

Play Therapy KOREA (PTKR)

Ethical Framework for Play, Creative Arts and Filial Therapies & Professional Conduct Procedure

This document is in two parts:

The Ethical Framework for Play, Creative Arts and Filial Therapies : Which PTKR Members are required to observe as practitioners.

The Professional Conduct Procedure : Which enables the Ethical Framework to be enforced by handling complaints from the public and other Members of PTKR

These two components, together with PTKR's Register of Certified Members, the Profession Structure Model (PSM) and the forthcoming Principles of Clinical Governance make up PTKR's Ethical System – the most comprehensive basis that exists for professional self regulation.

1st November 2008

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Part 1 - Ethical Framework for Play, Creative Arts and Filial Therapies

Introduction

The Ethical Framework for Play, Creative Arts and Filial Therapies, unifies and replaces, as from November 1st 2008, the earlier Play Therapy KOREA (PTKR) Code of Ethics. It is also applicable to play therapy research, the use of therapeutic play skills and the management of the delivery of these services within organisations. It is intended to inform the practice of each member of PTKR.

The framework is closely based upon the PTI and PTUK's Ethical Framework, adapted and extended by PTKR for the special needs of working with individual with emotional and/or behavioural challenges(EBC). In using much of the text of the PTI and PTUK Ethical Framework, PTKR acknowledges PTI and PTUK's authorship and copyright properties and expresses thanks for PTI and PTUK's permission and help.

The framework has also been developed in conjunction with Play Therapy International (PTI) to encourage unified standards of practice in all regions of Korea and Asian regions.

In this statement the term 'practitioner' is used generically to refer to anyone with responsibility for the provision of therapeutic play and creative arts therapies for children and adolescents - persons under the age of 16 as well as adults and the elderly with psychological or mental challenges. 'Practitioner' includes anyone undertaking the role(s) of therapist, counsellor, psychotherapist, trainer, educator, supervisor, researcher, provider of counselling skills or manager of any of these services. The term 'client' is used as a generic term to refer to the recipient of any of these services. The client may be an individual with EBC, couple, family, group, organisation or other specifiable social unit. Alternative names may be substituted for 'practitioner' and 'client' in the practice setting, according to custom and context.

The framework reflects this ethical diversity by considering:

- ◆ Values
- ◆ Principles
- ◆ Personal moral qualities

Values for Play, Creative Arts and Filial Therapies

The fundamental values of play, creative arts and filial therapies include a commitment to:

- ◆ Respecting human rights and dignity
- ◆ Ensuring the integrity of practitioner-client relationships
- ◆ Enhancing the quality of professional knowledge and its application
- ◆ Enabling individual to develop emotionally, socially and academically to their full potential
- ◆ Alleviating personal distress and suffering
- ◆ Fostering a sense of self that is meaningful to the person(s) concerned
- ◆ Increasing personal effectiveness
- ◆ Enhancing the quality of relationships between individuals, including children, adolescents, adults, and the elderly
- ◆ Appreciating the variety of human experience and culture
- ◆ Promoting the need for the equitable and adequate provision of therapeutic play, creative arts and filial therapies for individuals
- ◆ Consciously applying quality management and clinical governance principles in all therapeutic work

Values inform principles.

They represent an important way of expressing a general ethical commitment that becomes more precisely defined and action-orientated when expressed as a principle.

Ethical Principles of Play, Creative Arts and Filial Therapies

Principles direct attention to important ethical responsibilities. Each principle is described below and is followed by examples of good practice that have been developed in response to that principle.

Ethical decisions that are strongly supported by one or more of these principles without any contradiction from others may be regarded as reasonably well founded. However, practitioners will encounter circumstances in which it is impossible to reconcile all the applicable principles and choosing between principles may be required. A decision or course of action does not necessarily become unethical merely because it is contentious or other practitioners would have reached different conclusions in similar circumstances.

Accountability

A practitioner's obligation is to consider all the relevant circumstances with as much care as is reasonably possible and to be appropriately accountable for decisions made.

