

THE AUSTRALIAN FINANCIAL COUNSELLING

CODE OF  
**ethical**  
PRACTICE





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## The code

This code was produced by the National Financial Counsellors Resource Service (NFCRS) of Wesley Mission with funding from the Financial Counselling Foundation.

The Financial Counselling Foundation was established by Financial Counselling Australia in 2009, with funds provided to FCA by ANZ, Commonwealth Bank, NAB, Westpac and Abacus. The purpose of the Foundation is to provide grants to build the capacity of the financial counselling sector. An independent advisory committee, which includes industry and consumer representatives, makes funding recommendations.

The code is the result of extensive consultation with all of the state and territory financial counselling bodies in Australia, as well as the peak body, Financial Counselling Australia. The code was adopted by Financial Counselling Australia in February 2012. The code will be reviewed and updated as necessary in the future.

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## Preamble

Financial counsellors assist people who are experiencing financial difficulty. Financial counsellors listen carefully to their clients' particular stories and, using tools such as money plans and creditor lists, work with clients to gain a clearer picture of their financial situation. Financial counsellors then provide their clients with a set of available options, discussing the advantages and disadvantages of each, and clients use this information to make their own choices about how to best resolve their financial problems. Financial counsellors support their clients throughout this process and will act as advocates for their clients when appropriate. Their work involves a skill set including counselling skills, advocacy, and technical knowledge in the area of financial issues. Financial counsellors are skilled at negotiating with creditors and agencies on behalf of their clients, and often refer to other agencies such as community legal services, housing bodies and other services as required. Financial counsellors can also be involved in group or class advocacy, community development and education, social action and reform. Financial counsellors are not financial planners, - financial advisers or legal practitioners and are not general welfare assessment workers. Most financial counsellors work in community organisations, although some work in government agencies and local government. It is fundamental that financial counselling services are offered free of charge, and are confidential, non-judgmental, and independent.

The financial counselling model prevalent in Australia seeks to incorporate ideas of empowerment, advocacy and the development of principles of consumer rights for low-income earners and/or other vulnerable consumers. This approach maintains a discreet distance from finance service providers, in order to avoid the potential for conflicts of interest. In most instances, financial counsellors are members of the relevant State or Territory association of financial counsellors (see appendix for full list of associations). Financial Counselling Australia (FCA) is the peak body for financial counsellors in Australia.

Financial counsellors have a common aim to assist clients to overcome their financial issues and have general broad agreement as to ethical values, principles and behaviours. This Code of Ethical Practice is produced to standardise and clarify these ethical and practice standards, and thus maintain and raise the overall standard and standing of financial counselling across Australia. The Code was created in consultation with representative financial counsellors from across Australia (see Appendix 3 for further information).

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## Use and Implementation of the Code

The Code of Ethical Practice expresses the values and responsibilities that are an important aspect of the financial counselling profession. It is intended to assist financial counsellors to act ethically in the performance of their professional practice and to protect the rights and responsibilities of clients, other financial counsellors, colleagues, workplaces and the community. The Code provides frameworks to guide financial counsellors in areas of common ethical dilemmas, within which professional judgement must be applied to determine the best practice in each situation.

It has two sections – a Code of Ethics and a Code of Practice.

- The Code of Ethics sets out the ethical values which guide financial counselling.
- The Code of Practice provides guidance about appropriate behaviour in a number of ethical situations commonly experienced by financial counsellors.

It is important to note that the scope of work done by financial counsellors throughout Australia is varied and this Code may not cover every situation which may arise in day to day work. Where the Code of Practice does not provide explicit advice, financial counsellors should use their professional judgement and the Code of Ethics to inform their decisions, and should seek out professional advice as appropriate.

To ensure the effective implementation of this Code of Ethical Practice, and that the information contained is relevant and current, FCA shall review and revise the Code every five years (or at its discretion) and in collaboration with the State and Territory associations.

FCA shall appoint a single person to hold overall control of this document; the Executive Director of FCA will oversee and record changes, managing the master document, and is responsible for dissemination of the currently valid version of this code. See Table 1 in Appendix 5 which records the person(s) who have carried, and currently carry, the responsibility of overall control of this document.

