



Procedure for Managing Potential Breaches of the Code of Ethics for Australian Career Development Practitioners

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CDAA Members Code of Ethics

The CDAA Members Code of Ethics is The Career Industry Council of Australia (CICA) Code of Ethics for Australian Career Development Practitioners (March 2019) (The Code of Ethics).

The Career Industry Council of Australia (CICA) Code of Ethics for Australian Career Development Practitioners (March 2019) guides the professional behaviour and practice of Australian Career Development Practitioners and informs the public about the ethical standards to which these practitioners adhere. All CDAA members are bound by the CICA Code of Ethics, which lists the principles of professional conduct expected of members to safeguard the welfare of clients, the integrity of the Association and the integrity of the profession.

Code of Ethics for Australian Career Development Practitioners – March 2019, Career Industry Council of Australia, 2019.

Ethical principles for professional competency and conduct	<p><i>Career Development Practitioners:</i></p> <ul style="list-style-type: none">• Obtain qualifications necessary to provide career development services, including, where appropriate, those qualifications required to undertake specialised tasks or roles and/or work with specialised populations• Conduct career development services in accordance with the code of ethics contained in the professional standards for Australian career development practitioners which is applied through the code of ethics of the CICA member association to which they belong• Represent their professional competencies, training and experience accurately• Function within the boundaries of their training and experience.• Refrain from consciously dictating to, judging or coercing client choices, values, lifestyles, plans or beliefs• Explain the content, purposes, potential benefits and results of tests and interventions in language that is easily understood by the person or persons for whom it is intended• Monitor, maintain and enhance professional competencies• Seek and participate in continuing professional development (CPD) in order to remain current with innovations and trends in the contexts, processes and content of career development• Ensure that material contained in web-based programs, resource materials and career development programs is current and accurate• Conduct research and report findings using procedures that are consistent with the accepted ethical and scientific standards of educational, psychological and social research practices
Ethical principles for career development Practitioner-Client Relationships	<p>Equity and diversity</p> <p><i>Career Development Practitioners:</i></p> <ul style="list-style-type: none">• Respect the dignity of each person for whom career development services are rendered• Respect client's feelings and cultural customs• Inform clients, orally or in writing, of the purposes, goals, techniques, policies and ethical standards as appropriate to the service being provided

	<ul style="list-style-type: none"> • Accept the rights of the client to make independent choices and to take responsibility for those choices and their consequences • Deal with each person fairly, equitably and without prejudice, respecting their values, beliefs and life experiences and those of their families and communities to which they belong • Avoid all forms of discrimination • Ensure that the services provided are culturally appropriate and relevant to the clients' needs, and valid and reliable concerning the information they provide • Take into consideration the career development stage that their clients are at, and their career/life experiences • Use non-discriminatory, current and accurate information within whatever medium is used • Apply, and inform clients about, ethical issues (such as privacy, identify, information-sharing practices) associated with media technologies, including social networking. <p>Confidentiality, disclosure and informed consent</p> <p><i>Career Development Practitioners:</i></p> <ul style="list-style-type: none"> • Maintain a current understanding of laws, policies and professional ethics that pertain to client rights • Inform clients of the limits of confidentiality • Preserve confidentiality • Preserve the client's right to privacy • Seek clients' expressed consent before disclosure of client information • Avoid or disclose conflicts of interest which compromise the best interests of their clients. <p>Scope of practice</p> <p><i>Career Development Practitioners:</i></p> <ul style="list-style-type: none"> • Conduct career development services for which they are appropriately trained and currently qualified • Make appropriate referral when their own competency does not meet the client's need or when their professional assistance cannot be provided or continued 5 • Contextualise career development theory and practice according to work setting, clientele and societal context
Ethical principles for professional relationships	<p><i>Career Development Practitioners:</i></p> <ul style="list-style-type: none"> • Avoid or disclose conflicts of interest • Resolve conflict between professional ethical standards and directives or practices within the workplace through ethical decision-making and appropriate consultation • Advocate for and assist in the development of career development services that are ethically rendered and relevant to client needs in cooperation with policy-makers, organisations, administrative personnel and community agencies • Respect and acknowledge the contribution of other professionals

