

Asian Professional Counselling Association

Code of Conduct

2008

Introduction

1. The Asian Professional Counselling Association (APCA) has been established to:
 - (a) To provide an industry-based Association for persons engaged in counsellor education and practice
 - (b) To monitor, maintain, set and improve professional standards in counsellor education and practice
 - (c) To be a self-regulatory body to provide registration of members and to provide a mechanism for dealing with complaints about members
 - (d) To liaise with the Hong Kong Government for the benefit of members and the public.

2. Membership of the APCA commits members to adhere to the APCA Code of Conduct. The Code of Conduct applies to counsellors' work related activities. It includes the clinical of counseling practice as well as research, teaching, supervision of trainees and other activities that relate to the overall general training and employment of the counseling profession.

3. The Code of Conduct is intended to provide standards of professional conduct that can be applied by the APCA and by other bodies that choose to adopt them in the Asia Pacific Region. Depending upon the circumstances compliance or non-compliance with the Code of Conduct may be admissible in some legal proceedings.

Note: This Code of Conduct has been adapted from the Australian Counsellors Association Code of Conduct with the permission of the President of the Association

1 Code of Ethics

The helping relationship constitutes the effective and appropriate use of helper's skills that are for the benefit and safety of the client in his or her circumstances.

Therefore as members (regardless of level) of the APCA we will:

- Offer a non-judgmental professional service, free from discrimination, honouring the individuality of the client.
- Establish the helping relationship in order to maintain the integrity and empowerment of the client without offering advice.
- Be committed to ongoing personal and professional development.
- Ensure client understanding of the purpose, process and boundaries of the counseling relationship.
- Offer a promise of confidentiality and explain the limits of duty of care.
- For the purpose of advocacy, receive written permission from the clients before divulging any information or contacting other parties.
- Endeavour to make suitable referral where competent service can not be provided.
- Undertake regular supervision and debriefing to develop skills, monitor performance and sustain professional accountability.
- Be responsive to the needs of peers and provide a supportive environment for their professional development.
- Not act as or practice legal counsel on behalf of or to a client when practicing as a counsellor or act as an agent for the client.
- Not initiate, develop or pursue a relationship be it sexual or non-sexual with past or current clients, within 2 years of the last counseling session.
- Be responsible for our own updating and continued knowledge of theories, ethics and practices through journals, the association and other relevant bodies.
- Be committed to the above code of ethics and recognize that procedures for withdrawal of membership will be implemented for breaches.

2. Code of Practice

Introduction

This code applies these values and ethical principles outlined above to more specific situations which may arise in the practice of counseling. **No clause or section should be read in isolation from the rest of the Code.**

Issues of Responsibility

2.1.1 The counsellor-client relationship is the foremost ethical concern. However, counseling does not exist in social isolation. Counsellors may need to consider other sources of ethical responsibility. The headings in this section are intended to draw attention to some of these.

2.1.1.1 Counsellors take responsibility for clinical/therapeutic decisions in their work with clients

2.1.2 Responsibility to the client

Client Safety

2.1.2.1 Counsellors must take all reasonable steps to ensure that the client does not suffer physical, emotional or psychological harm during counseling sessions.

2.1.2.2 Counsellors must not exploit their clients financially, sexually, emotionally, or in any other way. Suggesting or engaging in sexual activity with a client is unethical.

2.1.2.3 Counsellors must provide privacy for counseling sessions. The sessions should not be overheard, recorded or observed by anyone other than the counsellor without informed consent from the client. Normally any recording would be discussed as part of the contract. Care must be taken that the sessions are not interrupted.

Client Self-determination

2.1.2.4 In counseling the balance of power is unequal and counsellors must take care not to abuse their power.

2.1.2.5 Counsellors do not normally act on behalf of their clients. If they do, it will only be at the express request of the client, or else in exceptional circumstances.

2.1.2.6 Counsellors do not normally give advice.

2.1.2.7 Counsellors have a responsibility to establish with clients at the outset of counseling the existence of any therapeutic or helping relationships

in which the client is involved and to consider whether the counseling is appropriate. Counsellors should gain the client's permission before conferring in any way with other professional workers.

Breaks and Endings

- 2.1.2.8 Counsellors work with clients to reach a recognized ending when clients have received the help they sought or when it is apparent that counseling is no longer helping or when clients wish to end.
- 2.1.2.9 External circumstances may lead to endings for other reasons which are not therapeutic. Counsellors must make arrangements for care to be taken of the immediate needs of clients in the event of any sudden and unforeseen endings by the counsellor or breaks to the counsellor relationship.
- 2.1.2.10 Counsellors should take care to prepare clients appropriately for any planned breaks from counseling. They should take any necessary steps to ensure the well-being of their clients during such breaks.