The challenge of working ethically means that practitioners will inevitably encounter situations where there are competing obligations. In such situations it is tempting to retreat from all ethical analysis in order to escape a sense of what may appear to be un-resolvable ethical tension. The framework is intended to be of assistance in such circumstances by directing attention to the variety of ethical factors that may need to be taken into consideration and to alternative ways of approaching ethics that may prove more useful.

No statement of ethics can totally alleviate the difficulty of making professional judgements in circumstances that may be constantly changing and full of uncertainties. By accepting the ethical framework, members of PTKR are committing themselves to engaging with the challenge of striving to be ethical, even when doing so involves making difficult decisions or acting courageously.

Fidelity: honouring the trust placed in the practitioner

Being trustworthy is regarded as fundamental to understanding and resolving ethical issues. Practitioners who adopt this principle: act in accordance with the trust placed in them; regard confidentiality as an obligation arising from the client's trust; restrict any disclosure of confidential information about clients to furthering the purposes for which it was originally disclosed.

Autonomy: respect for the client's right to be self-governing

This principle emphasises the importance of recognising at all times that an individual, no matter who he/she is, is an individual in their own right who has the capacity to enable their own healing and development through the therapeutic process. Although the use of therapy may be prescribed or requested by an adult responsible for the individual's well being the practitioner must regard the interests of the client as being paramount.

*The principle of autonomy opposes the manipulation of clients against their will, **even for beneficial social ends.***

Practitioners who respect their clients' autonomy: ensure accuracy in any advertising or information given in advance of services offered; seek freely given and adequately informed consent from the client or, when the client is not competent to give valid consent from the person legally responsible for the client; engage in explicit contracting in advance of any

commitment by the client; protect privacy; protect confidentiality; normally make any disclosures of confidential information conditional on the consent of the client/carer concerned; and inform the client and their carer(s) or those persons legally responsible for the client in advance of foreseeable conflicts of interest or as soon as possible after such conflicts become apparent.

Beneficence: a commitment to promoting the client's well-being

The principle of beneficence means acting in the best interests of the client based on professional assessment. It directs attention to working strictly within one's limits of competence and providing services on the basis of adequate training or experience.

Ensuring that the client's best interests are achieved requires systematic monitoring of practice and outcomes by the best available means. It is considered important that research and systematic reflection inform practice.

Supervision & CPD

There is an obligation to use regular and on-going supervision to enhance the quality of the services provided and to commit to updating practice by continuing professional development.

An obligation to act in the best interests of a client may become paramount when working with clients whose capacity for autonomy is diminished because of immaturity, lack of understanding, extreme distress, serious disturbance or other significant personal constraints.

Non-maleficence: a commitment to avoiding harm to the client

Non-maleficence involves: avoiding sexual, financial, emotional or any other form of client exploitation; avoiding incompetence or malpractice; not providing services when unfit to do so due to illness, personal circumstances or intoxication.

The practitioner has an ethical responsibility to strive to mitigate any harm caused to a client even when the harm is unavoidable or unintended. Holding appropriate insurance may assist in restitution.

Practitioners have a personal responsibility to challenge, where appropriate, the incompetence or malpractice of others; and to contribute to any investigation and/or adjudication concerning professional practice which falls below that of a reasonably competent practitioner and/or risks bringing discredit upon the profession.

Justice: the fair and impartial treatment of all clients and the provision of adequate services

The principle of justice requires being just and fair to all clients and respecting their human rights and dignity. It directs attention to considering conscientiously any legal requirements and obligations, and *remaining alert to potential conflicts between legal and ethical obligations*.

Justice in the distribution of services requires the ability to determine impartially the provision of services for clients and the allocation of services between clients. A commitment to fairness requires the ability to appreciate differences between people and to be committed to equality of opportunity, and avoiding discrimination against people or groups contrary to their legitimate personal or social characteristics. Practitioners have a duty to strive to ensure a fair provision of therapeutic services, accessible and appropriate to the needs of potential clients.

Self-respect: fostering the practitioner's self-knowledge and care for self

The principle of self-respect means that the practitioner appropriately applies all the above principles as entitlements for self. This includes seeking counselling or therapy and other opportunities for personal development as required.