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# The Code of Ethics

This section of the Code of Ethical Practice establishes the values and principles that underpin the role of financial counsellors. It incorporates the underlying principles that govern current understanding of ethical behaviour within all helping professions in Australia. Professional financial counselling practice should be based on a commitment to these ethical principles and informed by the accompanying Code of Practice.

## Respect

Financial counsellors respect the right of all those they come in contact with professionally to have their own beliefs and opinions. They ensure that their own belief systems, and the belief systems of their employer<sup>1</sup>, do not impose on others.

## Empowerment

Financial counsellors empower their clients to take control of their own financial situation. They encourage clients to make informed choices and to determine their own courses of action.

## Non-discrimination

Financial counsellors adhere to the principles of equality, fairness and consistency. Financial counsellors do not condone or engage in discrimination<sup>2</sup> based on age, gender, race, culture, ethnicity, religion or spirituality, sexual orientation, language, health, social background, relational, physical, emotional, intellectual or educational ability, or socio-economic status.

## Boundaries

Financial counsellors maintain professional relationships with their clients at all times. The responsibility to establish and maintain effective client-counsellor boundaries lies with the financial counsellor. Financial counsellors understand the extent of their role and do not go beyond their skill base or competence.

- .....
- 1 In this Code the term 'employer' refers to the employing organisation of the financial counsellor and/ or the auspicing body.
  - 2 Except where positive discrimination is lawful and appropriate (e.g., under funding guidelines).



## Confidentiality

Financial counsellors value and respect client confidentiality at all times, but also abide by any legal limitations to confidentiality.

## Conflicts of interest

Financial counsellors act in the best interests of their client, and do not put their own interests or the interests of others (e.g., creditors or employers) ahead of the client's interests. Financial counsellors will identify any conflicts of interest and seek to resolve them.

## Advocacy

Financial counsellors may act as an advocate for their client, if this is what the client wishes. The nature of that advocacy will be determined by the client.

## Professionalism

Financial counsellors strive to work to the highest standard of practice. Financial counsellors work within their professional competence, skills, training and experience and stay up to date with relevant professional developments. Financial counsellors work with peers and allied professions to share knowledge and resources, and demonstrate competence, honesty, reliability, authenticity and transparency in their professional relationships.

## Community Engagement

Financial counsellors engage with the broader community, and recognise the wider social issues that impact on financial difficulties and situations. They are sensitive to the family, cultural and social contexts of their communities. Financial counsellors value working collaboratively with local community services to best support clients.

## Social Justice

Financial counsellors acknowledge that everyone has the right to access safe financial products from ethical vendors, and to be treated fairly if they find themselves in financial difficulty. Financial counsellors therefore recognise that they have a role to play in identifying unfair market practices and working to prevent these problems in the future.

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# The Code of Practice

This section of the Code of Ethical Practice provides specific guidance on issues that may affect financial counsellors. Ethical practice is described in six domains in relation to:

- the self (the financial counsellor)
- clients and their families
- colleagues
- the workplace
- the profession, and
- the wider community.

## 1. Responsibilities to Self

Financial counsellors have a number of responsibilities toward themselves. These maximise the likelihood that the financial counsellor is able to provide effective financial counselling to clients, and to ensure that their physical, mental and emotional state does not impair their ability to provide competent services.

### 1.1 Self-care

Financial counsellors shall respect their own needs as an individual and avoid burnout by practising self care and a healthy life balance. This includes maintaining a manageable workload and seeking assistance early when job demands cause distress or anxiety.

### 1.2 Reflective practice

Financial counsellors engage in reflective practice and aim to identify and acknowledge personal values and beliefs that may be imposed on clients and that may hinder their capacity for good professional judgement. Conscientious reflection involves the financial counsellor in monitoring and reviewing their work and being vigilant for signs of counter-transference, a process by which the financial counsellor's own issues and problems are unconsciously imposed on the client. Financial counsellors shall discuss any issues that may interfere with the client-counsellor relationship with their clinical and/or technical (casework) supervisor.