	<ul style="list-style-type: none"> Cooperate with other professionals and/or colleagues according to the ethical practices and procedures relevant to the situation
Breaches of the Code of Ethics	Breaches of the Code of Ethics may be reported to the relevant CICA Member Association which will follow up appropriately (e.g., where appropriate through educative processes or cancellation of membership)

Definitions

Conflict of Interest: (ref Principles 2 & 3)

A conflict-of-interest situation arises when a person, who has a duty to act in the best interests of another, is presented with the opportunity or potential to 'use' that position in some way for their own personal benefit (or for the benefit of someone else, such as a relative or another organisation). - Not for Profit Law Guide

- **Actual conflicts of interest** arise where there is a real conflict between public, best interest duties and private interests or benefit.
- **Potential conflicts of interest** arise when private interests could conflict with public, best interest duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.
- **Perceived conflicts of interest** arise when a third party or members of the public form the view that private interests could improperly influence decisions or actions, now or in the future.

Responsibilities

CDAA Responsibilities

It is the responsibility of the CDAA to make every reasonable effort to ensure that CDAA members and particularly new members, are aware of the Code of Ethics for Australian Career Development Practitioners and the requirement to understand and comply with the Code in their practice of Career Development.

CDAA Member Responsibilities

It is the responsibility of all CDAA members to familiarise themselves with the Code of Ethics for Australian Career Development Practitioners, to carefully consider how to apply the Code in their practice, and to regularly review that application to ensure ongoing compliance.

Principles for Managing Potential Breaches of the Code of Ethics

- **Procedural Fairness or Natural Justice.**

Procedural Fairness or Natural Justice is a fundamental requirement of sound administrative practice and will be applied in all investigations of potential breaches of the Code of Ethics. Above all, it provides an opportunity for a person to be heard before a decision is made that adversely affects them.

The duty to accord procedural fairness consists of three key rules:

- **The hearing rule**, which requires a decision-maker to accord a person who may be adversely affected by a decision an opportunity to present his or her case.
- **The rule against bias**, which requires a decision-maker not to have an interest in the matter to be decided and not to appear to bring a prejudiced mind to the matter.
- **The "no evidence" rule**, which requires a decision to be based upon logically probative evidence.

Source: [Commonwealth Ombudsman](#), February 2022.

- **Balance of probabilities.**

The requisite standard of proof to be applied in all investigations of potential breaches of the Code of Ethics is the balance of probabilities.

- The balance of probabilities, when a matter is judged as a whole, is a reference to the likelihood of one party's version of events being more probable to have occurred than not. This may require the investigation to compare competing versions of events to determine which version is more probable.

- **Educative and Restorative process.**

Managing potential breaches of the Code of Ethics will be undertaken as an educative and restorative process, rather than with punitive intent.

- **Evidence available to both parties.**

To support procedural fairness, any evidence provided by one party in support of a claim will be made available to the other party and open to counter-claim.

- **Complaints.**

- Complaints can only be considered when they clearly align to an element(s) of the [Code of Ethics for Australian Career Development Practitioners](#). Complaints cannot be considered if the complainant has any other civil or legal complaint underway or pending against the CDAA member, as the outcomes of other avenues of complaint may have a bearing on the matter.
- All complaints are to be kept in the strictest confidence by all parties. This will not restrict reasonable investigation of any alleged breach.
- The member complained against will be informed and requested to fully co-operate with the investigation. Should they refuse to cooperate, the National Executive Committee (NEC) of the CDAA will be informed and will encourage the member to cooperate and advise the member of the consequences of failing to do so, which may include disciplinary action.

- **Potential Breach of the Code of Ethics.**

For a potential breach of the Code of Ethics to be considered, sufficient tangible evidence must be provided to substantiate and clearly demonstrate the claimed breach.

- During the investigation, further information may be sought from the complainant or the member for clarification.
- Only the parties directly involved in the potential breach are to be involved in the investigation. This is not a legal process and third parties such as lawyers are excluded.

