

ATAA CODE OF ETHICS

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1. Introduction

This document is based on the PACFA ethical framework. ATAA Code of Ethics embraces the principles and procedures of the PACFA document. PACFA has a role in determining the principles of ethical organisational conduct. Although individuals are often responsible for action, organisations also have a role in fostering ethical practices and conduct through their structures, procedures, guidelines and regulation of members.

In many instances, issues arise that can be viewed and/or challenged from both legal and ethical standpoints. TA practitioners are required to view these guidelines in light of relevant state and federal legislation, and to seek competent, qualified advice as to which provisions may prevail in any given instance.

Recognising that the profession of Transactional Analysis has four distinct streams – psychotherapy, counselling, organisational and educational stream, the ATAA's Code of Ethics seeks to promote the ethical values and principles irrelevant to the theory and practice of each stream.

We recognise that through our certification process, ATAA establishes a social contract, which invites the public to trust that members of ATAA acknowledge and adhere to the ethical premises and principles in this document. We also recognise that members do not always utilise these ethical principles and, therefore, that confrontation of a member is sometimes desirable and/or necessary.

We further recognise that should an individual's behaviour show a lack of integration of, or consistency with these principles, his/her certification, training contract and/or membership may be suspended by ATAA until such time as that integration is assured.

2. Ethical principles

2.1 ATAA values and principles

ATAA, through its structure, processes, leaders and mechanisms, demonstrates a culture in which the following values and principles can thrive:

- A.** Honouring the trust placed in them by their members and protecting the integrity of that relationship;
- B.** Respecting the privacy of their members and preserving the confidentiality of information acquired in the course of their work;
- C.** Protection of the rights of, and promotion of the responsibilities of their members;
- D.** Competence and good governance;
- E.** An ATAA member acknowledges dignity of all humanity regardless of physiological, psychological, sociological or economic status.
- F.** Members of ATAA shall in their public statements, whether written or verbal, refrain from derogatory statements, inferences and/or innuendoes which disparage the standing, qualifications or characters of members, bearing in mind their responsibility as representatives of ATAA and of Transactional Analysis.
- G.** The ethical practice of Transactional Analysis involves entering into an informed and lawful contractual relationship with a client that the member of ATAA and the client should have competence and intent to fulfil. When a client is unable or unwilling to function autonomously and responsibly within this contractual relationship, the member of ATAA must resolve this relationship in such a way as to bring no harm to the client.
- I.** Members of ATAA will operate and conduct services to clients with full responsibility to existing laws of the state and/or country in which they reside.

2.2 ATAA ethical responsibilities

ATAA, through its structure, processes, leaders and mechanisms, demonstrates a culture in which the following responsibilities are enacted:

2.2.1 Responsibilities to members

- A.** ATAA takes all reasonable steps to avoid harm to their members and actively protect the integrity of their relationship with their members.
- B.** ATAA sets and maintains professional structures and boundaries within the organisation.
- C.** ATAA, faced with situations which exceed the boundary of its competence, experience or the internal resources available seeks qualified professional advice or assistance.

- D.** ATAA ensures that an effective complaints mechanism exists to attend to complaints against its members. 'Members' are defined as those who were paid members at the time the breach occurred.
- E.** In the event of harm resulting from organisational management or processes, ATAA takes responsibility for acknowledgment and reparation/restitution.
- F.** ATAA ensures that its practising members have professional indemnity insurance as part of the process of protecting members from harm by allowing for restitution.
- G.** ATAA promotes members' autonomy by informing them with regard to their membership process and encourages members to make responsible decisions on their own behalf.
- H.** ATAA has transparent processes for the election and departure of office bearers. Office bearers should be appropriately qualified to hold the positions of leadership and management.
- I.** ATAA' practices and processes provide due attention to the social context of its members and their connections to other professionals.
- J.** ATAA will support members in their work, including professional development, best practice, research and other benchmarking standards of practice.

2.2.2 Exploitation

- A.** ATAA will not develop and maintain a culture which exploits its members and/or clients, past or present, in financial, sexual, emotional or other ways. Organisational processes including complaints mechanisms clearly reinforce that such practices are unacceptable.
- B.** ATAA will not accept or offer payments for privileges, or engage in any financial transactions, which are unlawful or against the ATAA regulations.
- C.** ATAA will provide its best possible services to the client and will act in such a way as to cause no intentional or deliberate harm to any client.
- D.** Sexual relations between ATAA members and their clients are prohibited. This is not restricted to sexual intercourse and includes any form of physical contact, whether initiated by the client or the ATAA member, which has as its purpose some form of sexual gratification, or which may be reasonably construed as having that purpose.

2.2.3 Confidentiality

- A.** ATAA treats in confidence any personal information about its members and/or clients, whether obtained directly or indirectly. This applies to all verbal, written, recorded or computer stored material pertaining to the professional and membership context. All records, whether in written or any other form, need to be protected with the strictest of confidence.
- B.** ATAA protects members' and clients' rights to privacy and confidentiality.
- C.** Exceptional circumstances may arise which give ATAA reasonable grounds for believing that the member and/or client may cause serious physical or other harm to others or themselves. In such

circumstances, the breaking of confidentiality may be required, preferably with the member's/client's permission, and after consultation with an appropriately qualified person(s).

D. 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 member.

E. Member/client confidentiality continues after the member's/client's death unless there are overriding legal considerations.