## 1.3 Skills and knowledge.

### 1.3.1 Knowledge

Financial counsellors shall gain sufficient knowledge to practise as a financial counsellor, and shall strive to continuously improve their understanding of current knowledge and information relevant to the profession.

### 1.3.2 Continuing professional development (CPD)

To practice with expertise and competence, financial counsellors shall continue to develop their professional skills and capabilities after completing formal training and accreditation. Financial counsellors shall abide by current requirements set out by their relevant State or Territory association.

### 1.3.3 Supervision

Financial counsellors should have regular technical (casework) supervision and also clinical supervision<sup>3</sup>. These may be provided separately or provided together by the one supervisor. Line management supervision is not considered to be casework supervision. Supervisors shall meet the State or Territory association supervisory standards.

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3 Clinical supervision is defined as supervision related to counselling, psychotherapy, and other mental health disciplines as well as many other professions engaged in working with people. For financial counsellors, clinical supervision involves the supervisory oversight of professional practice and development, as distinct from case work supervision which is limited to matters related to cases, and line supervision, which is linked to meeting key performance indicators in the workplace.

## 2. Responsibilities to Clients

Financial counsellors have a number of responsibilities when working with clients to ensure the service provided meets the clients' needs.

### 2.1 Priority of client's interests

Financial counsellors respect and represent their client's chosen course of action. At times, clients may choose a course of action that the financial counsellor believes is not in their best interest. In this case, the financial counsellor shall explain why they believe such an action is not in the client's best interests but shall respect the client's right to self-determination and work with their choices. Financial counsellors may negotiate or advocate on the client's behalf, which may require a greater priority of the client's interests than simple mediation between a client and creditor.

### 2.2 Empowerment

Financial counsellors empower the client to manage their own financial situation. Financial counsellors will seek to assist clients to recognise and develop their own strengths and abilities by providing support, options, resources and promoting skills. Empowerment can be achieved by initially assisting with tasks beyond the scope of the client's presenting abilities and supporting the client to assume increasing responsibility and management of their financial affairs as their own skills develop.

### 2.3 Informed consent.

#### 2.3.1 Service agreement

Financial counsellors provide adequate information to their clients so that clients understand the nature and scope of the financial counselling service and the role of the financial counsellor as an independent professional. This allows the client to provide informed consent to proceed with the financial counselling process.

#### 2.3.2 Client's right to determine choices

Financial counsellors work with the client to gather accurate and current information on relevant aspects of the client's financial, social and legal situation. This information is used to assist the client to make informed decisions about their financial circumstances and options.

#### 2.3.3 Client's representative

Clients have the right to nominate someone they trust to make decisions on their behalf if the client anticipates they may be unable to make informed decisions in the future

## 2.4 Confidentiality.

### 2.4.1 Confidentiality agreements

Clients are entitled to have their affairs treated in confidence, except as mandated by law. Clients should be informed of the confidential nature of the financial counselling relationship, as well as any potential exceptions to the confidentiality agreement, before agreeing to financial counselling.

### 2.4.2 Maintaining confidentiality

Financial counselling sessions must not be listened to or observed by anyone, or recorded by visual or audio technology, unless the client has given informed consent.

### 2.4.3 Proper use of information

Client information is collected and used only for the purposes of providing financial counselling services and for the provision of necessary secondary services (e.g., for supervision, quality control and funding body purposes). Where reasonable and possible, personal information should be collected directly from the client. When information is required to be collected from or given to a third party, the client will be informed and provide their consent.

### 2.4.4 Use of interpreters

When using an interpreter, the financial counsellor shall take reasonable steps to ascertain that the client is comfortable with, and consents to, the interpreter being used. The interpreter should be asked to keep confidential any information disclosed in the context of the financial counselling process they are involved in.

### 2.4.5 Disclosure of information to third parties other than colleagues

Personal and detailed information about a client shall not be disclosed to a third party without the client's understanding and informed consent, unless required to do so by law. Third parties may include creditors, other professionals or agencies, other services within the acting agency, known persons to the client (such as friends or relatives), or any other person. Before a financial counsellor contacts a creditor they shall have a signed authority from the client.

