



Psychotherapy & Counselling
Federation of Australia

PACFA Ethics Committee

TERMS OF REFERENCE

Introduction

PACFA's mission is "to advance the health and wellbeing of diverse Australian communities, through development of the practice of psychotherapy and counselling and the capacity and success of our members". PACFA therefore regulates registered members' professional practice in overseeing and supporting the ethical practice of PACFA members (PACFA Strategic Plan 2019-2022 – Objective 1.1.).

To fulfil this goal, PACFA:

- sets out a Code of Ethics that establishes an ethical framework for the practice of counselling and psychotherapy - a Code for practitioners that puts clients at the centre,
- provides an effective complaints-handling process based on principles of natural justice, as defined by the PACFA Professional Conduct Procedures
- strengthens the ethical competence of its members by providing Continuing Professional Development and web-based resources on ethical practice

The PACFA Ethics Committee has delegated responsibility for overseeing and implementing

- the PACFA Code of Ethics and
- the PACFA Professional Conduct Procedures.

Responsibilities

PACFA Board

The PACFA Board holds overall responsibility for PACFA policies in the field of Ethics and for the PACFA ethical complaints-handling function, which is one of the key regulatory functions PACFA provides for the counselling and psychotherapy profession.

The PACFA Board is responsible for:

1. Approving the Code of Ethics, Professional Conduct Procedures and ethical guidelines in consultation with the PACFA Ethics Committee and PACFA's peak policy-making body, the PACFA Council;
2. Providing advice to the PACFA Ethics Committee when the Ethics Committee requests an interpretation of the applicable policies, guidelines and procedures in a particular case.

PACFA Ethics Committee

The PACFA Ethics Committee has delegated responsibility for overseeing and implementing the PACFA Code of Ethics and the PACFA Professional Conduct Procedures.

In carrying out its delegated responsibilities, the PACFA Ethics Committee members will:

1. Have an in-depth knowledge of the PACFA Code of Ethics, ethical guidelines as well as the PACFA Professional Conduct Procedures; be aware of societal developments that influence ethical attitudes; keep informed of the latest research in ethics in the profession of counselling and psychotherapy; be curious about codes and procedures developed by other professional health organisations and, consequently:
 - review the PACFA Code of Ethics and the PACFA Professional Conduct Procedures at least every 5 years;
 - establish, improve and implement policies and processes;
 - submit these reviews or new policies or processes to the PACFA Board for consideration.
2. Manage complaints and grievances that are sent to PACFA for investigation, in conformity with the PACFA Professional Conduct Procedures, including:
 - determining if it is appropriate for PACFA to investigate a complaint or a grievance;
 - defining if it is appropriate that the complaint be considered through the Letter of Advice pathway or the Alternative Dispute Resolution process or if the matter should proceed to a formal grievance;
 - proceeding with the Letter of Advice process, if appropriate;
 - selecting the Intermediary, the Grievance Process Person as well as the Grievance Panel members;
 - reviewing and approving the Grievance Panel Report (comprised of the Findings Report which is sent to both parties and the Grievance Panel Report which is sent solely to the Ethics Committee) and its recommendations;
 - assessing compliance with the outcomes and, if necessary, determining if further sanctions are required.
3. Participate in PACFA Grievance Panels (one representative of the PACFA Ethics Committee on each panel) to provide adequate support and ensure that procedures are thoroughly followed.
4. Implement and manage the Appeal process as defined by the PACFA Professional Conduct Procedures, including:
 - receiving the Notice of the Appeal;
 - appointing an Independent Person from PACFA's pool of trained volunteers or other independent expert, to determine whether or not it is appropriate that the Appeal proceeds;
 - if relevant, acting as the Respondent (see PACFA Professional Conduct Procedures 2020);
 - receiving the Appeal Panel report.
5. While respecting confidentiality:
 - keep the PACFA Board informed of the developments of complaints, grievances and appeals and signal possible risks of litigation;
 - seek the advice of the PACFA Board when an interpretation of the applicable guidelines, procedures and policies is necessary before making a final decision on particular matters.
6. Ensure all members of the Pool of volunteers and Ethics Committee members are familiar with both the PACFA Code of Ethics and the PACFA Professional Conduct Procedures by offering adequate training.

7. Ensure Intermediaries who will be asked to facilitate Alternative Dispute Resolution are offered appropriate training and on-going support.
8. Strengthen the ethical competence of practitioners and enhance dissemination and communication about Ethics within the PACFA community by:
 - developing CPDs and webinars on Ethics, on ethical practice, on required skills, behaviours and attitudes;
 - creating online discussion forums on ethical dilemmas;
 - developing tools and resources on ethical practice for the PACFA website.
9. Report to the PACFA Board and PACFA Council.
10. Provide an ethical lens, feedback and advice to the PACFA Board, PACFA Office and PACFA Committees on matters or dilemmas that arise through PACFA.
11. Discharge such other responsibilities as necessary to fulfil its Terms of Reference.

PACFA Ethics Committee Chair

The PACFA Ethics Committee Chair is selected by the PACFA Board based on expertise in the field of ethics, in accordance with the PACFA Constitution.

The Ethics Committee Chair will:

1. Represent the Ethics Committee on the PACFA Board;
2. Liaise with the PACFA Ethics Officer – or, when required with other relevant PACFA staff – respond to queries and provide support and advice regarding the processing of complaints and grievances;
3. Provide leadership, guidance and advice to support the Ethics Committee members to discharge their responsibilities under these Terms of Reference;
4. Call Ethics Committee meetings (face-to-face and online), organise the agenda and minutes taking, lead the discussion and supervise the implementation of decisions taken;
5. When required, liaise with Ethics Committee members for input on decisions on ethical matters that have to be made between meetings;
6. Liaise with the PACFA Board, the PACFA CEO, other PACFA Committees' Chairs or call in external advice should specific input be required to inform decisions that have to be made;
7. When required, provide support and advice to PACFA Committee Chairs, to training or professional development providers, to the PACFA Board and the PACFA Office for ethical matters.