F. Special care is required when using specific situations for reports and publication. The author must have the member's/client's informed consent should there be any possibility of identification of the member/client.

G. Clients must not be observed by anyone other than their therapists without having given informed consent. This applies both to direct observation and to any form of audio or visual transmission or recording.

H. Members of ATAA and their supervisors are responsible for protecting the client's rights of confidentiality in the supervisory context by ensuring that shared information is disguised appropriately.

2.2.4 Contracts

A. Members of ATAA should strive to develop in their clients' awareness of, and functioning from a position of dignity, autonomy and personal responsibility.

B. Contracts involving the members/clients should be realistic and clear.

C. When a member/client is incapable of giving informed consent, ATAA will obtain consent from a legally authorised person.

D. ATAA will disclose any conflict of interest which may arise in relation to a member/client and will seek assistance to resolve the situation. Members of ATAA will not enter into or maintain a professional contract where other activities or relationships between ATAA members and clients might jeopardise professional contracts.

E. If members of ATAA become aware that personal conflicts or medical problems might interfere with their ability to carry out a contractual relationship; they must either terminate the contract in a professionally responsible manner, or ensure that the client has all the information needed to make a decision about remaining in the contractual relationship.

F. The professional relationship between a member of ATAA and a client is defined by the contract, and that professional relationship ends with the termination of the contract. However, certain professional responsibilities continue beyond the termination of the contract. They include, but are not limited to, the following:

- Maintenance of agreed upon confidentiality.

- Avoidance of any exploitation of the former relationship.
- Provision for any needed follow-up care.

2.2.5 ATAA responsibility for effectiveness and functioning

- A.** ATAA has a responsibility to maintain its own effectiveness, and its ability to support and develop members in their professional work.
- B.** ATAA needs to monitor their organisational functioning, and seek help or suspend services when its resources are sufficiently depleted to require this.
- C.** ATAA regularly evaluates its organisational skills, performance and provides accountability for organisational practice.
- D.** ATAA, through its office bearers, members and community contacts, has an obligation to keep abreast of the current legal, quality and compliance requirements in delivering and supporting professional services. ATAA also has a role in leading excellence in training and development of members through reference to research and best practice and other benchmarking standards in service delivery.
- E.** Professional members of ATAA will have regular suitable supervision and use such supervision to develop their skills, monitor performance and provide accountability for practice.

2.2.6 ATAA responsibilities to other PACFA member associations and the related professions

- A.** ATAA does not conduct itself in ways which undermine public confidence in its operation, the services of its members or the profession as a whole. ATAA does not undermine the work of other associations established to provide services to own members.
- B.** ATAA is bound by the constitution and codified requirements enshrined in its membership. ATAA is therefore aware that non-compliance with the PACFA Constitution may result in termination of their PACFA membership.
- C.** In a situation that ATAA suspects misconduct by another PACFA member association which cannot be resolved or remedied after discussion with the member association concerned, ATAA should approach the appropriate PACFA professional body.
- D.** ATAA does not solicit the members of other member associations.
- E.** ATAA respects the right of members to belong to more than one professional association.

12. Members of ATAA accept responsibility to confront a colleague whom they have reasonable cause to believe is acting in an unethical manner, and, failing resolution, to report that colleague to the ATAA and/or PACFA Ethics Committee.

2.2.7 Responsibilities to the wider community

- A.** ATAA works within the law and takes all reasonable steps to be aware of current legislation and regulations effecting their profession, their members and their work practices.

C. ATAA is committed to protecting the public against unlawful or unethical conduct by its members.

D. ATAA includes a community representative in complaints, appeals and review processes wherever possible. Board membership is fostered to reflect its community and constituents.

D. ATAA publishes accurate information about the nature of the service offered, qualifications and experience of members.

2.3 Personal qualities

ATAA practitioners' personal qualities are of the utmost importance to clients. Many of the personal qualities considered important in the provision of services have an ethical or moral component and are therefore considered as virtues or good personal qualities. These qualities are conveyed through the TA practitioner's theoretical approach and practice. It is inappropriate to prescribe that all TA practitioners possess these qualities, since it is fundamental that these personal qualities are deeply rooted in the person concerned and developed out of personal commitment rather than the requirement of an external authority. However, it is the case that moral qualities and virtues, and their enactment through particular behaviours, can also be taught and should be part of training programs in the field.

Personal qualities to which TA practitioners are strongly encouraged to aspire are evident in the enactment of the following behaviours/skills.

They include:

Empathy: the ability to communicate understanding of another person's experience from that person's perspective.

Sincerity: a personal commitment to consistency between what is professed and what is done.

Integrity: commitment to being moral in dealings with others, personal straightforwardness, honesty and coherence.

Authenticity: the capacity to be true to self and relating truthfully to others.

Resilience: the capacity to work with the client's concerns without being personally diminished.

Respect: showing appropriate esteem to others and their understanding of themselves.

Humility: the ability to assess accurately and acknowledge one's own strengths and weaknesses.

Competence: the effective deployment of the skills and knowledge needed to do what is required.

Fairness: the consistent application of appropriate criteria to inform decisions and actions.

Wisdom: possession of sound judgement that informs practice.

Courage: the capacity to act in spite of known fears, risks and uncertainty.