### 2.4.6 Consultation with supervisors and other professionals

Financial counsellors may consult with other professionally competent persons about how to assist with a client's financial situation (e.g. another financial counsellor, a lawyer, or an employee of ITSA). The identity of the client shall not be disclosed to the other professional unless required by law, professional practice or with the client's consent<sup>4</sup>.

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<sup>4</sup> For information regarding referrals see clause C.2. Referrals (Responsibilities to Colleagues).

## 2.4.7 Exceptions to confidentiality

Maintaining client confidentiality is a fundamental obligation of the financial counselling relationship. However, there are circumstances where the law or ethical obligations impose exceptions to confidentiality. Examples of this are when a court or tribunal has ordered during the process of legal proceedings that information be divulged or a document be produced from the client's files. Another example is if the client has communicated a serious risk of imminent harm to themselves, to other persons known to the client, or to the general public. In deciding whether or not to break client confidentiality, the financial counsellor should consider whether it is appropriate to notify the client of the disclosure.

In deciding the extent to which client information may need to be disclosed to third parties without client consent, financial counsellors should consider:

- i. The requirements of any legal or ethical obligation,
- ii. The potential benefits of disclosure of the information, The potential harm to the client or others that may result from the disclosure, and
- iii. The potential harm if information is not disclosed.

## 2.5 Relationships.

### 2.5.1 Clients that are known personally

Generally financial counsellors are discouraged from agreeing to work with clients who are personally known to them. Where there is limited alternative access to services (for example in remote areas), financial counsellors may accept clients that are known personally to them. Financial counsellors should minimise risk by setting clear and professional boundaries, negotiating to resolve any conflicts of interest, and seeking guidance from a supervisor.

### 2.5.2 Physical contact

Financial counsellors shall be mindful of making physical contact with clients which may violate professional boundaries and cause damage to or compromise the professional relationship. Financial counsellors are aware of and sensitive to the ways in which clients may interpret physical contact, with reference to social, cultural and gender differences.

### 2.5.3 Sexual conduct

Financial counsellors will not engage in any form of sexual conduct with current clients, nor will they accept clients with whom there has been a sexual relationship in the past.

### 2.5.4 Self - disclosure

Financial counsellors shall be cautious of disclosing personal information about themselves to clients and must ensure any disclosure is solely for the benefit of the client and not for the benefit of the financial counsellor. Financial counsellors are responsible for the foreseeable consequences of personal disclosure and should reflect on these outcomes before making the decision to self- disclose.

## 2.6 Conflicts of interest.

### 2.6.1 Identifying and resolving conflicts of interest

Financial counsellors avoid circumstances which could undermine or compromise their professional integrity and/or have the potential to bias the financial counsellor's judgement and adversely affect the client's best interests. If a financial counsellor has a conflict of interest with regards to a particular client, the financial counsellor should seek the advice of their supervisor and refer to the policies of the employer, their relevant State or Territory association, and/or the FCA. In some cases it would be appropriate for the client to be referred to another financial counsellor or service.

The criteria for conflict of interest can be defined as:

- a. Financial gain or personal interest arising in regard to carrying out professional duties (for example, when the financial counsellor has a personal or family relationship with the creditor of the client, or when the financial counsellor has received funding from the creditor of the client for another purpose);
- b. Opposing legal interests in the resolution of an issue for two or more parties (for example, when a person who guarantees a debt has different interests to the person borrowing the money. Other examples of parties whose interests may differ are a creditor and a debtor, or a husband and wife who are undergoing a separation);
- c. When expected duties compromise a financial counsellor's ethical obligations to their profession, agency or funding body (for example, where the financial counsellor is asked by an employer to write a submission which supports the de-regulation of gambling or payday lending).

### 2.6.2 Remuneration

Financial counsellors do not charge a fee for service or seek any form of remuneration from clients or creditors. Financial counsellors shall avoid any financial arrangements or other inducements which may influence their provision of services. Financial counsellors should be aware of the ASIC licensing exemptions that apply to financial counselling agencies.

### 2.6.3 Gifts or financial inducements

Generally gifts should be discouraged in order to place the needs and interests of clients before the personal interests of the financial counsellor. When declining gifts, financial counsellors should do so in a manner that is respectful of cultures or social practices where gift-giving is customary. In any case, financial counsellors should only give or accept gifts with a low value.