There is an ethical responsibility to use supervision for appropriate personal and professional support and development, and to seek training and other opportunities for continuing professional development. Guarding against financial liabilities arising from work undertaken usually requires obtaining appropriate insurance. The principle of self-respect encourages active engagement in life-enhancing activities and relationships that are independent of relationships in therapeutic work.

Personal Qualities

The practitioner's 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.

It is inappropriate to prescribe that all 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. Personal qualities to which practitioners are strongly encouraged to aspire include:

Empathy with individuals and their carers:	the ability to communicate understanding of another person's experience from that person's perspective. 'Carers' is used generically to include anyone who looks after a client at anytime and includes for example nurses, teachers and social workers
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.
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 - not to patronise
Humility:	the ability to assess accurately and acknowledge one's own strengths and weaknesses and to show this to clients.
Competence:	the effective deployment of the skills and knowledge needed to do what is required given the resources available
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.

Good Practice

PTKR & PTI are committed to sustaining and advancing good practice. This guidance on the essential elements of good practice has been written to take into account the changing circumstances in which play, creative arts and filial Therapies 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 practitioners with the expansion in the availability of training and consultative support/supervision

- the accumulated experience of members of PTKR and PTI

The diversity of settings within which therapies for clients are delivered has also been carefully considered. These services may be provided by:

- An independent practitioner working alone
- One or more practitioners working to provide a service within an agency or organisation
- Specialists working in multidisciplinary teams
- Specialist teams of therapists

All practitioners encounter the challenge of responding to the diversity of their clients and finding ways of working effectively with them.

Principles of Good Quality of Care

1. Good quality of care requires competently delivered services that meet the client's needs by practitioners who are appropriately supported and accountable.
2. 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 play, creative Arts and filial therapies, the availability of such services ought to be taken into account, as their absence may constitute a significant limitation.
3. Good practice involves clarifying and agreeing the rights and responsibilities of both the practitioner, the client, the client's carer(s) or those legally responsible, the referrer and the commissioner (funder of the service) at appropriate points in the working relationship.
4. Multiple relationships arise when the practitioner has two or more kinds of relationship concurrently with a client, for example client, carer and trainee, acquaintance and client, colleague and supervisee. The existence of a multiple 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 practitioners are required to consider the implications of entering into multiple relationships with clients, to avoid entering into relationships that are likely to be detrimental to clients, and to be readily accountable to clients and colleagues for any multiple relationships that occur.
5. Practitioners are encouraged to keep appropriate records of their work with clients unless there are adequate reasons for not keeping any records. All records should be accurate, respectful of clients and colleagues and protected from unauthorised disclosure. Clients and those legally responsible for them should be appropriately informed about the implications of any potential legal proceedings.
6. Clients are entitled to competently delivered services that are periodically

Data Protection

Practitioners should take into account their responsibilities and their clients' rights under data protection legislation and any other legal requirements.

reviewed by the practitioner. These reviews may be conducted, when appropriate, in consultation with clients, carers, supervisors, managers or other practitioners with relevant expertise.

7. The quality of outcomes of the therapy provided should, wherever practical, be monitored using pre and post treatment measures that are appropriate to the environment, emotional age, condition of the client and systemic factors.

Keeping Trust

The practice of play and creative arts therapies 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
- Respect for privacy and dignity
- Careful attention to client consent and confidentiality

Informing Clients

Clients and their carers should be adequately informed about the nature of the services being offered. Practitioners should obtain adequately informed consent from the carers or those legally responsible for the clients and respect their right to choose whether to continue or withdraw from therapy.

Consent

Practitioners should ensure that services are normally delivered on the basis of the client's explicit consent. Reliance on implicit consent is more vulnerable to misunderstandings and is best avoided unless there are sound reasons for doing so. Overriding a client's known wishes or consent is a serious matter that requires commensurate justification. Practitioners should be prepared to be readily accountable to clients, carers, colleagues and their professional body, such as PTKR, if they override a client's known wishes.

Risk Situations

Situations in which clients pose a risk of causing serious harm to themselves or others are particularly challenging for the practitioner. These are situations in which the 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 on Risk

Consultation with a supervisor or experienced 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.