3. ATAA guidance on best practice for TA practitioners

ATAA is committed to sustaining and advancing best practice. This guidance on the essential elements of best practice has been written to take into account the changing circumstances in which TA practices are now being delivered, in particular: changes in the range of issues and levels of need presented by clients, the growth in levels of expertise available from TA practitioners with the expansion in the availability of training and consultative support/supervision, the accumulated experience of ATAA and its TA practitioners.

The profession of Transactional Analysis has four distinct streams – psychotherapy, counselling, organisational and educational stream. The diversity of settings within which TA services are delivered has been carefully considered. These services may be provided by the independent TA practitioner working alone, one or more TA practitioners working to provide a service within an agency or large organisation, specialists working in multidisciplinary teams, and by specialist teams of TA practitioners. Most work is undertaken face to face but there are also a growing number of telephone and online services. Some TA practitioners are moving between these different settings and modes of delivery during the course of their work and are therefore required to consider what constitutes best practice in different settings. TA practitioners considering moving into alternative modes of delivery, such as on-line or email practice are advised to seek supervision and/or consultation about the implications. All TA practitioners encounter the challenge of responding to the diversity of their clients and finding ways of working effectively with them. This statement therefore responds to the complexity of delivering TA practitioner services in contemporary society by directing attention to essential issues that TA practitioners ought to consider and resolve in the specific circumstances of their work.

The crucial role ATAA supervision and training has in developing and maintaining TA practitioners is emphasised within these ethical guidelines. How people formulate their theoretical paradigm and their own best practice will be highly influenced by their role models. How ATAA and senior TA practitioners respond to competing imperatives to establish a rigorous training program that has credibility in the field while operating a viable business will continue to provide them all manner of ethical dilemmas.

3.1 Providing a good standard of practice and care

All clients are entitled to good standards of practice and care from their TA practitioners. Good standards of practice and care require professional competence; good relationships with clients and colleagues; and commitment to and observance of professional ethics.

3.1.1 Good quality of practice and care

A. Good quality of practice and care requires competently delivered services that meet the client's needs by TA practitioners who are appropriately supported and accountable.

B. TA practitioners should give careful consideration to the limitations of their training and experience and work within these limits, taking advantage of available professional support. If work with clients requires the provision of additional services operating in parallel with TA practice, such

services must be brought to the client's attention as part of duty of care, as their absence may constitute a failure in effective service.

C. Best practice involves clarifying and agreeing to the rights and responsibilities of both the TA practitioner and client at appropriate points in their working relationship.

D. Dual relationships arise when the TA practitioner has two or more kinds of relationship concurrently with a client, for example client and trainee, acquaintance and client, colleague and supervisee. The existence of a dual relationship with a client is seldom neutral and can have a powerful beneficial or detrimental impact that may not always be easily foreseeable. For these reasons TA practitioners are required to consider the implications of entering into dual relationships with clients, to avoid entering into relationships that are likely to be detrimental to clients. Where such a situation cannot be avoided it is advisable that therapists discuss the implications of this with their clients, and be readily accountable to clients and colleagues for any dual relationships that occur.

E. TA practitioners are required to keep appropriate records of their work with clients. Records include client notes, emails, and transcripts of SMS communication. All records should be accurate, respectful of clients and colleagues and protected from unauthorised disclosure. TA practitioners should take into account their responsibilities and their clients' rights under data protection legislation and any other legal requirements.

F. Clients are entitled to competently delivered services that are periodically reviewed by the TA practitioner. These reviews may be conducted, when appropriate, in consultation with clients, supervisors or other TA practitioners with relevant expertise.

3.1.2 Maintaining competent practice

A. All TA practitioners, trainers and supervisors are required to have regular and on-going formal supervision/consultative support for their work in accordance with professional requirements.

B. Regularly monitoring and reviewing one's work is essential to maintaining best practice. It is important to be open to, and conscientious in considering, feedback from colleagues, appraisals and assessments. Responding constructively to feedback helps to advance practice.

C. A commitment to best practice requires TA practitioners to keep up to date with the latest knowledge and respond to changing circumstances. They should consider carefully their own need for continuing professional development and engage in appropriate educational activities in accordance with professional requirements.

D. TA practitioners should be aware of and understand any legal requirements concerning their work, including mandatory reporting requirements, and consider these conscientiously and be legally accountable for their practice.

3.1.3 Keeping trust

A. The practice of Transactional Analysis depends on gaining and honouring the trust of clients. Keeping trust requires:

- attentiveness to the quality of listening and respect offered to clients;
- culturally appropriate ways of communicating that are courteous and clear;
- respect for privacy and dignity; and
- careful attention to client consent and confidentiality.

B. Clients should be adequately informed about the nature of the services being offered. TA practitioners should obtain adequately informed consent from their clients and respect a client's right to choose whether to continue or withdraw.

C. TA practitioners should ensure that services are normally delivered on the basis of the client's explicit consent and mutually agreed contract. Overriding a client's known wishes or consent is a serious matter that requires commensurate justification. TA practitioners should be prepared to be readily accountable to clients, colleagues and professional body if they override a client's known wishes.

D. Situations in which clients pose a risk of causing serious harm to themselves or others are particularly challenging for the TA practitioner. These are situations in which the TA practitioner should be alert to the possibility of conflicting responsibilities between those concerning their client, other people who may be significantly affected, and society generally. Resolving conflicting responsibilities may require due consideration of the context in which the service is being provided. Consultation with a supervisor or experienced TA practitioner is strongly recommended, whenever this would not cause undue delay. In all cases, the aim should be to ensure for the client a good quality of care that is as respectful of the client's capacity for self-determination and their trust as circumstances permit.

