsellors shall clarify fees and methods of payments with clients at the beginning of a counselling relationship.
- (b) Counsellors shall ensure that fees are reasonable and commensurate with the service provided.
- (c) Counsellors should be cautious about accepting goods or services from clients in lieu of payment. Counsellors who do accept goods or services from clients as payment for professional services are responsible for demonstrating that this arrangement will not be detrimental to the client or to the professional relationship.

5.7 Documentation of Counselling

"Documentation" in this code refers to all material about the client or about the counselling, recorded in any form (electronic, audio, visual and text). Documentation includes material collected for the purposes of: enhancing counselling practice; and meeting the requirements of research, accountability, appraisal, audit and evaluation.

- (a) Counsellors shall maintain records in sufficient detail to track the sequence and nature of professional services provided. Such records shall be maintained in a manner consistent with ethical practice taking into account statutory, regulatory, agency or institutional requirements.
- (b) Counsellors shall obtain informed consent from clients when writing reports for third parties.

- (c) Counsellors shall keep records and notes secure. They shall create, maintain, transfer and arrange to destroy them in a manner compliant with the requirements of the confidentiality sections of this code.
- (d) Counsellors shall inform clients of their right to access their documentation, to know how this information is being kept and to know who has access to it.
- (e) Counsellors shall take all reasonable steps to ensure that documentation remains retrievable as long as is professionally prudent, or as is required by law.
- (f) Counsellors are encouraged to ensure policies are in place for the safe and confidential storage and eventual destruction of client notes, in the event of the counsellor ceasing to practice, leaving the employing agency, or the counsellor dying.

5.8 Respectful Language

- (a) Counsellors shall use appropriate and respectful language in all communications, verbal and written, to and about clients.
- (b) Counsellors should avoid using diagnostic labelling in any way which is likely to cause harm to their clients.

5.9 Maintaining Competent Practice

- (a) Counsellors shall maintain their competence through regular supervision.
- (b) Counsellors shall undertake appropriate professional development activities.
- (c) Counsellors shall work within the limits of their knowledge, training and experience.

5.10 Fitness to Practice

- (a) Counsellors, together with their supervisors, shall monitor and maintain their fitness to practice at a level that enables them to provide an effective service.
- (b) Counsellors shall withdraw from part or all of their counselling practice while their emotional, mental or physical health is significantly impaired.

5.11 Multiple Relationships

- (a) Counsellors assume full responsibility for setting and monitoring the boundaries between a counselling relationship with a client and any other kind of relationship with that client and for making such boundaries as clear as possible to the client.
- (b) Counsellors should consult with their supervisor(s) when dual or multiple relationships arise.
- (c) When dealing with more than one party, counsellors should be even handed when responding to the needs, concerns and interests of each party.
- (d) When counsellors agree to provide counselling to two or more persons who have a relationship, counsellors shall clarify which person or persons are

clients and the nature of the relationship the counsellors will have with each person.

- (e) Counsellors should declare any previous acquaintance with a client or any other circumstances that may prejudice the counselling.
- (f) If conflicting roles with clients emerge during counselling, counsellors must clarify, adjust or withdraw from these roles by an appropriate process.

5.12 Exploitation

- (a) Counsellors shall not exploit clients for purposes of personal, professional, political, or financial gain.
- (b) Counsellors shall not solicit testimonials from current or former clients.

5.13 Sexual and Other Inappropriate Relationships With Clients

- (a) Counsellors shall not engage in sexual or romantic activity with their clients.
- (b) Counsellors shall not exploit the potential for intimacy made possible in the counselling relationship, even after the counselling has ended.
- (c) Counsellors shall not sexually harass their clients.
- (d) Counsellors shall not provide counselling to persons with whom they have had a sexual or romantic relationship.

5.14 Referral

- (a) Counsellors shall refer clients on, where possible, when other specialised knowledge is needed, or when the counselling is not being useful.
- (b) Counsellors shall obtain clients' consent before making referrals to colleagues and other services and before disclosing information to accompany such referrals.
- (c) Counsellors shall be responsible, as far as possible, for verifying the competence and integrity of persons to whom clients are referred.
- (d) Counsellors shall not ask for or accept referral fees.

5.15 Interruption of Services

- (a) Counsellors should make reasonable efforts to plan for alternative care in the event that counselling services are interrupted by a significant change in circumstances, such as the counsellor becoming unavailable, ill or dying.

5.16 Ending Counselling

- (a) Counsellors shall work with clients to end counselling when clients have received the help they sought, or when it is apparent that counselling is no longer helpful.