2.1.3 Responsibility to other Counsellors

- 2.1.3.1 Counsellors must not conduct themselves in their counseling-related activities in ways which undermine public confidence either in their role as counsellor or in the work of other counsellors.
- 2.1.3.2 A counsellor who suspects misconduct by another counsellor which cannot be resolved or remedied after discussion with the counsellor concerned, should implement the Complaints Procedure, doing so without breaches of confidentiality other than those necessary for investigating the complaint.

2.1.4 Responsibility to Colleagues and Others

- 2.1.4.1 Counsellors are accountable for their services to colleagues, employers and funding bodies as appropriate. At the same time they must respect the privacy, needs and autonomy of the client as well as the contract of confidentiality agreed with the client.
- 2.1.4.2 No-one should be led to believe that a service is being offered by the counsellor who is not in fact being offered, as this may deprive the client of the offer of such a service elsewhere.
- 2.1.4.3 Counsellors must play a demonstrable part in exploring and resolving

conflicts of interest between themselves and their employers or agencies, especially where this affect the ethical delivery of counseling to clients.

2.1.5 Responsibility to the Wider Community

2.1.5.1 Counsellors must take all reasonable steps to be aware of current law as it applies to their counselling practice.

2.1.5.2 Counsellors commit to practice only when registered as a member of a recognized professional association.

2.1.6 Resolving Conflicts Between Ethical Priorities

2.1.6.1 Counsellors may find themselves caught between conflicting ethical principles, which could involve issues of public interest. In these circumstances, they are urged to consider the particular situation in which they find themselves and to discuss the situation with their counseling supervisor and/or other experienced counsellors. Even after conscientious consideration of the salient issues, some ethical dilemmas cannot be resolved easily or wholly satisfactorily.

2.2 Anti-Discriminatory Practice

Client Respect

2.2.1 Counsellors work with clients in ways that affirm both the common humanity and the uniqueness of each individual. They must be sensitive to the cultural context and worldview on the client; for instance, whether the individual, family or the community is taken as central.

Client Autonomy

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

Counsellor Awareness

2.2.3 Counsellors are responsible for ensuring that any problems with mutual comprehension due to language, cultural differences or for any other reason are addressed at an early stage. The use of an interpreter

needs to be carefully considered at the outset of counseling.

- 2.2.4 Counsellors have a responsibility to consider and address their own prejudices and stereotyping attitudes and behaviour and particularly to consider ways in which these may be affecting the counseling relationship and influencing their responses.

2.3 Confidentiality

- 2.3.1 Confidentiality is a means of providing the client with safety and privacy and thus protects client autonomy. For this reason any limitation on the degree of confidentiality is likely to diminish the effectiveness of counseling.

- 2.3.2 The counseling contract will include any agreement about the level and limits of confidentiality offered. This agreement can be reviewed and changed by negotiation between counsellor and client. Agreements about confidentiality continue after the client's death unless there are overriding legal or ethical considerations.

2.3.3 *Settings*

- 2.3.3.1 Counsellors must ensure that they have taken all reasonable steps to inform the client of any limitations to confidentiality that arise within the setting of the counseling work, e.g. updating doctors in primary care, team case discussions in agencies. These are made explicit through clear contracting.

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

2.3.4 *Exceptional Circumstances*

- 2.3.4.1 Exceptional circumstances may arise which give the counsellor good grounds for believing that serious harm may occur to the client or to other people. In such circumstances the client's consent to change in the agreement about confidentiality should be sought wherever possible, unless there are good grounds for believing the client is no longer willing or able to take responsibility for his/her actions. Normally, the decision to break confidentiality should be discussed with the client and should be made only after consultation with the

counselling supervisor or if he/she is not available, an experienced counsellor.

- 2.3.4.2 Any disclosure of confidential information should be restricted strictly to relevant information, conveyed only to the appropriate people and for appropriate reasons likely to alleviate the exceptional circumstances. The ethical considerations include achieving a balance between acting in the best interests of the client and the counsellor's responsibilities to the wider community.
- 2.3.4.3 Counsellors hold different views about the grounds for breaking confidentiality, such as potential self-harm, suicide, and harm to others. Counsellors must consider their own views, as they will affect their practice, and communicate them to clients and significant others, e.g. supervisor, agency.