Financial counsellors should not allow their professional duties to be influenced, or to be perceived to be influenced, by any consideration, gift or advantage offered by or to clients, colleagues and other industry representatives. Financial counsellors shall refer to the guidelines and policies from their employer, and if uncertain, the financial counsellor should seek advice from their supervisor.

#### **2.6.4 Duplication of services**

If a financial counsellor learns that the client is being assisted by another financial counsellor for the same presenting problem, they should advise that it is inappropriate for more than one financial counsellor to act on their behalf at the same time. The client has the right to choose which financial counsellor they wish to work with.

#### **2.6.5 Multiple clients**

Financial counsellors may be required to assist more than one client in relation to a particular financial situation, and should always act on behalf of, for the best interests of, and with the informed consent of, all clients in every instance.

- In providing services to families or any group consisting of two or more individuals, the financial counsellor shall be aware of and explain the limits of confidentiality to each client. Each client should be given the opportunity to make enquiries about and consider their financial counselling options before consenting.
- Financial counsellors must be mindful of conflicts of interests when providing financial counselling to multiple clients (for example joint account holders or co-debtors).
- If a conflict arises between the interests of two or more clients, financial counsellors should discontinue financial counselling for both or all parties, as there may be a conflict of interest in trying to meet the needs of both or all parties (for example where a couple separates during the financial counselling process). The financial counsellor should then assist all parties to find appropriate financial counselling assistance.

#### **2.6.6 Referral by industry**

Financial counsellors whose clients are referred by a creditor shall ensure that this creditor is not favoured in any way. In particular, debts should be pro-rated equitably and without favour to the referring creditor or organisation.

#### **2.6.7 Funding**

It is of paramount importance that financial counselling services are independent of credit providers. If a financial counsellor is concerned that industry funding, resources, joint projects and/or sponsorship may impact their capacity to provide an independent service that upholds the principles of this Code of Ethics, the financial counsellor should refer to the policies of FCA or their State or Territory association.

### **2.7 Case management.**

#### **2.7.1 Identifying options**

Financial counsellors work with the client to identify options that may assist them to resolve their financial difficulties. Such options should be discussed after making an assessment of the client's financial and legal situation, and, where appropriate, after obtaining up to date information or support (for example, through a Financial Counsellors Resource Service or community legal service). Financial counsellors shall ensure that the client understands the likely consequences of each option, and is assisted to make an informed choice about the best option for their situation.

This is best facilitated by asking the client to tell the financial counsellor in their own words what they understand the options to be, and what they understand the consequences of



each option to be. Clients should then be given time to reflect and choose their preferred option/s. For example, a financial counsellor would not assist a client to file for bankruptcy on a first visit except in exceptional circumstances.

## **2.7.2 Client authority**

Financial counsellors obtain written consent from clients before formally advocating on their behalf. They shall only act on a client's instructions and will not undertake actions not specified by the client. Where possible, clients shall be kept informed of significant developments in any matter entrusted by the client.

## **2.8 Client records.**

### **2.8.1 Client contact history**

Financial counsellors maintain records and files in a manner whereby the client would not be disadvantaged if, of necessity, another financial counsellor, or the client themselves, assumed management of the case. Financial counsellors will record the dates of each financial counselling session, and concise, clear and relevant information after every contact with the client or relevant others. Financial counsellors will avoid including personal opinions and comments.

### **2.8.2 Ownership of files**

Documents and other records produced by the client remain the property of the client, but financial counsellors may photocopy them for their own records. Documents prepared by the financial counsellor for agency records, such as case notes, are the property of the financial counsellor's employer. Documents prepared by the financial counsellor for the client, are the property of the client (although the financial counsellor/agency would usually take a copy). Documents prepared by a third party relating to the client belong to the client. Other bodies may have legal access to the client files (see item B.4.7.).

