

8 Ethical Practice and Professional Conduct Standard

This Standard outlines the requirements to achieve and maintain registration with PACFA in relation to a commitment to ethical practice and professional conduct.

To achieve registration an applicant must:

- meet the requirements of the Registration Standard including training
- complete the mandatory declarations which include acknowledgement of past or current professional misconduct
- commit to adhering to the Code of Ethics and related concern management process.

What is ethical practice and professional misconduct?

Ethical practice is clinical practice that meets the requirements of the PACFA Code of Ethics.

Professional misconduct for the purposes of this Standard is inclusive of behaviour that is also described as unprofessional conduct, or unsatisfactory professional performance and means professional conduct that is of a lesser standard than that which might reasonably be expected of a PACFA registrant by the public or the practitioner's professional peers.¹

What is the role of ethical practice in registration?

The PACFA Code of Ethics provides the ethical framework for the professional practice of counselling, psychotherapy and clinical supervision conducted by PACFA's registrants. It outlines and upholds high standards of behaviour in respect to the services provided to clients and in collegial relationships, requiring behaviour and practice beyond the personal moral obligations of an individual.²

A core regulatory function of PACFA is to provide a formal process for managing ethical concerns or grievances against its registrants when a breach of the Code of Ethics is alleged. Breaches of the Code of Ethics are reviewed by the Ethics Committee.

In cases of a serious breach PACFA may encourage complainants to complain to the relevant statutory authority.

1. Australian Health Practitioner Regulation Agency (Ahpra) & National Boards, April 2021, Regulatory Guide: pages 52–59

2. Australian Council of Professions, 2003, *What is a Profession*, www.Professions.org.au/what-is-a-professional

What is the role of professional misconduct in registration?

Professional misconduct may be determined against PACFA applicants and registrants by organisations such as an employer, or their relevant state or territory Health Care Complaints Commission.

As part of its commitment to public protection and professional accountability, this Standard requires the disclosure of any past substantiated complaints of professional misconduct as well as any current investigations into such matters. This information is reviewed by the Professional Standards Committee so that fitness for registration can be determined.

When assessing whether a history of professional misconduct is relevant to an applicant's or registrant's ability to practice safely and ethically, PACFA applies a principled approach that balances fairness, risk management and public interest. This process considers the potential impact on clients, the reputation of the profession and PACFA's public standing, while also taking into account any rehabilitation efforts and alignment with professional standards (Appendix A). The goal is to ensure that individuals listed on the PACFA register demonstrate competence, integrity, and a commitment to client welfare and public trust.

Does this standard apply to me?

This standard applies to all applicants for PACFA registration and all PACFA registered counsellors, psychotherapists and Indigenous Healing practitioners.

When you apply for registration

When initially applying for registration, you must declare that you agree to abide by the PACFA Code of Ethics and if you breach the Code, you will indemnify PACFA from any liability arising from your actions.

You are also required to provide details and copies of relevant documentation if in the past you have had any complaints of professional misconduct substantiated in relation to your work, or you are currently being investigated for any complaint of professional misconduct in relation to your work.

While you hold registration

For the duration of your PACFA registration, you must abide by the PACFA Code of Ethics and if you breach the Code of Ethics, you indemnify PACFA from any liability arising from your actions.

If during the period of registration, a complaint of professional misconduct in relation to your work is raised or substantiated with an organisation other than PACFA, PACFA must be notified within 30 days.

At renewal of registration

You are required to declare annually at renewal that you agree to abide by the PACFA Code of Ethics and if you breach the Code of Ethics, you will indemnify PACFA from any liability arising from your actions.

If not previously reported, you are also required to provide details and copies of relevant documentation if in the previous 12 months you have had any complaints of professional misconduct substantiated in relation to your work, or if you are currently being investigated for any complaint of professional misconduct in relation to your work.

Appendix A

Considerations in determining fitness for registration in the event of a substantiated complaint of professional misconduct:

1. Nature and seriousness of the misconduct
2. Time elapsed since misconduct and subsequent conduct
3. Demonstrated insight, responsibility, and ethical growth
4. Risk assessment of public and client safety
5. Alignment with ethical and professional standards
6. Legal, regulatory and public interest considerations.

Document version control

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