2.3.5 *Management and Confidentiality*

- 2.3.5.1 Counsellors must pay particular attention to protecting the identity of clients.
- 2.3.5.2 Counsellors should ensure that records of the client's identity are kept separately from any case notes.
- 2.3.5.3 Arrangements must be made for the safe disposal of client records, especially in the event of the counsellor's incapacity or death.
- 2.3.5.4 Care must be taken to ensure that personally identifiable information is not transmitted through overlapping networks or confidential relationships.
- 2.3.5.5 When case material is used for case studies, reports or publication, the client's informed consent must be obtained wherever possible and their identity must be effectively disguised.
- 2.3.5.6 Any discussion about their counseling work between the counsellor and others should be purposeful and not trivializing.

2.4 Contracts

2.4.1 *Advertising and Public Statements*

- 2.4.1.1 Counsellors who hold accredited qualifications and who are members of recognized bodies are encouraged to mention this.
- 2.4.1.2 All advertising and public statements should be accurate in every particular.
- 2.4.1.3 Counsellors should not display an affiliation with an organization in a

manner which falsely implies sponsorship or validation by that organization.

2.4.2 *Pre-Counselling Information*

- 2.4.2.1 Any publicity material and all written and oral information should reflect accurately the nature of the service on offer, and the relevant counseling training, qualifications and experience of the counsellor.
- 2.4.2.2 Counsellors should take all reasonable steps to honour the undertakings in the pre-counselling information.

2.4.3 *Contracting with Clients*

- 2.4.3.1 Counsellors are responsible for reaching agreement with their clients about the terms on which counseling is being offered, including availability, the degree of confidentiality offered, arrangements for the payment of fees, cancelled appointments and other significant matters. The communication of essential terms and any negotiations should be concluded before having reached a clear agreement before the client incurs any commitment or liability of any kind.
- 2.4.3.2 The counsellor has a responsibility to ensure that the client is given a free choice whether or not to participate in counseling. Reasonable steps should be taken in the course of the counseling relationship to ensure that the clients are given an opportunity to review the counseling.
- 2.4.3.3 Counsellors must avoid conflicts of interest wherever possible. Any conflicts of interest that do occur must be discussed in counseling supervision and where appropriate with the client.
- 2.4.3.4 Records of appointments should be kept and clients should be made aware of this. If records of counseling sessions are kept, clients should also be made aware of this. At the client's request information should be given about access to these records, their availability to other people, and the degree of security with which they are kept.
- 2.4.3.5 Counsellors must be aware that computer-based records are subject to statutory regulations. It is the counsellors responsibility to be aware of any changes the government may introduce in the regulations concerning the clients right of access to his/her records.
- 2.4.3.6 Counsellors are responsible for addressing any client dissatisfaction with the counseling.

2.5 Boundaries

With Clients

- 2.5.1 Counsellors are responsible for setting and monitoring boundaries throughout the counseling sessions and will make explicit to clients that counseling is a formal and contracted relationship and nothing else.
- 2.5.2 The counseling relationship must not be concurrent with a supervisory or training relationship

With Former Clients

- 2.5.3 Counsellors remain accountable for relationships with former clients and must exercise caution over entering into friendships, business relationships, training, supervising and other relationships. Any changes in relationships must be discussed in counseling supervision. The decision about any change (s) in relationships with former clients should take into account whether the issues and power dynamics presented during the counseling relationship have been resolved.
- 2.5.4 Counsellors are prohibited from sexual activity with all current and former clients for a minimum of two years from cessation of counseling.

2.6 Competence

2.6.1 Counsellor Competence and Education

- 2.6.1.1 Counsellors must have achieved a level of competence before commencing counseling and must maintain continuing professional development as well as regular and ongoing supervision
- 2.6.1.2 Counsellors must actively monitor their own competence through counseling supervision and be willing to consider any views expressed by their clients and by other counsellors.
- 2.6.1.3 Counsellors will monitor their functioning and will not counsel when their functioning is impaired by alcohol or drugs. In situations of personal or emotional difficulty, or illness, counsellors will monitor the point at which they are no longer competent to practice and take action accordingly.
- 2.6.1.4 Competence includes being able to recognize when it is appropriate to refer a client elsewhere.
- 2.6.1.5 Counsellors must take reasonable steps to seek out and maintain peer

supervision to evaluate their efficiency as counsellors.