Details are documented in the Ethics Chair Position Description.

PACFA Ethics Committee members

PACFA Ethics Committee members are identified by the Chair, Committee members or by the PACFA Board. Their appointment requires Board approval (see details below).

The PACFA Ethics Committee members are responsible for:

- participating, whenever possible in Ethics Committee meetings and email consultations,
- maintaining confidentiality and acting in a professional matter,
- ensuring that they have a good knowledge of both the PACFA Code of Ethics and the PACFA Professional Conduct Procedures,
- ensuring they have a reasonable amount of time to fulfil Committee members' tasks,
- having, whenever possible, read all documentation provided and providing informed comments and feedback in a timely manner,
- suggesting specific items to advance the ethical work on the Committee's agenda,
- maintaining an open-mind and working towards consensus whenever possible.

Grievance Panel members

The Grievance Panel is a volunteer Panel appointed solely for the purpose of hearing a specific grievance.

In accordance with the PACFA Professional Conduct Procedures, Grievance Panel members are determined by the Ethics Committee from a Pool of trained practitioners. Grievance Panels consist of three people:

- a PACFA Clinical Registrant from the Pool of trained practitioners (who will preferably act as Chair of the Grievance Panel);
- a member of the PACFA Ethics Committee;
- an Independent Person from the Pool or, if such a person is not available, another PACFA Clinical Registrant from the Pool.

The Grievance Panel's task is to hear the grievance by examining all documentation provided by the parties to a grievance, to produce findings, to draft their reports they will submit to the Ethics Committee, together with their recommendations of actions and/or sanctions.

The Grievance Panel Chair will:

- Organise and chair all meetings during the hearing of a grievance;
- Prepare and finalise the reports of the Grievance Panel (Findings Report and Grievance Panel Report with recommendations for the Ethics Committee).

The Appeal Panel is a volunteer committee appointed by an Independent Person from the Pool for the purpose of solely hearing a specific appeal, in accordance with the PACFA Professional Conduct Procedures.

The Ethics Officer

A member of staff will be appointed to provide high-level administrative support to the Ethics Committee. The responsibilities of this staff member are documented in a detailed Position Description.

In accordance with PACFA's established management structure, the member of staff will report to and be supported by a Line Manager who will be the PACFA Operations Manager.

The Ethics Officer will liaise with the Ethics Committee Chair, Committee members, Intermediaries, Grievance Panel Chair and members, as well as with parties to a complaint or a grievance as required to undertake the role. However, the Ethics Officer's accountability is to the PACFA Operations Manager.

Committee Membership

There shall be a minimum of six and a maximum of 10 people appointed to the PACFA Ethics Committee who will provide a range of viewpoints based on their professional experience as well as on their modalities.

Membership of the Ethics Committee will be structured as far as possible to be inclusive of, but not limited to members who can represent the viewpoints of a diverse range of interest groups including:

Subject-matter experts:

- The Board appointed Chair
- Persons engaged in teaching ethics in counselling and psychotherapy
- A person nominated by CATSIHP (College of Aboriginal and Torres Strait Islander Healing Practices)

Members with other perspectives such as, at least:

- one practitioner from the counselling field; and
- one practitioner from the psychotherapy field;
- one senior supervisor in the counselling and psychotherapy field;
- one family therapist;
- one relationship therapist.

Members would preferably come from different Australian States.

A majority of Ethics Committee members must be active Clinical members of PACFA or hold an equivalent membership of a PACFA Member Association. These members must be of good standing within the counselling and psychotherapy profession.

Process to appoint Ethics Committee members

Candidates for the positions of Ethics Committee Chair and members of the Ethics Committee may be identified by the Ethics Committee Chair, Committee members or by the PACFA Board. Candidates are invited to submit a Curriculum Vitae to express interest in an Ethics Committee role. Appointments to Ethics Committee require Board approval.

The Chair and members of the Ethics Committee serve for a term of two years at a time and may serve for a maximum of four terms. Each two year term requires further approval by the PACFA Board. The period of appointment of members can be extended by resolution of the Board.

Eligibility

Candidates for the Ethics Committee are required to be of good standing. Where an ethical complaint or investigation is brought against a Committee member, that member is required to stand down from the Committee until the complaint or investigation is concluded.

Committee meetings

The PACFA Ethics Committee will meet formally eight times a year or more often if required to meet the requirements of these Terms of Reference.

Two meetings per year will be face-to-face and six meetings per year will take place via Zoom web-conference. Additional meetings, if required, will take place via Zoom.

Committee members will participate in most meetings with allowance being made for absence of a maximum of three meetings a year.

In between meetings, discussions may take place via email to enable decisions to be made in a timely manner.

Committee members are required to declare any conflicts of interest in relation to Ethics Committee business and to stand down from participating in meetings where there is a conflict of interest upheld by the Ethics Committee.

Review

These Terms of Reference will be reviewed every two years. The review process will include:

- Review of the Terms of Reference by the Board in consultation with the Ethics Committee;
- Review by the Ethics Committee's of its operation and effectiveness.

Revised by the PACFA Ethics Committee 11 September 2020

Approved by the PACFA Board 22 September 2020