E. Working with young people requires specific training, ethical awareness and competence. The TA practitioner is required to consider and assess the balance between young people's dependence on adults and carers and their progressive development towards acting independently. Working with children and young people requires careful consideration of issues concerning their capacity to give consent to receiving any service independently of someone with parental responsibilities and the management of confidences disclosed by clients.

F. Respecting client confidentiality is a fundamental requirement for keeping trust. The professional management of confidentiality concerns the protection of personally identifiable and sensitive information from unauthorised disclosure. Disclosure may be authorised by client consent or the law. Any disclosures should be undertaken in ways that best protect the client's trust. TA practitioners should be willing to be accountable to their clients and to their profession for their management of confidentiality in general and particularly for any disclosures made without their client's consent.

G. TA practitioners should normally be willing to respond to their client's requests for information about the way that they are working and any assessment that they may have made. This professional requirement does not apply if it is considered that imparting this information would be detrimental to the client or inconsistent with the TA approach. An example of this may include

restrictions of information shared between parents and children. Clients may also have legal rights to information and this needs to be taken into account.

H. TA practitioners must not abuse their clients' trust in order to gain emotional, financial or any other kind of personal advantage. TA practitioners should think carefully about, and exercise considerable caution before entering into personal or business relationships with former clients and should expect to be professionally accountable if the relationship becomes detrimental to the client or the standing of the profession.

I. Sexual relations with clients are prohibited both during contractual work and for a period of at least two years post treatment. Sexual relations include sexual intercourse and/or any other type of sexual activity or sexualised behaviour. TA practitioners do not engage in sexual relations with former clients even after a two-year interval except in the most unusual circumstances. TA practitioners who engage in such activity after the two years following cessation or termination of treatment and of having no sexual contact with the former client bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including:

- the amount of time that has passed since treatment terminated;
- the nature, duration, and intensity of the treatment;
- the circumstances of termination;
- the client's personal history;
- the client's current mental status;
- the likelihood of adverse impact on the client;
- any statements or actions made by the practitioner during the course of treatment suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

J. TA practitioners should be aware of their personal values in relation to lifestyle, gender, age, disability, race, sexual orientation, beliefs or culture and be cognisant of the impact of these on the treatment process. If TA practitioners find themselves unavoidably and emotionally prejudiced towards a client they must refer the client on to another agency or TA practitioner.

K. TA practitioners should be clear about any commitment to be available to clients and colleagues and honour these commitments.

3.1.4 Fitness to practice

TA practitioners have a responsibility to monitor and maintain their fitness to practice at a level that enables them to provide an effective service. If their effectiveness becomes impaired for any reason, including health or personal circumstances, they should seek the advice of their supervisor, experienced colleagues or line manager and, if necessary, withdraw from practice until their fitness to practice returns. Suitable arrangements should be made for clients who are adversely affected.

3.1.5 In the case of complaints from clients

- A.** TA practitioners should respond promptly and appropriately to any complaint received from their clients. An appropriate response in agency-based services would take account of any agency policy and procedures.
- B.** TA practitioners should endeavour to remedy any harm they may have caused to their clients and to prevent any further harm. An apology may be the appropriate response.
- C.** TA practitioners should discuss, with their supervisor or other experienced TA practitioner(s), the circumstances in which they may have harmed a client in order to ensure that the appropriate steps have been taken to mitigate any harm and to prevent any repetition.
- D.** TA practitioners are required to ensure that their work is adequately covered by insurance for professional indemnity and liability.
- E.** If TA practitioners consider that they have acted in accordance with best practice but their client is not satisfied, they may wish to use independent dispute resolution, for example: seeking a second professional opinion, mediation, or conciliation where this is both appropriate and practical.
- F.** Clients should be informed about the existence of the ATAA Ethical Code and any other applicable complaints or disciplinary procedures. If requested to do so, TA practitioners should inform their clients about how they may obtain further information concerning these procedures.

3.1.6 Responsibilities to all clients

- A.** TA practitioners have a responsibility to protect clients when they have good reason for believing that other practitioners are placing them at risk of harm.
- B.** They should raise their concerns with the practitioner concerned in the first instance, unless it is inappropriate to do so. If the matter cannot be resolved, they should review the grounds for their concern and the evidence available to them and, when appropriate, raise their concerns with the practitioner's professional body.
- C.** If they are uncertain what to do, their concerns should be discussed with an experienced colleague, a supervisor or raised with ATAA Ethics Chair.
- D.** All members of ATAA share a responsibility to take part in its professional conduct procedures whether as the person complained against or as the provider of relevant information.

3.2 Teaching and training

Teaching and Supervising Transactional Analysts (TSTAs) and provisional teaching and Supervising Transactional Analysts (PTSTAs) who provide training in the fields of TA are required to do so within the ethical guidelines of ATAA and other relevant organisational guidelines appropriate to their training. It is acknowledged that training institutions have a responsibility to foster an ethical culture through the development of structures, processes, contracts and procedures with staff and students that meet current educational and management standards in the field.

- A.** All TA practitioners are encouraged to share their professional knowledge and practice in order to benefit their clients and the public.