6 CONFIDENTIALITY

6.1 Extent of Confidentiality

- (a) Counsellors shall treat all communication between counsellor and client as confidential and privileged information, unless the client gives consent to particular information being disclosed.
- (b) Counsellors may discuss, in supervision, information received in counselling as part of the normal management of confidentiality.
- (c) Counsellors should take all reasonable steps to communicate clearly the extent and limits of the confidentiality they offer clients. Any agreement between the counsellor and client about confidentiality may be reviewed and changed by joint negotiation.
- (d) Counsellors shall protect clients' identities when information gained from counselling relationships is used for purposes such as counsellor training, research or audit.
- (e) Counsellors shall respect confidences about the clients of colleagues.
- (f) Counsellors should establish procedures to ensure the ongoing management of client confidentiality in the event of the counsellor's death.

6.2 Exceptions to Confidentiality:

- (a) Counsellors shall only make exceptions to confidentiality in order to reduce risk.
- (b) When counsellors need to pass on confidential information, they should provide only the minimum of information necessary and only then to those people to whom it is absolutely necessary.
- (c) Exceptions to confidentiality occur when:
 - there is serious danger in the immediate or foreseeable future to the client or others,
 - the client's competence to make a decision is impaired,
 - legal requirements demand that confidential material be revealed,
 - responding to a complaint about counselling practice.
- (d) Wherever possible, the decision to make an exception to confidentiality is made:
 - after seeking the client's co-operation, unless doing so would further compromise the safety of the client or others,
 - after consultation with a supervisor.

6.3 Confidentiality and the law

- (a) Counsellors are encouraged to seek legal advice about their rights and obligations under the law, when the counsellor's work with clients involves contact with the legal system.
- (b) When issued with a search warrant or subpoena to give evidence in Court, or other legal processes, counsellors should pursue the status of privileged

communication, in accordance with the client's wishes, until all legal avenues have been exhausted.

7. RESPONSIBILITY TO COLLEAGUES AND THE PROFESSION

7.1 Responsibility to Colleagues

- (a) Counsellors should treat colleagues with respect, fairness and honesty.
- (b) Counsellors shall not solicit clients away from other counsellors.
- (c) Counsellors shall avoid establishing a professional relationship with clients of other counsellors without appropriate communication with the counsellor or agency concerned.

7.2 Responsibility to NZAC

- (a) Counsellors should take action when they consider another counsellor's behaviour could be judged as professional misconduct, conduct unbecoming a member, or conduct prejudicial to the interests of the Association.

Such action may include:

- bringing concerns to the attention of the counsellor
 - notifying the counsellor's supervisor, teacher or employer
 - using a formal complaints process.
- (b) Counsellors shall use the Association's name, logo and letterhead only for purposes for which they are authorised.
 - (c) Counsellors shall represent NZAC in an official capacity only when authorised to do so.
 - (d) Members shall co-operate with the Ethics Committee in the event that a complaint is received against them. This includes complying with sanctions imposed after a hearing.

7.3 Responsibility to the Profession

- (a) Counsellors shall uphold and foster the values, integrity and ethics of the profession.
- (b) Counsellors should participate in the activities of the profession.
- (c) Counsellors are encouraged to devote a proportion of their professional activity to services for which there is little or no financial return.
- (d) Counsellors shall represent honestly and accurately their membership status, qualifications, training and competencies.
- (e) Counsellors shall not use their position within an organisation to recruit clients for their own private practice.

7.4 Collaboration with Counselling Colleagues and Other Professions

- (a) Counsellors should endeavour to achieve good working relationships and communication with other professionals in order to enhance services to clients.

- (b) Counsellors should be respectful and mindful of confidentiality in all communications with other professionals about clients.
- (c) Counsellors should negotiate to work collaboratively with other professionals working with the same client.
- (d) Counsellors working in a team with other professionals should seek respect for counselling ethics from the team.

8. RELATIONSHIP WITH EMPLOYERS, FUNDING AGENCIES AND THE WIDER COMMUNITY

8.1 Counsellors and the Law

- (a) Counsellors shall work within the law.
- (b) Counsellors shall notify the Association when they are convicted of a serious offence (being either any offence under the Crimes Act or an offence under any other statute that carries a potential sentence of six months imprisonment or more).

8.2 Relationship with Employers and Third Party Funders

- (a) Counsellors should adhere to and uphold the ethics of the profession and should avoid compromising them in the face of institutional requirements.
- (b) Counsellors shall be honest and trustworthy in dealings with employers and third party funders.
- (c) Counsellors shall endeavour to build healthy working relationships and systems of communication with employers and third party funders in order to enhance services to clients.
- (d) Counsellors are encouraged to contribute to policy development and seek to maintain and improve the quality of service in their work setting.
- (e) Counsellors should promote equal employment opportunity policies in their work settings.

GUIDELINES FOR SPECIFIC DOMAINS OF PRACTICE

The following guidelines cover extra ethical requirements within specific domains of practice. The general guidelines outlined above will still apply in all these domains of practice.