Special Considerations in Working with Individuals

Working with young people requires specific ethical awareness and competence. The practitioner is required to consider and assess the balance between young peoples' dependence on adults and carers and their progressive development towards acting independently.

Working with individual and young people requires careful consideration of issues concerning their capacity to give consent to receiving any service independently of someone with parental or legal responsibilities and the management of confidences disclosed by clients.

Confidentiality

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.

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.

Any disclosures should be undertaken in ways that best protect the client's trust.

Providing Information to Clients & Carers

Practitioners should normally be willing to respond to their client's and carers' 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 therapeutic approach previously agreed with the client. Clients and those legally responsible for them may have legal rights to this information and these need to be taken into account.

Protection Against Abuse

Practitioners must not abuse their client's trust in order to gain sexual, emotional, financial or any other kind of personal advantage. Sexual relations with clients and carers are prohibited. 'Sexual relations include intercourse, any other type of sexual activity or sexualised behaviour. Practitioners should think carefully about, and exercise considerable caution before, entering into personal or business relationships with former clients, their carers or those legally responsible for them and should expect to be professionally accountable if the relationship becomes detrimental to the client or the standing of the profession.

Intrusion of Personal Views

Practitioners should not allow their professional relationships with clients to be prejudiced by any personal views they may hold about lifestyle, gender, age, disability, race, sexual orientation, beliefs or culture.

Commitments

Practitioners should be clear about any commitment to be available to clients and colleagues and honour these commitments.

Teaching and Training

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

Using Case Data

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

Practitioners who provide education and training should acquire the skills, attitudes and knowledge required to become competent teachers and facilitators of learning.

Trainers of practitioners are required to be fair, accurate and honest in their assessments of their students.

Supervising and Managing

Practitioners are responsible for clarifying who holds responsibility for the work with the client.

There is a general obligation for all play, creative arts and filial therapists, supervisors and trainers to receive supervision/consultative support independently of any managerial relationships.

Supervisors and managers have a responsibility to maintain and enhance good practice by practitioners, to protect clients from poor practice and to acquire the attitudes, skills and knowledge required by their role.

Research

PTKR is committed to fostering research that will inform and develop practice. All practitioners are encouraged to support research undertaken on behalf of the profession and to participate actively in research work to provide practice based evidence.

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.

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. Individuals must not be identified outside the confidential research group and then only for verification and validation purposes.

The research methods used should comply with the standards of good practice in psychological methods and must not adversely affect clients.

Fitness to Practice

Practitioners have a responsibility to monitor and maintain their fitness to practise 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 practise returns. Suitable arrangements should be made for clients who are adversely affected.

When Things Go Wrong

Practitioners should respond promptly and appropriately to any complaint received from their clients or carers. An appropriate response in agency-based services would take account of any agency policy and procedures.

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.

Practitioners should discuss, with their supervisor, manager or other experienced 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.

Practitioners are strongly encouraged to ensure that their work is adequately covered by insurance for professional indemnity and liability.

If practitioners consider that they have acted in accordance with good practice but their client or carer is not satisfied that this is the case, 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.

Carers and if appropriate clients should be informed about the existence of the Professional Conduct Procedure of PTKR and any other applicable complaints or disciplinary procedures.

If requested to do so, practitioners should inform clients, their carers and those legally responsible for them about how they may obtain further information concerning these procedures.

Responsibilities to All Clients

Practitioners have a responsibility to protect clients and carers when they have good reason for believing that other practitioners are placing them at risk of harm.

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 manager, agency or professional body.

If they are uncertain what to do, their concerns should be discussed with an experienced colleague, a supervisor or raised with PTKR.

All members of PTKR share a responsibility to take part in its professional conduct procedures whether as the person complained against or as the provider of relevant information.

Working With Colleagues

Projecting a Positive Image

The increasing availability of play, creative arts and filial therapies means that most practitioners have other practitioners working in their locality, or may be working closely with colleagues within specialised or multidisciplinary teams.

The quality of the interactions between practitioners can enhance or undermine the claim that play and creative arts therapies enable individual to fulfil their potential. This is particularly true for practitioners who work in agencies or teams.