B. PTSTA/TSTA practitioners who provide education and training should acquire the skills, attitudes and knowledge required to be competent teachers and facilitators of learning, and to undertake activities to maintain training competence.

C. Trainers shall ensure that the training programmes and the learning experiences offered are in accordance with the currently valid educational guidelines and those of other acknowledged associations.

D. Trainers and learning supervisors shall only offer courses and provide education, supervision or coaching in areas in which they have the requisite competence and experience.

E. It is acknowledged that dual relationships may be inevitable to some degree. However, the roles of trainer and TA practitioner are seen as completely distinct and should be separated in absolute terms. Trainers who have other dual relationships with students shall, as far as possible, reduce conflicting role interests. In principle, these roles shall be distributed among different professionals. Different roles shall be separated in space and time. If, for any reason, the objectivity and capacity of the trainer to professionally evaluate is restricted, this must be declared and a resolution sought that protects the trainee's interests.

F. Trainers must not exploit trainees in financial, sexual, emotional, academic or any other ways.

G. PTSTA/TSTA practitioners are required to be fair, accurate and honest in their assessments of their students.

H. Prior consent is required from clients if they are to be observed, recorded or if their personally identifiable disclosures are to be used for training purposes.

3.3 Supervision

TA practitioners should consult with the ATAA professional standards documents in order to meet current practice responsibilities. This section of the Code is designed to attend to issues that may arise in a professional supervisory relationship that involves hierarchy and therefore issues of power. It is acknowledged that qualified and experienced TA practitioners may seek peer supervision rather than a more hierarchical supervision arrangement. The role of individual or group supervisor is considered to be of crucial importance in developing, maintaining and leading the professions. ATAA would see it as desirable that the role of supervisor be quite distinct from the role of line manager. Wherever dual relationships or responsibilities exist, these need to be transparently named and ethically managed.

A. There is a general obligation for all TA practitioners to receive supervision.

B. Supervision is considered a discrete professional activity within TA practice and thus it is required that supervisors complete specialist training in the development of supervision competencies.

C. Supervisors have a responsibility to maintain and enhance best practice by TA practitioners and to protect supervisees from poor practice. The evaluative aspects of supervision shall be contracted and transparent in any supervision arrangement.

D. Supervisors who advise their supervisees in more than one capacity shall, as far as possible, reduce conflicting role interests. In principle, these roles shall be distributed among different professionals. If this is not possible, supervisors shall inform their supervisee what expectations and what responsibilities go with each role. Different roles shall be separated in space and time. TA practitioners are responsible for clarifying who holds responsibility for the work with the supervisee.

E. Supervisors must not exploit supervisees in financial, sexual, emotional, academic or any other ways.

F. Supervisors shall have no sexual relationships with supervisees. They also avoid social contact with their supervisees if it could compromise the professional relationship. If, for any reason, the objectivity and capacity of the supervisor to professionally evaluate is restricted, the professional relationship must be terminated.

G. It is acknowledged that personal matters will arise during supervision regarding personal development or other advancements of their work. Supervisors shall not offer counselling or psychotherapy as substitute for or as a supplement to their work as supervisors.

3.4 Research

Ethical principles for undertaking research should be informed by NHMRC ethical principles for human research <http://www.nhmrc.gov.au/>

A. ATAA is committed to fostering research that will inform and develop practice. All TA practitioners are encouraged to support research undertaken on behalf of the profession and to participate actively in research work.

B. All research should be undertaken with rigorous attentiveness to the quality and integrity both of the research itself and of the dissemination of the results of the research.

C. The rights of all research participants should be carefully considered and protected. The minimum rights include the right to freely given and informed consent, and the right to withdraw at any point.

D. The research methods used should comply with the standards of best Transactional Analysis practice and must not adversely affect clients. Dissemination of research must include strategies for disseminating results to participants, TA practitioners, the wider community and other researchers.

3.5 Working with colleagues

The increasing availability of helping professions means that most TA practitioners have other practitioners working in their locality, or may be working closely with colleagues within specialised or multidisciplinary teams.

3.5.1 Working in teams

A. Professional relationships should be conducted in a spirit of mutual respect. TA practitioners should endeavour to attain good working relationships and systems of communication that enhance services to clients at all times.

B. TA practitioners should treat all colleagues fairly and foster equal opportunity.

C. TA practitioners should not allow their professional relationships with colleagues to be prejudiced by their own personal views about a colleague's lifestyle, gender, age, disability, race, sexual orientation, beliefs or culture. It is unacceptable and unethical to discriminate against colleagues on any of these grounds.

D. TA practitioners must not undermine a colleague's relationships with clients by making unjustified or unsustainable comments.

E. All communications between colleagues about clients should be on a professional basis and thus purposeful, respectful and consistent with the management of confidences as declared to clients.

3.5.2 Awareness of context

The TA practitioner is responsible for learning about and taking account of the different protocols, conventions and customs that can pertain to different working contexts and cultures.

3.5.3 Making and receiving referrals

A. All routine referrals to colleagues and other services should be discussed with the client in advance and the client's consent obtained both for making the referral and for disclosing information to accompany the referral. Reasonable care should be taken to ensure that:

- the recipient of the referral is able to provide the required service;
- any confidential information disclosed during the referral process will be adequately protected;
- the referral will be likely to benefit the client.

B. Prior to accepting a referral the TA practitioner should give careful consideration to:

- the appropriateness of the referral;
- the likelihood that the referral will be beneficial to the client;
- the adequacy of the client's consent for the referral.