### **2.8.3 Client access**

A client may request access to information for which the financial counsellor holds responsibility. Most financial counselling agencies will be bound by the *Privacy Act 1988*. Even if not legally bound, financial counsellors should adhere to the standards in this Act as an appropriate benchmark. Under this Act the client has the right to gain access to such information within 30 days of receipt of a written request to the file holder. A client may request an amendment to their records, or provide a statement for inclusion in their file.

### **2.8.4 Storage and access of files**

Storage and access to client files shall be guided by employer policies and with the confidentiality of client information of paramount concern. Such information shall be secure against loss, misuse, or unauthorised access, use, modification or disclosure.

## 2.9 Termination or Interruption to Services.

### 2.9.1 Informing and assisting the client

Financial counsellors make all reasonable efforts to facilitate the continuation of financial counselling for the client when services are interrupted due to illness, annual leave, relocation or other reasons relating to the circumstances of the financial counsellor or the employer. Financial counsellors should, where possible, discuss with the client any issues involved with termination or interruption to services, assist the client with the process, and refer the client to alternative services if required.

### 2.9.2 Ceasing to act

A financial counsellor shall terminate or interrupt services at their discretion, with client agreement wherever possible, when:

- a. The services are no longer necessary for the client (for example when all work requested by the client has been completed, or when the client is no longer benefitting from the service);
- b. When the client has failed to attend appointments and does not respond to a reasonable amount of communications;
- c. When the client is not in a capacity to engage in financial counselling at the time (for example, physical or mental incapacitation due to intoxication or illness, or when there are more significant and urgent matters to be dealt with of a temporary or continuing nature);
- d. When the client is unable to constructively participate in the financial counselling process.
- e. Where possible and appropriate, a termination of service should be put in writing.

### 2.9.3 Client right to terminate

The client has the right to discontinue services, engage another service or seek a second opinion at their own choosing.

### 2.9.4 Notification

The financial counsellor shall inform the client in writing that they have ceased to act on the client's behalf, and where necessary and appropriate, shall inform other persons and/or creditors, preferably after gaining the client's consent.

## 3. Responsibilities to Colleagues

Financial counsellors have a number of responsibilities when working with colleagues and professional associates to work towards mutual and professional aims.

### 3.1 Collaboration

Financial counsellors respect, support and encourage other financial counsellors and colleagues, and freely share knowledge and resources, within the limits of confidentiality and privacy.

### 3.2 Referrals

In order to make appropriate referrals, financial counsellors maintain professional and current contacts with colleagues, other agencies, health practitioners and therapeutic, community and/or government support services. Financial counsellors shall ensure that referrals are relevant and justifiable for the interests and needs of the client's situation, and should explain the process of contacting referral services where appropriate.

### 3.3 Boundaries

Financial counsellors have a responsibility to maintain appropriate boundaries with colleagues, supervisees, students, research participants and others directly involved in a professional relationship with the financial counsellor.

### 3.4 Conflict resolution

Financial counsellors have an obligation to seek to resolve conflicts with colleagues in a direct but respectful and considerate manner.

### 3.5 Reporting misconduct

If a financial counsellor becomes aware of a colleague's misconduct, they shall act in accordance with the following:

- A financial counsellor is encouraged to bring to the attention of a colleague any concerns they have about that person's ethical conduct or professional judgement;
- A financial counsellor will recommend, where appropriate, to those directly affected by another financial counsellor's alleged misconduct, that they notify that person's employer or that financial counsellor's relevant State or Territory association;
- A financial counsellor, who, after reflection, considers a colleague to have seriously breached this Code in a way that constitutes a serious risk to the well-being of a client, colleague, or any member of the public, should discuss that financial counsellor's alleged misconduct with their supervisor, manager, or the relevant State or Territory association to determine the appropriate course of action;

- The criteria for risk which may result in a financial counsellor being reported for misconduct includes, but is not limited to:
  - a. Practising while intoxicated by alcohol or drugs;
  - b. Engaging in sexual misconduct within professional practice;
  - c. Conduct which places clients or the public at risk of substantial harm; or
  - d. Significant departure from accepted professional standards.

### 3.6 Supervising and training

Financial counsellors ensure that all supervision and training they provide to a colleague or financial counsellor-in-training is in accordance with this Code of Practice and the supervision and training guidelines of their relevant State or Territory association.