- **CDAA process and procedures.**

The CDAA process and procedures as outlined for investigating potential breaches of the [Code of Ethics](#) are final and must be adhered to, including the provision of the required information, and meeting the identified timelines.

Process for Managing Potential Breaches of the Code of Ethics for Australian Career Development Practitioners

The Professional Standards include a Code of Ethics for Australian Career Development Practitioners, which guides the professional behaviour and practice of CDAA Members and informs the public about the ethical standards to which these practitioners adhere.

The Code of Ethics include:

- Ethical principles for professional competency and conduct
- Ethical principles for career development Practitioner-Client Relationships
- Ethical principles for professional relationships.

If someone is concerned that a CDAA member may have acted contrary to the Code of Ethics for Australian Career Development Practitioners

- First, explain your concerns or issues and the impact on you to the CDAA member and try to find a resolution that is agreeable to both parties.
- If agreement cannot be reached, the CDAA has a complaints process as outlined below

Who can lodge a complaint, and how?

Complaints may be made against a CDAA member by:

- A member of the public (e.g., client)
- An organisation that the member has been involved with
- Another CDAA member
- The CDAA itself.

Complaints must be made in writing by fully completing the “Complaint Form - CDAA Member in Potential Breach of the Code of Ethics” and sent it ‘In Confidence’ to the CDAA Chief Executive Officer,

- *via email:* ceo@cdaa.org.au
- *by post:* PO Box 378 Brighton SA 5048

Deciding if there is a potential case to answer

The CDAA Chief Executive Officer will acknowledge receipt of the complaint:

- Within one (1) working day.
- Within five (5) working days will determine whether the complaint is capable of amounting to a real or perceived breach of the Code of Ethics.
 - That is, whether there is a real prospect that the alleged facts can be proved and if so, that the facts identify a potential breach of the Code of Ethics. In doing so, the Chief Executive Officer may consult with the complainant and the member for clarification.
 - Where the CDAA Chief Executive Officer concludes that the complaint is not capable of amounting to an allegation, the complainant will be informed by email within the five days of receiving the complaint that no further action will be taken, and the matter will be closed.
 - This could be for examples that there was insufficient reliable evidence, or that the matter was not considered a breach of the Code of Ethics. Information regarding the avenue for appeal will be included in the communication.
- Within ten (10) working days of receiving the complaint and deciding that no further action should be taken, the Chief Executive Officer will provide all the information regarding the complaint and the decision to close the matter to the Chair of the CDAA Ethics Committee for reference.

Challenging the decision - if there is not a case to answer

- The Chair of the CDAA Ethics Committee will review the information provided by the Chief Executive Officer and consider if, in their opinion, the correct decision was made. If not satisfied, the Chair may choose to declare there is a case to answer.
- The complainant may challenge the decision of the Chief Executive Officer by emailing the Chair of the CDAA Ethics Committee within five (5) working days of being informed that no action will be taken.
- This process will consist of the consideration of the information already submitted to the Chief Executive Officer and any additional evidence or further justification presented by the complainant.
- The decision of the Chair of the CDAA Ethics Committee whether there is or is not a case to answer, will be made within a further five (5) working days of receiving an appeal from the complainant.
- The decision is final and binding and the complainant, the member and the Chief Executive Officer will be notified of the decision by email from the Chair of the CDAA Ethics Committee.

Challenging the decision – if there is a potential case to answer

Where the CDAA Chief Executive Officer, or if upon review the Chair of the CDAA Ethics Committee, conclude that the complaint is capable of amounting to an allegation, within five (5) working days of receipt of the complaint the *Chief Executive Officer* will:

- Inform the complainant via email that the matter has been referred to the Chair of the CDAA Ethics Committee and to expect communication from the Chair within ten (10) working days.
- Provide all the information regarding the complaint to the Chair of the CDAA Ethics Committee and request an investigation.