If the referrer is professionally required to retain overall responsibility for the work with the client, it is considered to be professionally appropriate to provide the referrer with brief progress reports. Such reports should be made in consultation with clients and not normally against their explicit wishes.

3.6 Probity in professional practice

Ensuring the probity of practice is important both to those who are directly affected but also to the standing of the profession as a whole.

3.6.1 Providing clients with adequate information

A. TA practitioners are responsible for clarifying the terms on which their services are being offered in advance of the client incurring any financial obligation or other reasonably foreseeable costs or liabilities.

B. All information about services should be honest, accurate, avoid unjustifiable claims, and be consistent with maintaining the good standing of the profession.

C. Particular care should be taken over the integrity of presenting qualifications, accreditation and professional standing.

3.6.2 Financial arrangements

TA practitioners are required to be honest, straightforward and accountable in all financial matters concerning their clients and other professional relationships.

3.6.3 Conflicts of interest

Conflicts of interest are best avoided, provided they can be reasonably foreseen in the first instance and prevented from arising. In deciding how to respond to conflicts of interest, the protection of the client's interests and maintaining trust in the TA practitioner should be paramount.

3.7 Care of self as a TA practitioner

Attending to the TA practitioner's well-being is essential to sustaining best practice.

A. TA practitioners have a responsibility to themselves to ensure that their work does not become detrimental to their health or well-being by ensuring that the way that they undertake their work is as safe as possible and that they seek appropriate professional support and services as the need arises.

B. TA practitioners are entitled to be treated with proper consideration and respect that is consistent with this guidance.

4. ATAA professional conduct procedure

It is ATAA responsibility to ensure that its members fully understand the professional conduct procedure. This procedure forms an essential part of ATAA's commitment to the protection of the public. ATAA is required to inform any client who indicates that they have a complaint or grievance about the existence of this procedure. The aim of the professional conduct procedure is to provide complainants with an open and transparent route of remedy where complaints are made against ATAA or its practitioners. In processing such complaints, ATAA aims to protect members of the public, its practitioners, the name and reputation of ATAA and its profession.

The primary goal of the complaint procedures for dealing with alleged violations of the ATAA Code of Ethics is to ensure that fairness exists for all parties involved in the ethics complaint process. A primary objective will be to facilitate a resolution of the complaint through a mediation process, without the need to proceed to a formal complaint.

However when this process fails to facilitate a resolution, the Ethics Committee will provide a structure for confrontation, a fair hearing, and if necessary, fair and sound judgement to ensure that members of the ATAA represent and conduct themselves professionally in line with the ATAA Code of Conduct.

4.1 Complaints and appeals framework.

- A.** ATAA is responsible for receiving, investigating and hearing complaints regarding the conduct of its members.
- B.** ATAA has a procedure to be followed in the event of a complaint of unethical conduct against a member.
- C.** Disciplinary procedures include the possibility that a TA practitioner can be debarred from membership. This would automatically lead to the removal of the TA practitioner from any register for which ATAA membership is required.
- D.** Notification of the suspension or expulsion of an ATAA member is given to all other associations on whose register the person is listed.
- E.** The role of the ATAA Ethics Committee in hearing complaints is documented in its procedures.
- F.** The role of ATAA Board in an appeal is to establish that a procedurally correct investigation was made, that it was done in accordance with the ATAA complaints and appeals process and carried out in an ethical manner.

4.2 Bringing a complaint

A complaint can be brought by:

- anyone who has sought or received a service provided by ATAA member
- a legal guardian or other appropriately authorised adult on behalf of a minor and/or an adult lacking legal capacity for services sought or received; or
- a third party who can demonstrate sufficient interest, or who speaks on behalf of another vulnerable person/people such as joint children, and who has been directly affected by the actions of the TA practitioner, and where there is corroborating evidence of unethical conduct as described under this Code.

4.2.1 Complaints against non-members

ATAA cannot deal with complaints against individuals or organisations that were not members of ATAA at the time of the alleged professional misconduct and are not current members of ATAA.

4.2.2 Complaints against ATAA members

Complaints may be accepted if the respondent was a member at the time the alleged breach occurred, or is a current member, regardless when the breach occurred and the complaint is within seven years of the alleged breach. Complaints outside of these time periods will be considered by the ATAA Ethics Committee on a case by case basis, taking into account severity of the complaint, whether it occurred within a defined professional relationship, the risk to the community and the profession, reasons for time lapses in lodgement and other factors of significance to be specified at assessment of the complaint.

4.2.3 Complaints against ATAA

Complaints may be lodged by stakeholders outside of ATAA, for example, community members, government or other people with a vested interest in ATAA's services.

4.2.4 Records

All records will be kept for a period of seven years. ATAA reserves the right to reconsider complaints previously submitted when similar/other complaints subsequently arise that give good reason to suggest that the TA practitioner's continuing membership should be reviewed. Where the outcome of a complaint has resulted in termination of registration or membership, all records will be kept unless and/or until such time as the person concerned has successfully re-applied for membership of ATAA. Such records will be considered in any re-application for membership of ATAA.

4.2.5 Administration

The administration of the professional conduct procedure will follow the protocols laid down and as amended from time to time by ATAA. These will be administered by the Chair of Ethics.