- 2.6.1.6 Counsellors must recognize and commit to the need for continuing education to maintain an effective level of awareness of current scientific and professional information and education in their particular fields of activity.
- 2.6.1.7 Counsellors should take steps to maintain their level of competence in the skills they use, be open to new procedures and keep up to date with all dangers that relevant to their area of expertise.
- 2.6.1.8 Counsellors are responsible for ensuring that their relationships with clients are not influenced by their own emotional needs.
- 2.6.1.9 When uncertain as to whether a particular situation or course of action may be in violation of the Code of Ethics and Practice, counsellors must consult with their counselling supervisor and/or other experienced practitioners.

Definition: A client is a person or persons who agrees to be counselled or is being counselled by a person who has represented him or herself to be a qualified counsellor, regardless of place, time or payment of fees.

3 Teaching, Training and Supervision

3.1 Counsellor Educators and Trainers

- 3.1.1 Counsellors who are responsible for developing, implementing and supervising educational programs are to be skilled and knowledgeable, particularly in regarding the ethical, legal and regulatory aspects of the profession. They are skilled in applying that knowledge and in making supervisees aware of their responsibilities.
- 3.1.2 Relationship Boundaries with Students and Supervisees. Counsellors clearly define and maintain ethical, professional and social boundaries with students and supervisees.
- 3.1.3 Contributions to research. Counsellors give students or supervisees credit for their research or projects. Credit is given through co-authorship, footnotes, acknowledgement or other appropriate means.
- 3.1.4 Counsellors do not endorse students, supervisees or trainees with certification or completion of a program if they believe students or supervisees are not qualified for this endorsement.

3.2 Supervisors and Supervisees

- 3.2.1 APCA members or counsellors who provide supervision demonstrate advanced skills in counseling, and receive appropriate training and supervision of supervision before providing supervisory services.
- 3.2.2 Members who provide supervision are aware of the inherent imbalance of power in supervisory relationships. Thus they actively monitor and appropriately manage multiple relationships. They refrain from any conduct that might increase the risk of exploitation or impair their professional judgment. They do not engage in sexual activity with students or with supervisees.
- 3.2.3 Members who provide supervision are highly respectful of the confidentiality of the sessions. They provide the same level of security for supervisee documents as they do for clients.
- 3.2.4 Supervisors educate their supervisees about ethical and professional codes of practice. They provide service to professional organisations and services and encourage their supervisees to participate.
- 3.2.5 Supervisors provide complete information of their expertise and competence to potential supervisees with a clear understanding of the supervisor relationship before engaging in a supervisory relationship.
- 3.2.6 Members who provide supervision commit themselves to ongoing professional development and demonstrate this to their supervisees.

Equal Opportunity Policy Statement

The Asian Professional Counselling Association (APCA) is committed to promoting Equality of Opportunity of access and participation for all its members in all of its structures and workings. APCA has due regard for those groups of people with identifiable characteristics which can lead to visible and invisible barriers thus inhibiting their joining and full participation in APCA. Barriers can include colour, culture, disability, education, ethnicity, gender, information, knowledge, mobility, money, nationality, religion, sexual orientation, social class and status.

The APCA aims to reflect this commitment in all areas, including services to its members, employer possibilities, the recruitment of and working with volunteers, setting, assessing, monitoring and evaluating standards and the implementation of the complaints procedures. This is particularly important when APCA becomes the Voice of Counselling in the Asia Pacific Region.

Membership

1. The Membership of the APCA consists of the following types of Members:
 - (a) Honorary Members
 - (b) Full Members
 - (c) Associate Members
2. The application for membership shall be made by completing the application form and submitting all the required documents with it (See website)
3. The membership fees for each type of membership shall be such sum as the Association shall from time to time determine.
4. The Association shall, after the receipt of an application for membership, consider such application and it shall be the absolute discretion of the Association whether the applicant is admitted to membership of the Association.
5. A member may resign from the Association at any time by giving written notice to the Secretary.
6. Such registration shall take effect at the time such notice is received by the Association or such later date as may be determined by the Association in its absolute discretion.
7. If a member is:
 - (a) convicted of any indictable offence; or
 - (b) fails to comply or in any way breaches the Code of Ethics; or
 - (c) conducts himself or herself in a manner considered by the Association to be injurious or prejudicial to the interests of the Association; then the Association shall have in its absolute discretion power to terminate the membership of the Association.
8. All practicing members of the APCA are expected to have professional supervision.
9. Persons applying for membership to the APCA may be refused if they have been found guilty of an indictable offence prior to applying.

Register of Members of the APCA

1. The Association shall keep a register of names and professional addresses of all persons who are members of the Association.
2. The register shall be open for inspection at all reasonable times by any member who applies in writing to the Association for such inspection within the guidelines of the privacy act.