The Chair of the Ethics Committee will within ten (10) working days of receiving the information:

- Communicate with the complainant and advise of the process by which the Committee will proceed. This will include reference to the CDAA Principles for Managing Potential Breaches of the Code of Ethics.
- Communicate with the member against whom the complaint has been made, advising them of the nature of the complaint and the process by which the Committee will proceed. This will include reference to the CDAA Principles for Managing Potential Breaches of the Code of Ethics.
- Call together the Ethics Committee for an initial meeting to review the claim and evidence provided and plan the review process. This Committee will be comprised of the Immediate Past CDAA President as Chair plus a minimum of two (2) Life or Fellow CDAA members. The total is to be an uneven number to ensure a simple majority can be achieved in decision making.

CDAA Ethics Committee determination

The task of the Ethics Committee is to:

- Determine if on the balance of probability, the CDAA member has breached an element(s) of the Code of Ethics for Australian Career Development Practitioners.
- Recommend to the CDAA National Executive Committee (NEC) appropriate mechanism(s) for dealing with the breach, or that in their view a breach has not occurred or been sufficiently proven.
 - This will include provision of all communication and documentation relevant to the case, with the rationale for the recommendation.
- Inform the complainant and the member that a determination has been reached (but not the detail – this is a matter for the NEC) and the next steps with timeline, including avenue for appeal.
- Record and keep Minutes or recordings of all of the case related meetings.

- Deliver its findings to the NEC within two (2) months following receipt of the complaint, where practicable.
- The decision of the Ethics Committee will be by simple majority.
- Upon conclusion of the CDAA Ethics Committee deliberation and recommendation(s), the Chair will provide to the Chief Executive Officer all documentation and minutes pertaining to the case, for confidential archive in the CDAA records system.

CDAA Ethics Committee Recommendation to National Executive Committee (NEC)

- If the finding is that a breach has occurred, the Committee recommendations will be dependent on the severity of the established breach. Factors influencing severity may include:
 - Adhering to the CDAA Principles for Managing Potential Breaches of the Code of Ethics.
 - Was the breach intended vs unintended behaviour, including poor judgement?
 - The number of people affected and the severity of the impact.
 - The membership level, experience, and professional credentials of the member.
 - The impact of the types of discipline on the member, their employment prospects, and their reputation.
 - Are the recommendations being proportionate and ethical?
- If the finding is that a breach has occurred, appropriate response(s) for dealing with the breach may include (but not be limited to, depending on circumstance):
 - Require a letter of apology to be written by the member to the complainant, approved by the Ethics Committee Chair before being sent.
 - Issue a written warning which includes the consequences if a further breach is committed within a time period to be determined by the Committee.
 - Require a written undertaking from the member as to future conduct and performance.
 - Require a written undertaking from the member to undertake specific research, education, or training, with evidence of completion.
 - Restrict the member from certain activities within the Association, e.g., leadership or CPD delivery for a defined period of time.
 - Suspend the member's CDAA membership for a defined period of time and stipulate what requirements must be met for re-entry.
 - Terminate the member's CDAA membership.
- The recommendation to the NEC President will include what the Ethics Committee considers would be appropriate proof of compliance by the member.
- The NEC President will convene a meeting of the NEC within ten working days of receipt of recommendation(s) from the Ethics Committee Chair. NEC will:
 - Review the documentation for the case, the recommendation(s) of the Ethics Committee and the rationale for the recommendation(s).
 - Determine if the NEC agrees with the recommendation(s).
 - If not, determine what NEC agrees is the appropriate action(s).
- Subsequent to the decision by NEC, within fifteen (15) working days of receipt of the recommendations the National President will:
 - Inform the Chair of the Ethics Committee of the decision.
 - Inform the complainant by email of the decision, the rationale, and the process for appeal. An appeal must be lodged within five (5) working days.
 - Inform the member by email of the decision, the rationale, and the process for appeal. If specific actions within timelines are required of the member, this will include informing the member as to who will manage this process, what evidence of compliance is required and what consequences for non-conformance will apply. The member must reply within five (5) working days in acceptance of the decision or with an appeal.