Professional Relationships

Professional relationships should be conducted in a spirit of mutual respect.

Practitioners should endeavour to attain good working relationships and systems of communication that enhance services to clients at all times. It is essential to respect members of other professional bodies working in related fields.

It is not ethical to make overt or implied derogatory remarks about other organisations, methods of training or about the professionalism of their members unless they are founded on evidence and the practitioner is willing to justify them.

Practitioners should treat all colleagues fairly and foster equality of opportunity.

They 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.

Practitioners must not undermine a colleague's relationships with clients, carers, referrers or commissioners by making unjustified or unsustainable comments.

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.

Context

The 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.

Making and Receiving Referrals

All routine referrals to colleagues and other services should be discussed with the carer and if at all feasible with the client in advance. The carer's/person legally responsible and/or client's

consent should be obtained both to making the referral and also to 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.

Prior to accepting a referral the 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 carer/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 carers and not normally against their explicit wishes.

Probity of 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.

Providing Clients With Adequate Information

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

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

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

Financial Arrangements

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

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 practitioner should be paramount.

Care of Self as a Practitioner

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

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.

Practitioners are entitled to be treated with proper consideration and respect that is consistent with this Guidance.

Part 2 - PTKR - Professional Conduct Practice

Introduction

It is the responsibility of Members Complained Against and Complainants to ensure that they fully understand the Professional Conduct Procedure. This procedure forms an essential part of PTKR's commitment to the protection of the public. It is based directly on the British Association for Counselling & Psychotherapy's Professional Conduct Procedure and the Korean Association of Play Therapy.

Members are required to inform any carer and the client, if appropriate, who indicates that they have a complaint or grievance about the existence of this procedure and any other applicable complaints or disciplinary procedures. If requested to do so, practitioners should inform their clients and carers about how they may obtain further information concerning these procedures. Further information may be obtained by contacting PTKR directly.

This Professional Conduct Procedure 2008 will apply to all complaints received by the Society after 1 November 2008.

Aims

The first aim of the Professional Conduct Procedure is to afford protection to the public.

The second is to protect the reputation of PTKR and the professions of play, creative arts and filial therapies as conducted by both individual and organisational members of the Society (PTKR).

Bringing a Complaint

A complaint can be brought by either:

- a) a member of the public seeking or using a service provided by a member of the Society or
- b) a member against another member

Complaints Against Non-members

The Society cannot deal with complaints against individuals or organisations who were not members of the Society at the time of the alleged breach of professional conduct.

Timescale

A complaint must be lodged within three years of the alleged breach. All records, save for details of the formal complaint, the formal response, the decision of the Professional Conduct Panel, Appeal decision and sanction which are kept for five years, will be kept for a period of two years only.

Administration

The administration of the Professional Conduct Procedure will follow protocols laid down from time to time by the Society. These will be administered by the Chief Executive of PTKR.

Expenses

The Society is not responsible for travel or any other expenses incurred either by the Complainant or the Member Complained Against (or any support person/representative) in connection with any stage of the complaint. The Society cannot order one party to a complaint to pay another party's costs.

Dual Accountability

The Society may decide to hear a complaint against a member when another organisation is involved in a similar process arising out of the same substantive matters.

Resolution

Before making the complaint, the Complainant is expected to attempt to resolve the issue with the individual or organisational Member Complained Against. The Complainant must demonstrate that all informal channels or, in the case of organisational members, all internal processes and procedures have been exhausted. If local resolution is impossible or inappropriate, an explanation as to why this is the case will be required.

Findings

The Society reserves the right to distribute any findings upheld against a member where it considers it right and just to do so in all circumstances.

Effective Date

Acceptance of Complaint

The Complainant and Member Complained Against will be notified in writing that the complaint will proceed to a Professional Conduct Hearing.

Responding to a Formal Complaint

At the time of notification of acceptance of the complaint, a full copy of the formal complaint will be submitted to the Member Complained Against, who will have 28 days to respond to the complaint. Any response to the complaint must be forwarded to the Chief Executive of PTKR.