## 4. Responsibilities to the Workplace

Financial counsellors have a number of responsibilities when working within the financial counselling workplace to meet the requirements of the organisation and protect the employer from liability arising through fault or negligence by the financial counsellor.

### 4.1 Workplace policies

Financial counsellors shall act in accordance with, and where appropriate contribute to, policies and procedures of the employer. This includes occupational health and safety policies and any other organisational codes of practice. Financial counsellors are encouraged to discuss this Code of Ethical Practice with their employers to help inform workplace policies and procedures.

### 4.2 Occupational health and safety

Financial counsellors work with their employer to ensure a safe and healthy working environment for themselves and their clients. Financial counsellors shall not place themselves in a situation of risk (for example, seeing clients when alone in an office building or continuing a counselling session with verbally or physically aggressive persons). Financial counsellors and their agencies should ensure a safe physical environment and have policies and guidelines in place for dealing with actual or potentially hazardous situations. Financial counsellors will also work with their employer to ascertain a fair workload in order to minimise the risk of burnout and overwork.

### 4.3 Statistical data

Statistics and information required by funding bodies and the financial counsellor's agencies or associations, or for any other purposes, shall be provided with protections for maintaining client confidentiality. At the very least, data shall be de-identified in a way that ensures that no client can be personally identified from the data provided.

### 4.4 Feedback and complaints

Financial counsellors shall follow client feedback and complaint policies and procedures implemented in the workplace. In dealing with complaints from a client, a financial counsellor shall focus on working towards a positive resolution.

## 5. Responsibilities to the Profession

Financial counsellors have a number of responsibilities to the financial counselling profession, including to support its aims and values, and to act as a representative of the profession.

### 5.1 Professional Integrity

Financial counsellors respect the image and protect the integrity of the occupation by maintaining a high standard of personal conduct and conducting themselves in a professional and ethical manner at all times.

### 5.2 Professionalism

Financial counsellors shall not bring the profession into disrepute through any act or omission in their capacity as a financial counsellor. Financial counsellors shall not misrepresent their qualifications, training, experience or ability to produce a particular outcome.

### 5.3 Responsibility

Financial counsellors have an awareness of their responsibilities and any likely consequences of their actions taken on behalf of clients. Financial counsellors shall take responsibility for the reasonably foreseeable consequences of their actions and be mindful to prevent harm occurring as a result of their conduct.

### 5.4 Competency

Financial counsellors shall become and remain proficient in the practice of the occupation, with reference to the FCA Minimum Practice Standards policy and the accredited training standards as required by the relevant State or Territory association membership. A financial counsellor shall not offer counselling or information beyond the scope of financial counselling and their own qualifications, training, expertise and experience. If uncertain, the financial counsellor should consult with a casework supervisor, another financial counsellor or manager, a financial counselling resource service, or refer to other professionals if the matter is outside their area of financial counselling expertise.

### 5.5 Communication

Financial counsellors communicate effectively with clients, colleagues and industry contacts, and have the ability to compose letters, reports and written communications which are appropriate to the situation. Financial counsellors are professional in all forms of communication, including face to face contact, telephone contact, and online communication which may include: email, social networking sites, blogging, and instant messaging. Financial counsellors shall comply with the policies of their employer regarding use of social and electronic media. When making public statements through traditional, electronic or social media financial counsellors shall be aware of the potential audience of this information and maintain professionalism at all times.

## 5.6 Accreditation

Financial counsellors shall be accredited according to the training and membership requirements of the financial counselling association in that financial counsellor's State or Territory and maintain and ensure renewal of this accreditation each year.

## 5.7 Research

Financial counsellors who undertake research projects should monitor and evaluate their practices to be consistent with national directives for best research practice, and should seek opportunities to be conversant with current consumer and community research. Those undertaking research should adhere to the guidelines set out in the Australian Code for Responsible Conduct of Research.

## 6. Responsibilities to the Wider Community

Financial counsellors have a number of responsibilities as members of the wider community, and to share with professionals in the general aim of working towards the greater social good.

