

The Australian Creative Arts Therapy Association Inc



The committee of the Australian Creative Arts Therapy Association Inc (ACATA) endorsed this Code of Ethics (Code) at its committee meeting on June 2005 to take effect from that date. This Code now replaces all previously endorsed Code of Ethics.

Section 1 - Introduction

1. PREAMBLE

1.1 Background to the Australian Creative Arts Therapy Association Inc

The Australian Creative Arts Therapy Association Inc (ACATA) is a national voluntary not - for - profit association based in Melbourne Australia. Established in 2000, ACATA's aim is to provide a national association that offers professional recognition and representation, support and community network for creative arts therapists and associated professionals.

1.2 Development of the Code

This Code was developed by the Ethics Committee of ACATA in 2000. Additions that have been adopted and incorporated into this document are derived from paralleled professional organizations. Namely the Victorian Association of Family Therapists Inc (VAFT 1999), Psychotherapy and Counselling Federation of Australia, (PACFA 2000) and Australian Psychological Society (APS 2003). The revisions were adopted at 2001, 2003 and 2005.

The ACATA code of ethics meets the standards of the Health Records Act 2001 (Victoria). Information regarding the act, which outlines the rights and responsibilities of both service providers and recipients, can be obtained from the Health Commissioners Office: (03) 8601 5200 or www.health.vic.gov.au/hsc

1.3 About the Code of Ethics

The purpose of the code is to establish minimum standards of ethical practice for ACATA members. The Code is an evolving document that is intended to reflect professional and community values about the practice of creative arts therapy.

2. EXPLANATION OF TERMS

Creative Arts Therapy is the therapeutic use of the creative arts to promote change and wellbeing.

Client refers to individuals, couples, families, groups or communities as applicable.

Supervisor refers to professional counselling supervision (as distinct from line management).

Conflict of Interest refers to any situation where a member may be in (or may potentially be in) a position of being involved in a decision or action where they may not be perceived to be able to put client's wellbeing first.

Informed consent is sought from a minor, or adult unable to represent their self. Consent can only be given by a parent or authorized guardian on behalf of the person. A person giving informed consent has a right to withdraw consent at any time.

Section 2 - Code of Ethics and Principles of Creative Arts Therapy

1. ETHICAL PRINCIPLES

1. Members shall respect the essential humanity, worth and dignity of all people and promote this value in their work.
2. Members shall recognize and respect diversity among people and oppose discrimination and oppressive behaviour.
3. Members shall respect the privacy of their clients and preserve the confidentiality of information acquired in the course of their work.
4. Members shall protect the rights of their clients including the right to informed consent.
5. Members shall take steps to maintain and develop their competence throughout their professional lives.

2. ETHICAL RESPONSIBILITIES FOR CREATIVE ARTS THERAPISTS

2.1 Responsibilities to the client

- Members shall take all reasonable steps to avoid harm to their clients as a result of the creative arts therapy process.
- Members faced with situations which extend the boundary of their competence shall seek supervision and consider referral to other professionals.
- Members shall take responsibility for restitution in the event of harm resulting from Creative Arts Therapy. Professional indemnity should be considered in this context.
- Members shall promote client autonomy and encourage clients to make responsible decisions on their own behalf.
- Members shall consider the social context of their clients and connections to others.
- Members are responsible for setting and maintaining professional boundaries within the creative arts therapy relationship.
- Members shall seek continuing training or peer support to best serve their clients.
- Members shall work in collaboration with other professionals who have an existing relationship with a client.
- Members who must terminate the relationship with a client outside of the contractual agreement (i.e. ill health, personal or employment factors), must provide clients with an explanation and shall take all reasonable steps to safeguard clients' ongoing welfare.
- Members shall terminate the therapeutic relationship when the client is no longer benefiting and will take all reasonable steps to offer alternative referral.

2.2 Exploitation

- Members shall not exploit clients, past or present, in financial, sexual, emotional or any other way.
- Members shall not accept or offer payments for referrals, or engage in any financial transactions, apart from negotiating the ordinary fee charged for Creative Arts Therapy.
- Members shall not actively solicit private consultations from clients entitled to receive such services through an agency or institution.
- Sexual relations between the client and the Creative Arts Therapist can never be acceptable and constitute unethical behaviour. This is not restricted to sexual intercourse and includes any form of physical contact, whether initiated by the client or the Creative Arts Therapist, which has as its purpose some form of sexual gratification, or which may be reasonably construed as having that purpose.
- Members should consider that the deeper the involvement with the client's emotional life during Creative Arts Therapy, the less likely is the possibility of a subsequent equal relationship following termination of therapy. Members shall seek professional supervision should any attempt to build a relationship with a former client be considered.
- Members shall ensure a client's safety when working in various states of consciousness 'Non - ordinary States of Conscious' (literal, emotional, images, symbols and imaginary realms).