Evidence

All evidence submitted by either the Complainant or the Member Complained Against shall be available to the parties involved in the complaint. The Chief Executive will distribute to the parties copies of all submissions made.

Conduct

It is the duty of the parties taking part in the Professional Conduct Procedure to comply with the protocols laid down by the Society. Such persons shall comply with the implementation of the Professional Conduct Procedure. Any failure to comply may result in the termination of the Professional Conduct Procedure or termination of membership.

Suspension of Rights of Membership

The Chief Executive of the Society may suspend the rights of membership of the Member Complained Against, pending the finalisation of the Professional Conduct Procedure when, having regard to the nature of the complaint, it appears appropriate and just to do so in all the circumstances.

The Chief Executive will notify the Member Complained Against of the suspension of membership or of any rights of membership.

No liability for any loss suffered, or expenses incurred, will attach to the Society for the suspension of membership or rights of membership even where a complaint is not upheld.

Lapsed Membership

Failure to renew membership by a Member Complained Against during the course of a complaint will not normally terminate the Professional Conduct Procedure. A member's resignation from membership of the Society will not terminate nor invalidate the hearing of a complaint by the Society.

Heads of Complaint

Three Heads of Complaint

The Professional Conduct Panel is responsible for determining whether the grounds of the complaint are upheld according to the standards of civil law and, if upheld, the head(s) of complaint that have been contravened. It is envisaged that a single act may fall clearly under one head or contravene two or more.

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 panel.

These are:

- Professional misconduct
- Professional malpractice
- Bringing the profession into disrepute

Findings under the first two heads are usually, but not exclusively, concerned with behaviour directly related to someone's professional pursuit. The third head may encompass a wider range of behaviour that extends beyond someone's professional pursuit.

Professional Misconduct

A finding of professional misconduct signifies that the 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 and normally concerns relations with other members of PTKR or related professional bodies.

A finding of 'serious professional misconduct' is appropriate if the misconduct is of sufficient seriousness to merit a period of suspension or permanent exclusion from membership of this Society with a consequential curtailment of opportunities to practise within this profession.

Professional Malpractice

A finding of professional malpractice signifies that the service(s) to clients for which the practitioner is responsible, have fallen below the standards that would reasonably be expected of a practitioner exercising reasonable care and skill. Examples of 'malpractice' include: Incompetence, negligence, recklessness, inadequate professional services.

It may be that the seriousness of the malpractice is such that it is considered to amount to misconduct. This is determined by different, and usually higher, tests than the test of reasonableness in the tort of negligence. The Clerk to the proceedings will advise on the grounds for a finding of 'misconduct'. Care should be taken to avoid any confusion between 'negligence' and 'misconduct'.

A finding of 'serious professional malpractice' is appropriate if the malpractice is of sufficient seriousness to merit a period of suspension or permanent exclusion from membership of this Society with a consequential curtailment of opportunities to practise within this profession.

Bringing the Profession into Disrepute

A finding of 'bringing the profession into disrepute' signifies that the practitioner has acted in such an infamous or disgraceful way that the public's trust in the profession 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 falling '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 conduct in pursuit of the profession in question.

For example disgraceful conduct in the Police Disciplinary Code has been defined as: 'committed when a member (of a police force) acts in a disorderly manner or in any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the (force) or of the (police service)'.

What is not disgraceful to an ordinary person may be disgraceful to a professional person.

Criminal Convictions, Findings in Civil Proceedings and Hearings by Other Professional Bodies

The Society may also exercise its discretion to take disciplinary proceedings against a member who is convicted of a criminal offence or who has civil or professional findings against them that ought to have been declared on entry into membership or arising during membership.

Making a Complaint

Criteria

The complaint must satisfy the following conditions:

- the allegation is of a breach of a specific clause or clauses of the relevant Code of Ethics & Practice of the Society in force at the time the alleged breach occurred; or gives details of the alleged breach of Professional Conduct that contravenes the minimum standard of good practice outlined in the Ethical Framework for Play, Creative Arts and Filial Therapies.
- it is brought either by a member of the public seeking or using a service provided by a member OR by a current member of the Society.
- the individual or organisational Member Complained Against is named AND is a current member of the Society AND was a member of the Society at the time the alleged breach occurred
- it is in writing, signed and received by the Chief Executive of PTKR.