Appealing the decision and/or required actions

- Either party may appeal the decision of, and/or actions required by the NEC, through email to the National President within five (5) working days of being informed of the outcome.
- Any appeal must be based on the evidence accepted in the case.
- The appeal should contain where possible, what the party considers is an appropriate alternative response when compared to the one determined by the NEC.
- Grounds for appeal may include:
 - That evidence was not considered adequately. (Submission of new evidence is not permitted, except in exceptional circumstance and at the discretion of the National President.)
 - That the decision-making process was flawed.
 - The severity or leniency of the decision was inappropriate or disproportionate.
- If an appeal is received, the National President will within ten (10) working days convene the Appeals Panel.
 - This Panel will comprise of the National President as Chair (to aid continuity of information) plus a minimum of two Life or Fellow CDAA members.
 - The total is to be an uneven number, to ensure a simple majority can be achieved in decision making.
- Members cannot sit on both the Ethics Committee and the Appeals Panel for the same case.
- The Appeals Panel will within a further fifteen (15) working days:
 - Review all aspects of the case to date.
 - Review the argument and substance of the Appeal.
 - Uphold the determination of the NEC or, Provide a varying determination.
 - Advise all parties of the Appeals Panel decision and subsequent implications for both parties.
- The decision of the Committee will be by simple majority.

Final decision

- The decision of the Appeals Panel is final and no further variation to the determination will be considered.
- Upon conclusion of the CDAA Appeals Panel deliberation and decision, the Chair will provide to the Chief Executive Officer all documentation and minutes pertaining to the case, for confidential archive in the CDAA records system.

Complaint Form

CDAА Member in Potential Breach of the Code of Ethics for Australian Career Development Practitioners

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All CDAА members are bound by the CICA Code of Ethics, which lists the principles of professional conduct expected of members to safeguard the welfare of clients, the integrity of the Association and the integrity of the profession.

Complaints may be made against a CDAА member by a member of the public (e.g., client), an organisation that the member has been involved with, another CDAА member or the CDAА itself.

How do I complain?

Fully complete this form with as much detail as possible. You are welcome to attach additional pages, if required.

Ensure the declarations at the end of the form are completed.

For assistance in completing this form or have questions about the process, please contact the CDAА Chief Executive Officer at ceo@cdaa.org.au

Please send the completed form 'In Confidence' to the CDAА Chief Executive Officer:

- *via email:* ceo@cdaa.org.au
- *by post:* PO Box 378 Brighton SA 5048

Your complaint will be acknowledged within 1 working day of receipt.

Confidentiality

Complaints will be treated as confidential and handled within the principles of natural justice and procedural fairness.

All investigations and communications will be recorded and documented to provide a clear account of the complaint and CDAА's response.

Appealing a complaint decision

You have the right to appeal a decision made about your complaint in the event that you are dissatisfied with the process or outcome of a complaint via email to ceo@cdaa.org.au Attention to: CDAА National President within five (5) working days of being informed of the outcome.

Further information on the appealing a complaint decision is available from the [CDAА Procedure for Managing Potential Breaches of the Code of Ethics for Australian Career Development Practitioners](#).

Complainant	The person making the complaint
Name	
Email	

Phone	
Organisation (if relevant)	

Respondent	CDA Member
Name	
Email	
Phone	
Organisation (if relevant)	

Activity	Please describe the service or activity being provided that led to the potential breach.

Alleged Breach	Please describe the alleged breach of the Code of Ethics and how it happened.

Result	Please describe the result or impact of the alleged breach – on you, and/or on others.

Code of Ethics Breach	Please say which Code of Ethics <i>principle(s)</i> and <i>criteria</i> was/were breached
<i>Principle</i>	<i>Criteria</i>
1. Ethical principles for professional competency and conduct	
2. Ethical principles for career development Practitioner-Client relationships	

3. Ethical principles for professional relationships	
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Evidence	Please describe or attach the evidence that shows the alleged breach happened. <i>Evidence needs to be specific, accurate and as detailed as possible, to assist the investigation.</i>

Any other Information	Is there anything else about this matter that you wish to report?

Declarations

- I declare the information I have provided is accurate and true. ☐
- I agree to treat this matter in strict confidence. YES / NO
- I have no other civil or legal complaint underway or pending against this CDAA member. YES / NO

Contact Information

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