2.3 Confidentiality

- Members shall treat with confidence any personal information about clients, whether obtained directly or by inference. This applies to all verbal, written, visual, recorded or computer stored material pertaining to the therapeutic context. All records, whether in written or any other form, need to be protected with the strictest of confidence.
- Clients must not be observed by anyone other than their Creative Arts Therapists without having given informed consent. This applies both to direct observation and to any form of audio or visual transmission or recording.
- Members and supervisors are responsible for protecting the client's rights of confidentiality in the supervisory context by ensuring that shared information is disguised appropriately.
- Exceptional circumstances may arise which gives the Creative Arts Therapist good grounds for believing that the client will cause serious physical harm to others or themselves. In such circumstances, the breaking of confidentiality may be required, preferably with the client's permission, or after consultation with a Creative Arts Therapy Supervisor.
- Exceptions for disclosure:
 - Whether compelled by law or otherwise creative arts therapists should ensure that abuse is reported.
 - When the confidence relates to on-going abuse.
 - To prevent the clear and immediate danger to a person or persons.
 - When a creative arts therapist is a defendant in a civil, criminal or disciplinary action arising from the therapy (in which case client confidences may be disclosed only in the course of that action) or

- With the written informed consent of the client and then only such information that is covered by the consent.
- Members should ensure when consulting with other professionals that information shared about a client is provided on a need to know basis which is pertinent to the immediate situation.
- Members shall keep accurate written records of their work with clients and supervisees.
- Agreements about confidentiality continue after the client's death unless there are overriding legal considerations.
- Special care is required when using specific Creative Arts Therapy situations for reports and publication. The author must have the client's informed consent should there be any possibility of identification of the client.

2.4 Contracts

- Creative Arts Therapy activities are to be undertaken only with professional intent and not casually and/or in extra professional relationships.
- Contracts involving the client should be realistic and clear.
- Members shall obtain consent from a legally authorised person when a client is incapable of giving informed consent.
- Any publicity material and all written and oral information should reflect accurately the nature of the service offered and the training, qualifications and relevant experience of the Creative Arts Therapist.
- Members are responsible for communicating the terms on which counselling is being offered.
- Members shall disclose any conflict of interest which may arise in relation to a client and will seek supervision to resolve appropriate action which may include referral.

2.5 Collection, Handling and Storage of client records and creative art works.

- Members must make and keep adequate records for a minimum of seven years since last client contact unless legal requirements specify otherwise. In the case of records collected while the client was a child, records should be retained at least until the individual attains the age of 25. Further reference and information is found in the Health Records Act 2001.
- Members shall maintain confidentiality in the access and storage of creative arts works and disposal of records subject to legal requirements of their employment conditions.

2.6 Responsibilities to Self as Creative Arts Therapist

- Members have a responsibility to themselves to maintain their own effectiveness, resilience and ability to help clients. They shall monitor their own personal functioning, and seek help or refrain from practicing creative arts therapy when their personal resources are sufficiently depleted to require this.
- Members do not counsel when their functioning is significantly impaired by personal or emotional difficulties, illness, alcohol, drugs or any other cause.

- Members shall have regular suitable supervision and use such supervision to develop counselling skills, monitor performance and provide accountability for practice.
- Members secured as permanent or part time employee's of public institutions shall in their own best interests sight their employer's code of ethics.
- Members operating as private practitioners or as consultants to public institutions shall insure that they are well brief of the Health Records Act.

2.7 Responsibilities to other Creative Arts Therapists

- Members shall not conduct themselves in their Creative Arts Therapy related activities in ways which undermine public confidence in either their role as Creative Arts Therapists or in the work of other Creative Arts Therapists.
- Members are committed to the ethical code of the Association of Creative Arts Therapists Australia (ACATA), which includes procedures to withdraw membership for unethical practice.
- Members shall approach ACATA who suspect misconduct by another creative arts therapist which cannot be resolved or remedied after discussion with the creative arts therapist concerned.
- Members do not solicit the clients of other creative arts therapists. They have an obligation not to impair the work of their colleagues. Nevertheless, Creative Arts Therapists need to be aware of the client's right to seek a second opinion.
- Members must carefully consider all the implications of becoming involved with a client who is already receiving similar services from another professional and discuss these with the prospective client.
- Should a member have cause to disagree with a colleague or another professional with regard to a professional issue, the member must refrain from making intemperate criticism in a manner which casts doubt on that colleague's professional competence.
- A member who knows or suspects a Code violation by another member should follow the procedures attached to this Code.

2.8 Responsibilities to the Wider Community.

- Creative Arts Therapists work within the law.
- Creative Arts Therapists take all reasonable steps to be aware of current legislation affecting their work.
- Creative Arts Therapists are committed to protect the public against incompetent and dishonourable practices and are prepared to challenge these practices.

Section 3 - Complaints Procedure

3.1 Infringements of the ACATA Code of Ethics

ACATA Code of Ethics must be available to members and others seeking that information. The following information contains clear guidelines about the complaints procedure, including all steps to take if the matter is not able to be resolved in the first instance.