A complaint not satisfying the above conditions will be rejected.

Notification

The Member Complained Against will be notified that a complaint has been received, given a copy of that complaint and details of the procedure to be followed. The Member Complained Against is not required to respond at this stage, but will be given an opportunity at a later stage if the complaint is accepted under the formal Professional Conduct Procedure.

Pre-Hearing Assessment

- a) the complaint will be submitted to a Pre-Hearing Assessment Panel
- b) the Pre-Hearing Assessment Panel will decide whether to accept the complaint to be dealt with at a Professional Conduct Hearing, refer it back for further information/clarification, or reject it. The panel has discretion to interview the Complainant and/or Member Complained Against if deemed appropriate
- c) if further information/clarification is requested, upon receipt of same, the complaint will be re-submitted to the Pre-Hearing Assessment Panel which will decide whether to accept it to be dealt with at a Professional Conduct Hearing, or reject it

- d) once the complaint is accepted to be dealt with at a Professional Conduct Hearing, the Chief Executive will start the formal Professional Conduct Procedure
- e) if the complaint is rejected by the Pre-Hearing Assessment Panel, the Complainant and Member Complained Against will be formally notified in writing. The decision of the Pre-Hearing Assessment Panel will be final.

Professional Conduct Hearing

Professional Conduct Panel

The Chief Executive will appoint a panel of not less than three persons to hear the complaint (the Professional Conduct Panel).

Purpose

The purpose of the Professional Conduct Hearing is to examine the complaint and decide whether the complaint is proved or not. If proved, the panel will decide whether or not any sanction should be imposed.

Declaration of Interest

Members of the Professional Conduct Panel have a duty to declare any interest which may be considered by the Chief Executive to affect their impartiality, or likely to be thought so to do.

Venue

Professional Conduct Hearings will be held at or within the vicinity of the PTKR's headquarters, other than in exceptional circumstances.

Presence of a Representative/support person

When appearing at the Professional Conduct Hearing, the Complainant and Member Complained Against may each be accompanied by a representative who may support and/or speak on behalf of the party concerned.

The Professional Conduct Hearing will be conducted in accordance with the protocols laid down by the Society.

Written Evidence

Written evidence and/or submissions and witness statements must be submitted in advance by the Complainant and the Member Complained Against. Such papers must be received by the Chief Executive not less than 28 days prior to the date fixed for the Professional Conduct Hearing. Such papers will be circulated to the Professional Conduct Panel, the Complainant and the Member Complained Against, within a reasonable period prior to the hearing. The Chair of the Professional Conduct Panel may take advice on these papers and/or procedural matters from the Society's solicitor, or the Chief Executive, or such other relevant person as may be deemed appropriate.

New Evidence

The Chair of the Professional Conduct Panel will determine whether or not new evidence will be accepted on the day of the hearing. The decision will be based on the conditions laid down in the relevant protocol. The Chair of the Professional Conduct Panel may take advice on such matters from the Chief Executive.

Attendance by Witnesses

The Professional Conduct Panel, Complainant and Member Complained Against may call witnesses to attend the hearing. Parties wishing to call witnesses must notify the Chief Executive of the names and details of such witnesses not less than 28 days prior to the date fixed for the hearing.

Attendance will only be permitted by the Chair of the panel if the witness has supplied a written statement which needs clarification. The panel has discretion to refuse attendance by a witness if it reasonably believes that such attendance is not relevant or will not add any weight to the issue(s) under consideration. Witnesses may be questioned by the panel and either party connected with the case.

Failure to Attend the Professional Conduct Hearing

- a) Where a Complainant or Member Complained Against fails or refuses, without good reason or notice, to attend a Professional Conduct hearing, the Chair of the Professional Conduct Panel has the power to decide either:
- i) to proceed with the hearing in the absence of one of the parties;
 - ii) to adjourn the hearing to a date not less than 28 days in advance;
 - iii) to terminate the proceedings or;
 - iv) refer the matter for consideration
- c) What constitutes good reason shall be solely at the discretion of the Chair of the Professional Conduct Panel, who may take advice from the Chief Executive or other PTKR members

Notification of Findings

- (i) The decision of the Professional Conduct Panel will be notified in writing to the parties within 28 days of the Professional Conduct hearing.
- (ii) The decision of the Professional Conduct Panel, together with details of any sanction, will be published in the Society's journal in such detail as deemed appropriate to the findings and at its discretion. (Such decisions will be based on considerations of public interest and the severity of the findings).