4.2.6 Expenses

ATAA is not responsible for travel or any other expenses incurred either by the complainant or the TA practitioner complained against or any support person/representative in connection with any stage of the complaint. ATAA cannot order one party in a complaint to pay another party's costs. Some expenses may be paid at the Board discretion.

4.2.7 Dual accountability

Where information is received for consideration under the professional conduct procedure and where it is known that the member concerned is also a member of another professional body, ATAA reserves the right to formally notify any other organisation of the issues being considered.

ATAA will also hear matters that are the subject of a legal process, given that matters of ethics and law can focus on different aspects of and considerations in professional practice.

ATAA will not investigate matters that are substantially the same as a complaint before the Health Care Complaints Commission (HCCC). This would be considered replication of the complaints process. In some cases, ATAA will refer matters to the HCCC.

4.2.8 Resolution

Before submitting a complaint to ATAA, the complainant is encouraged to attempt to resolve the issue with the ATAA member complained against and details of any attempt at resolution should be included with the complaint. If local resolution is not possible or is considered inappropriate in the particular circumstances of the case, the complainant will be required to provide a written explanation as to why this is the case.

4.3 Making a complaint

4.3.1 The complaint

The complaint must satisfy the following conditions:

A. A formal written complaint must be filed with the ATAA Ethics Committee, addressed to 'The Chair, ATAA Ethics Committee in an envelope marked 'CONFIDENTIAL'. A copy of the complaint form is available by request from the ATAA Ethics Committee Chairperson and is attached to this document.

B. The Chair, Ethics Committee shall review the complaint about an ATAA member and shall determine whether it states allegations, which, if proven factual, would constitute violation(s) of the Code of Ethics.

4.3.2 Notification

The Chair, Ethics Committee will:

A. Seek written permission from the complainant to advise the respondent and other relevant people (e.g., investigators, and association lawyers) of the allegations.

B. When written permission is obtained the Chair, Ethics Committee will advise the respondent by registered mail or e-mail of the allegations by forwarding a copy of the complaint (or a summary of it).

C. The Chair, Ethics Committee will contact both parties to determine if the allegations can be resolved through a mediation process.

D. If mediation is acceptable to both parties the Chair, Ethics Committee will arrange for a mediator who is acceptable to both parties.

E. If mediation is unacceptable to, or is unable to reach a satisfactory outcome for either party the complaint will advance to a more formal stage.

F. If the results of the mediation are successful both parties will sign a statement to that effect and the case will be closed and the file kept in a secure location for one year then destroyed.

G. If there are sufficient grounds for the complaint to be proceeded with after either an unsuccessful or unwilling mediation, the Chair, Ethics Committee will advise the Ethics Committee of the allegations.

4.3.3 Receipt of a complaint

The Ethics Committee will meet within three weeks to decide:

A. If the allegations were proven factual whether they would constitute a violation of the code.

B. If not, the case will be closed and the complainant and respondent advised. There will be no appeal against this decision.

4.4 The formal professional conduct procedure

4.4.1 Acceptance of complaint

The complainant and ATAA member complained against will be notified in writing that the complaint will proceed further.

4.4.2 Responding to a formal complaint

ATAA member complained against will be notified of the acceptance of the complaint and will have 28 days to respond to it, having previously been supplied with a copy of the complaint. The respondent will also be furnished with any further information submitted by the complainant and considered by the Ethics Committee. Any response to the complaint must be forwarded to the Ethics Committee.

4.4.3 Evidence

All evidence submitted for the purpose of the professional conduct procedure, by either the complainant or the respondent shall be available to the parties involved in the complaint. This includes a clear statement about the relevant codes and specific clauses that will become the measure for the complaint.

4.4.4 Conduct

It is the duty of the parties taking part in the professional conduct procedure to comply with the implementation of the procedure. Such persons should comply with the relevant protocols as laid down by the ATAA Code of Ethics. Any failure to comply may result in the termination and/or withdrawal of ATAA membership.

4.5 The professional conduct hearing

4.5.1 Purpose

The purpose of the professional conduct hearing is for Ethics Committee to examine all the written and oral evidence presented by both parties and decide whether the complaint is proven or not. If proven, Ethics Committee will decide whether or not any sanction should be imposed.

4.5.2 Written evidence

Written evidence and/or submissions and witness statements must be submitted in advance by the complainant and the respondent. Such papers must be received by the Chair, Ethics Committee not less than 28 days prior to the date fixed for the hearing. Such papers will be circulated to Ethics Committee, the complainant and the respondent, within a reasonable period prior to the hearing.

4.5.3 Failure to attend the professional conduct hearing

Where a complainant or respondent fail or refuse to provide a response in the time periods without advisement, or to attend a hearing, the Chair, Ethics Committee has the power to decide to either:

- proceed with the hearing in the absence of one or both of the parties; or
- adjourn the hearing to a date not less than 28 days in advance; or
- terminate the proceedings; or

-refer the matter for consideration to the ATAA Board

4.5.4 Notification of findings

The decision of the Ethics committee will be notified in writing to the parties within 28 days of the professional conduct hearing.