9. PROFESSIONAL SUPERVISION

The purpose of professional supervision is for counsellors to reflect on and develop effective and ethical practice. It also has a monitoring purpose with regard to counsellors' work. Supervision includes personal support, mentoring professional identity development and reflection upon the relationships between persons, theories, practices, work contexts and cultural perspectives.

Professional supervision is a partnership. It is a contractual, collaborative and confidential process, based upon informed consent.

Professional supervision may take a number of forms, including individual or group supervision and may involve telephone, email and letters. It may be live or may be based on personal recall, notes, videotapes, audiotapes, transcripts or client's creative works.

9.1 Professional Supervision Arrangements

- (a) Counsellors shall arrange for regular and ongoing supervision with competent supervisors, who should be either NZAC members, or members of another professional body with a Code of Ethics acceptable to the NZAC National Executive.
- (b) The frequency of supervision shall be in relation to workload and relative to the experience of the counsellor. The recommended guideline is that while working full-time, the counsellor averages one hour of supervision per fortnight.
- (c) Counsellors should seek supervision from a person who is not in a position of authority over them.
- (d) Counsellors should seek cultural consultation to support their work with persons who have different cultural backgrounds from their own.
- (e) Counsellors and supervisors shall be jointly responsible for establishing a supervision contract, which should be regularly reviewed and time-limited.

9.2 Responsibilities in Professional Supervision

- (a) Counsellors shall be responsible for:
 - selecting and taking to supervision relevant aspects of their work and their personal functioning.
- (b) Supervisors shall be responsible for:
 - assisting counsellors to explore and address their professional practice,
 - helping counsellors to monitor their competence, safety and fitness to practice.

- disclosing concerns about the counsellor's work to the counsellor, before taking further action.
 - maintaining the boundaries between supervision and other relationships the supervisor may have with the counsellor.
- (c) Counsellors and supervisors are jointly responsible for:
- distinguishing between supervision relationships and other professional or personal relationships.
 - identifying when the counsellor needs to seek counselling for personal concerns.

9.3 Competence in Professional Supervision

- (a) Supervisors should actively participate in professional education in supervision.
- (b) Supervisors should participate in ongoing professional development.
- (c) Supervisors shall obtain supervision for their work as supervisors.
- (d) Supervisors should take into account limitations to their competence and suggest consultations and referrals when appropriate.

10. COUNSELLOR EDUCATION

This section includes guidelines for teaching comprehensive counsellor education programmes and briefer professional development courses. This section applies to counsellors in all their professional practices as counsellor educators. This includes the roles of assessor, educator, examiner, consultant, facilitator, lecturer, tutor and trainer. The word "teacher" will be used to cover all of these roles.

10.1 Course or Programme Information

- (a) Teachers make available clear and accurate information about their courses in order to enable interested parties to make informed choices. Such information should make clear the obligations and responsibilities of all parties.

10.2 Selection

- (a) Where selection procedures are used, teachers shall use equitable, relevant and respectful processes to select suitable students and trainees.

10.3 Safety

- (a) Teachers shall take reasonable steps to protect participants from harm.

10.4 Assessment

- (a) Where assessment occurs, teachers shall use fair, transparent, and relevant procedures.
- (b) Teachers in the role of assessor should not simultaneously provide counselling to the person being assessed.

10.5 Exploitation

- (a) Teachers shall not abuse their position by exploiting students/trainees for purposes of personal, professional, political, or financial gain.

- (b) Teachers are responsible for setting and monitoring the boundaries between a teaching relationship and any other kind of relationship and for making such boundaries as clear as possible to the students/trainees.

10.6 Sexual Relationships With Students / Trainees

- (a) Teachers shall not engage in sexual or romantic activity with their students/trainees.

11. SPEAKING, WRITING AND RESEARCHING ABOUT COUNSELLING PRACTICE

Research is defined here as any activity in which counselling practice is written about, spoken about in public, or recorded for purposes other than to benefit the client. It includes the writing of assignments about counselling by students in counsellor training programmes, the recording of counselling interviews for demonstration purposes, the use of case studies in articles and books, institutional data collection, and any planned research studies into counselling practice or client concerns.

11.1 Value of Research

- (a) Counsellors should promote and facilitate evaluation and research in order to inform and develop counselling practice.
- (b) Counsellors should limit the demands of any research exercise to what can be justified in terms of benefit to individuals or the community.

11.2 Informed Consent

- (a) Counsellors shall provide research participants with sufficient information about the purpose and nature of the research to enable informed consent to be freely given. This information shall include the right to withdraw.
- (b) Counsellors shall obtain consent from research participants for how personal information will be used. This consent will be obtained without inducement or coercion.