Sanctions

The Professional Conduct Panel, having regard to the findings, may impose one or more of the sanctions detailed in the relevant protocol.

Lifting of Sanctions

The Member Complained Against may make application to the Chief Executive for the sanction to be lifted when the conditions laid down in the sanction have been fulfilled.

The Chief Executive will appoint not less than three people to consider any evidence of compliance. The Sanctions Panel will decide if the requirements of the sanction have been fulfilled and thus, whether the sanction should be lifted.

The Member Complained Against will be notified in writing of any decision made. The lifting of sanction will be published in the Society's journal (if the sanction has been published originally).

Failure or Refusal to Comply with a Sanction

Failure or refusal to comply with the sanction may result in termination of membership. The Chief Executive of the Society will notify any such decision to the Member Complained Against, in writing. This decision will be published in the Society's journal.

Publication

The Society reserves the right to publish such details of complaints as it considers appropriate.

The termination of membership under the Professional Conduct Procedure will be published in the Society's journal.

Any notification that the Society, under these Procedures, is entitled to publish in its journal may, at its discretion, be published elsewhere by the Society.

Formal Appeals Procedure

The Member Complained Against may appeal on the grounds detailed below.

An appeal against the finding of the Professional Conduct Panel must be submitted in writing by the deadline given, be accompanied by any supporting documentation and served upon the Chief Executive.

The grounds for appeal will be considered by an independent person appointed by the Chief Executive. An appeal can be against the findings of the Professional Conduct Panel and/or sanction imposed.

If the appeal is accepted, a notice to that effect shall be given to the Chief Executive and thereupon the appeal procedure set shall take effect.

If there is insufficient evidence to satisfy any of the grounds for appeal, the appellant will be notified in writing by the Chief Executive. This decision will be final.

Grounds for Appeal

An appeal will be considered on any of the following grounds:

1. That the facts were found against the weight of evidence.

2. That the sanction is disproportionate to the finding of the Professional Conduct Panel and is unjust in all the circumstances.
3. There is evidence to suggest that a procedural impropriety may have had a material effect on the finding and decision of the Professional Conduct Panel.
4. There is new evidence which was not available at the time of the Professional Conduct Hearing (subject to the conditions laid down in the relevant protocol).

Timescale for Appeal

Any appeal must be in writing, specify which grounds it is submitted under and be accompanied by any supporting documentation and served upon the Chief Executive within 28 days of notification of the decision and/or sanction of the Professional Conduct Panel.

Professional Conduct Appeal Panel

The Chief Executive will appoint not less than three people, who were not previously involved in the case, to decide the appeal (The Professional Conduct Appeal Panel).

Format of Appeal Hearing

Where there is an appeal on the grounds that the sanction is disproportionate, the Professional Conduct Appeal Panel will meet with the Member Complained Against. The panel will review all the submissions considered by the Professional Conduct Panel, and consider any other mitigating factors submitted by the Member Complained Against.

Where there is an appeal on other grounds the appeal will be by way of a re-hearing.

The same rules on representation will apply to the Appeal Hearing as per the original hearing.

Notification of Decision

The Chair of the Professional Conduct Appeal Panel will report the panel's decision to the Chief Executive of the Society who will implement its decision. This decision will be final.

The decision of the Professional Conduct Appeal Panel will be notified to the respective parties in writing within 14 days of the appeal hearing.

Following the hearing of an appeal, where the appeal is rejected, the decision of the Professional Conduct Panel, incorporating any amendment by the Professional Conduct Appeal Panel, may be published in the Society's journal in such detail as deemed appropriate (such decisions will be based on considerations of public interest and severity of the findings).

***** *End of Document* *****