4.6 Heads of complaint

Ethics Committee is responsible for determining whether the ground(s) of the complaint are upheld or not. If upheld, the Committee has to consider its decision and make a finding under one or more of the following heads of complaint. The decision about the head must ultimately rest upon consideration of all the circumstances in the case. The information that follows is intended to inform the choice between the three heads of complaint available to the Ethics Committee. These are:

- A. Professional misconduct
- B. Professional malpractice
- C. Bringing the profession into disrepute

4.6.1 Professional misconduct

A finding of professional misconduct signifies that the TA practitioner has contravened the ethical and behavioural standards that should reasonably be expected of a member of this profession. Misconduct is defined as acting in contravention of the written and unwritten guidance of the profession.

A finding of serious professional misconduct is appropriate if the misconduct is of sufficient seriousness to merit a period of suspension of rights of membership and/or the withdrawal of membership of the ATAA.

4.6.2 Professional malpractice

A finding of professional malpractice signifies that the service(s) for which the TA practitioner is responsible have fallen below the standards that would reasonably be expected of a TA practitioner exercising reasonable care and skill. Examples of malpractice include, but are not restricted to:

- Incompetence
- Negligence
- Recklessness
- The provision of inadequate professional services

A finding of serious professional malpractice is appropriate if the malpractice is of sufficient seriousness to merit a period of suspension of rights of membership and/or the withdrawal of membership of the ATAA.

4.6.3. Bringing the profession into disrepute

A finding of bringing the profession into disrepute signifies that the TA practitioner has acted in such an infamous or disgraceful way that the public's trust in the profession might reasonably be undermined, or might reasonably be undermined if they were accurately informed about all the circumstances of the case. A finding under this head must amount to disgraceful conduct in a professional respect. This involves consideration of three elements:

- Conduct that is regarded as disgraceful need not amount to moral turpitude or be restricted to acts of serious immorality.
- The conduct must have had some connection with a professional role in order to be considered as failing in a professional respect. It ought not to be concerned with matters that can reasonably be viewed as solely personal and private.
- Conduct in a professional respect is not confined to the pursuit of the profession in question.

A finding of bringing the profession into disrepute will result in withdrawal of the ATAA membership.

4.7 Sanctions

The Ethics Committee, having regard to the findings, may impose or recommend one or more of the sanctions detailed below.

- Make an order to cease and desist
- Censure the respondent
- Make an order for a period of supervision
- Education, and/or therapy
- Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation)
- Termination of membership
- Permanent bar to readmission
- Temporary termination
- Or any other action, within its authority, that the Ethics Committee deems appropriate

4.7.1 Lifting of sanction

The Ethics Committee will decide if the requirements of the sanction have been fulfilled and thus, whether the sanction should be lifted. The respondent will be notified in writing of any decision made.

4.7.2 Failure or refusal to comply with sanction

Failure or refusal to comply with a sanction may result in the respondent's immediate removal from the ATAA Register. The respondent will be notified of any such decision in writing.

4.8 Formal appeal procedure

The respondent, with reasonable grounds, may appeal the findings of the Ethics Committee, in writing to the President of ATAA within thirty (30) days of the announcement of the decision.

The President will advise the ATAA Board of the appeal. The only basis for appeal to the ATAA Board by a respondent regarding the decision of the Ethics Committee is that there was a violation of the procedural rules. The appeal should be limited to a review of the procedures, evidence and findings, with no new evidence being submitted.

Should the ATAA Board grant an appeal, the application and all relevant material will be considered.

Within 15 days of the meeting, the President of ATAA shall issue a written decision on the appeal and shall inform the complainant, respondent and the Ethics Committee of the decision. The ATAA Board must either:

- Affirm the Ethics Committee's decision,
- Change the findings of the Ethics Committee,
- Dismiss the case.

4.8.1 Notification of decision

The decision of the ATAA Board will be notified to the parties in writing within 14 days of the appeal hearing.

4.9. Procedural summary

- A. Formal complaint received
- B. Violation of code determined
- C. Respondent advised after complainant has given a written permission
- D. Mediation offered
- E. if mediation is successful, the case is closed
- F. If mediation is unsuccessful, Ethics Committee informed
- G. Evidence collated
- H. Professional conduct hearing held
- I. Findings and sanctions
- J. Appeal to ATAA Board
- K. Final decision

5. Effective Date

This Professional Conduct Procedure will apply to all complaints received by PACFA from 1st May 2012.

ATAA ETHICS COMPLAINT FORM

CONFIDENTIAL

Complainant's Name	
Address	
Usual phone number	
Email	
ATAA member – respondent – person being complained about	
Address (if known)	
Telephone (if known)	
Email (if known)	
Date/s of the alleged unethical behaviour	
Your relationship with the respondent at the time of the alleged violation (e.g., client, colleague, employee, trainee, etc.)	

Signature	
Date	

1. Details of the alleged violations

Write an account of what happened that you believe to be an ethical violation and how the events affected you. Be as specific as possible. Please type or use a computer if possible. Include this when you return the form. You may send additional information at any time up until the Ethics Committee begins its deliberation. (use extra sheets of paper, if required)

2. The section/s of the ATAA Code of Ethics that you believe have been violated

3. Provide details of any actions and outcomes that you have taken or are considering taking to deal with the alleged violations (e.g., advising the respondent's employer, initiating a formal grievance process with another body, seeking legal sanctions, etc.)

4. Have you filed a formal complaint against the ATAA member with any other organisation? If yes, please provide details.

5. Provide the names, addresses and telephone numbers of witnesses, if any, or others who might provide relevant information about the events you are filing a complaint about. If possible obtain from them a signed statement that can be sent along with this form.