First Instance

- a) Anybody who is aware of a possible infringement of the ACATA Code of Ethics by a Creative Arts Therapist whilst engaged in practice, is required to bring the matter to the attention of that Creative Arts Therapist, with a request that the matter be immediately corrected. Wherever possible, the situation should be approached in a helpful and friendly way, and the possible infringement of the ACATA Code of Ethics drawn to the attention of the Creative Arts Therapist.
- b) The matter should then be brought to the attention of people, organization, association or other involved, including ACATA, by the person who is aware of a possible infringement, or by the Creative Arts Therapist, and a date set within thirty days for reviewing the Creative Arts Therapist's ability to work within the ethical guidelines.
- c) In the event of a Creative Arts Therapist being approached by someone requiring clarification or assistance regarding a possible infringement by another Creative Arts Therapist, the matter should be referred to the ethics committee of ACATA.
- d) Correspondence on the matter, including the nature of the infringement and date of review, should be written, dated and signed. All relevant parties should keep copies.

The ideal outcome of this process would be that the Creative Arts Therapist works within ACATA's Code of Ethics, and the matter is resolved in a manner that is satisfactory to all parties.

Second Instance

- e) If the possible infringement is not satisfactorily resolved the first instance, the matter is to be referred, with relevant correspondence, to the ethics committee members of ACATA.
- f) ACATA's ethics committee will inform the member involved in writing that an infringement enquiry or complaint has been received. The member is then required to give the association immediate written documentation of their attempt to resolve the issue in the first instance.
ACATA's ethics committee is required to make the above written notification to the Creative Arts Therapist no more than twice, using the last mailing address supplied to the association. This process should be achieved within thirty days of ACATA receiving the enquiry.
- g) ACATA's ethics committee will make a decision based upon all the information supplied to it. If the member is not satisfied by the decision and / or disciplinary procedure nominated by the committee, they have the right to appeal to the ACATA membership for the involvement of an independent non- creative arts therapist as mediator.
- h) If a Creative Arts Therapist fails to work within ACATA's ethical guidelines within thirty days of notification from the ACATA ethics committee, they will be removed from the membership immediately. The association will notify all relevant professional associations and organizations.

Third Instance

The consequence of an infringement of the Code of Ethics that is not resolved in the first instance by those directly involved, nor in the second instance by decision from the ACATA ethics committee, may be:

- i) Mediation by an independent person where the possible infringement is found to be unsubstantiated, and where the person, organization, association or other is not satisfied by the decision of the ACATA ethics committee.
- j) Mediation by an independent person where the possible infringement is found to be substantiated, and where the person, organization, association or other is not satisfied by the decision of the ACATA ethics committee.

k) Appeal to an independent person by the Creative Arts Therapist if they are not satisfied by the decision of the ACATA ethics committee. The committee is bound to take into consideration the informed opinion of this independent person when deciding upon the appropriate disciplinary process.

l) In the event that a Creative Arts Therapist is found by the independent person to be in breach of the Code of Ethics of ACATA they will be removed from the membership immediately. The association will notify all relevant professional associations and organizations.

3.2 Removal from membership of ACATA following a breach of ethical conduct

Conduct that is likely to bring about deregistration and/or membership revoked includes, but is not limited to:

- Being convicted of an indictable offence.
- Being found to have perpetrated fraud or misrepresentation relating to one's qualifications, functions, research activities, publications or authorship.
- Being expelled from or disciplined by other professional organizations.
- Having one's registration or suspended or revoked or being otherwise disciplined by regulatory bodies.
- Being unable to demonstrate competence to practice creative arts therapy.
- Harassing exploiting or threatening clients, students, trainees, supervisees, employees, colleagues, research participants.
- Failing to cooperate with the Association at any point from the inception of all proceedings regarding that complaint.

If a creative arts therapist's membership of ACATA is removed following a breach of ethical conduct, one of the following will occur:

- The Creative Arts Therapist's membership of ACATA is removed and not renewable.
- The Creative Arts Therapist may be suspended and given probation. Probationary membership requires regular documented supervision from a person agreed by ACATA to be suitable.
- Supervision to include a set period of time (up to two years) culminating in the supervisor and the probationer submitting formal statements recommending that the probationer is able to meet the full requirements of membership.
- Probationary membership will not recognize the Creative Arts Therapist as a Professional member until the period of probation is successfully completed. It remains up to the discretion of the ACATA ethics committee as to whether the Creative Arts Therapist can be considered for probation, if they have had membership fully revoked.

Declaration

To maintain the highest standards of professional practice, registered members shall hold and practice this "ethos", ACATA's code of ethics.

If you have any questions or inquiries regarding this code of ethics, please contact:

ACATA Secretary
PO BOX 2391, North Brighton, 3186, Victoria, Australia
Telephone Enquiries: 03 9513 0852 Email: acatainc@hotmail.com

Thank you for your support in upholding the integrity of ACATA.