11.3 Confidentiality

- (a) Counsellors shall protect the privacy and respect the confidences of research participants.

11.4 Conflict of Interest

- (a) When research purposes may conflict with counselling purposes, counsellors should ensure that the counselling relationship is given priority.

11.5 Respect for Diversity

- (a) Counsellors should carefully design, carry out and write up research in a way that promotes cultural sensitivity and respect for difference.
- (b) Counsellors undertaking research, should avoid contributing to the marginalisation or objectification of people.

11.6 Institutional Requirements

- (a) Counsellors should familiarise themselves with and adhere to institutional requirements governing research work they undertake. This includes seeking prior ethical approval where relevant.

11.7 Acknowledgment

- (a) Counsellors should give due credit through joint authorship, acknowledgement, footnotes or other appropriate means to those who have contributed significantly to any research publication.

11.8 Reporting

- (a) Counsellors should report research results fairly and accurately.

12. WORKING WITH GROUPS

12.1. Safety

- (a) Counsellors shall, as far as possible, protect group members from physical threats, intimidation, coercion, undue peer pressure and psychological and/or physical harm.

12.2 Informed Consent

- (a) Counsellors should provide prospective group members with information about the purpose of the group, the counselling approaches to be used and how the group will be conducted, including the relevant cultural practices or kawa.
- (b) Counsellors shall ensure that group members' choices to join or leave a group are made freely and without coercion.

12.3 Formation

- (a) Counsellors should be responsible for screening the suitability of prospective group members.
- (b) Counsellors should be responsible for creating the structure and conditions of the group in ways that are consistent with the group's purpose.

12.4 Confidentiality

- (a) Counsellors shall seek agreement from group members to respect the confidences and privacy of other group members and shall oversee the protection of these confidences during the life of the group.
- (b) Counsellors shall inform group members of the limits of confidentiality in groups.

13. COUNSELLING AND INFORMATION TECHNOLOGY

This section refers to counsellors' use of information technology and should be read in conjunction with the rest of the NZAC Code.

Information Technology includes counselling practices that occur when clients and counsellors are in separate or remote locations and use electronic means to communicate, such as websites, email, fax, telephone, audio and video calls, texting, web and instant messages.

It also includes counsellors' use of social media and participation in chat rooms or groups

13.1 Confidentiality

- (a) Counsellors shall take all reasonable precautions to ensure the confidentiality of electronic communications. Precautions would include removing identifiable material if notes are to be accessed for auditing purposes, using passwords and secure sites, ensuring that the hard drive or memory is wiped when a computer or another electronic device needs to be replaced.
- (b) Counsellors shall provide clients with a full explanation of the limits of confidentiality with regard to electronic communication.
- (c) Counsellors should make open disclosure of their identity, professional membership, qualifications, training, work context and the country from which the counsellor is working.

13.2 On-line Counselling

Online counselling is the provision of counselling services through the internet. Services area typically offered by email, real-time chat and video conferencing.

- (a) Counsellors should provide clear and adequate information about the benefits, limitations and risks of online counselling using technology, in order for clients to make informed decisions about using this service.
- (b) Counsellors should determine if on-line counselling is appropriate for the needs of the client, including taking into account any differences in culture and language.
 - When providing technology-assisted distance counselling services, counsellors should determine that clients are intellectually, emotionally, and physically capable of using the application and that the application is appropriate for the needs of clients.
 - Counsellors shall take all reasonable steps to clarify if the client is a minor.
- (c) On-line Counselling Contracts
Counsellors should, when engaging in online counselling, establish agreements with clients on issues such as online availability, response time, methods of payment and alternative methods of contact in the event of technology failure.

14. MEDIATION

14.1 Prior Knowledge

In mediation, counsellors shall disclose any prior interest or relationship that might create an appearance of partiality.

14.2 Impartiality

Counsellors should conduct mediation in a fair, impartial and even-handed manner that preserves for all participants the right to make their own decisions.

14.3 Confidentiality

Counsellors shall treat as confidential any information conveyed to them by one party in mediation that this party does not wish to be made available to other parties.

14.4 Coercion

Counsellors shall not coerce disputants either into participation in mediation or into agreeing to settlements.

15. CONSULTATION

Consultation is defined as a relationship between a counsellor and an individual, group or organisation seeking assistance with professional or organisational issues. It includes cultural consultation as referred to in the section on supervision.

15.1 Nature of Relationship

Counsellors shall ensure that consultation occurs within a voluntary relationship and that all parties concerned understand the goals.

15.2 Confidentiality

Counsellors shall limit any discussion of client information obtained from a consulting relationship to people clearly involved with the case. Any written and oral reports shall be limited to the purposes of the consultation. Every effort shall be made to protect client identity and to avoid undue invasion of privacy.