### 6.1 Contribution

Financial counsellors work with other professions, where possible, to share knowledge and resources to the greater benefit of the community, and to promote the integration of services in a way that enables greater client access to appropriate and comprehensive services.

### 6.2 Non-discrimination

Financial counsellors practice in an appropriate manner and are respectful of, and responsive to, the specific needs relevant to the social, cultural, linguistic, spiritual, and sexual and gender diversity of clients and consumers.

### 6.3 Legal obligations

Financial counsellors comply with current Federal and State or Territory laws that are relevant to their professional responsibilities. Financial counsellors must not assist or encourage clients to break the law.

### 6.4 Social factors

Financial counsellors support social change that promotes the general welfare and self-determination of families and individuals. Financial counsellors shall advocate, where appropriate, for the right of all Australians to be treated fairly by industry, for economic and legislative systems that are fair to the vulnerable and disadvantaged in Australian society, and the development of social environments that optimise financial health and wellbeing among communities, families and individuals.

### 6.5 Social welfare

Financial counsellors shall not excuse or condone known instances of abuse or neglect, whether towards children, the elderly, or persons living with domestic violence. Financial counsellors should encourage those involved to contact the relevant authority to report the situation, however a financial counsellor must also honour the client's right to confidentiality and to self-determination.

### 6.6 Community knowledge

Financial counsellors will consult with, seek guidance from, and support, local community members, mentors and advisors. Financial counsellors shall, where appropriate, promote community participation in the development, and advocacy of financial counselling policies and services, and provide community education about financial issues.



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# Appendix 1

## Relevant Documents

### Reference list

C. Livingstone, E. Kotnik & S. King (2008). *Comparing Australian and International Approaches to Financial Counselling Service Models: A literature review*. Monash University: Department of Health Science.

Organizational Codes of Conduct (2003) – Council of Standards Australia

S. Longstaff (1994). 'A statement about codes of ethics and conduct' in *Preston, N (ed) Ethics for the Public Sector.* :

S. Longstaff (1994). 'Developing codes of ethics and conduct: Some thoughts on how to make codes of ethics work' in *Preston, N (ed). Ethics for the Public Sector.* :

S. Longstaff (1994). 'Developing codes of ethics: Why codes fail' in *Preston, N (ed). Ethics for the Public Sector.* :

### Codes of Ethics and Codes of Conduct

Code of Conduct for Financial Counsellors (not dated) – South Australian Financial Counsellors' Association (Inc.) (SAFCA)

Code of Ethics (2007) – Australian Psychological Society (APS)

Code of Ethics (2010) – Australian Association of Social Workers (AASW)

Code of Ethics (2010) – Psychotherapy and Counselling Federation of Australia (PACFA)

Code of Ethics (not dated) – The Financial Counsellors' Association of NSW (Inc.) (FCAN)

Code of Ethics and Good Practice (2002) – Counsellors and Psychotherapists Association of NSW (CAPA)

Code of Ethics for Problem Gambling Treatment and Support Services (2005) – NSW Responsible Gambling Fund

Code of Professional Conduct (not dated) – Australian Financial Counselling and Credit Reform Association (FCA)

Code of Professional Conduct (not dated) – Financial Counsellors' Association of Queensland (Inc.) (FAQ)

Code of Professional Conduct (2010) – Financial Counsellors' Association of Western Australia (Inc.) (CAWA)

Credit Reporting Code of Conduct (1996) – Office of the Australian Information Commissioner

Industry Funding Policy (2005) – Australian Financial Counselling & Credit Reform Association (AFCCRA)

Minimum Practice Standards (not dated) – Australian Financial Counselling & Credit Reform Association (AFCCRA)

Service Standards and Professional Conduct Rules (not dated) – Financial and Consumer Rights Council (Inc.) (FCRC)



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## Appendix 2

### State and Territory Financial Counselling Associations

The peak bodies for Financial Counsellors in Australia are currently:

- New South Wales - The Financial Counsellors' Association of NSW (Inc.) (FCAN)
- Northern Territory - Money Workers Association of Northern Territory (MWANT)
- Queensland - The Financial Counsellors' Association of Queensland (FCAQ)
- South Australia - The South Australian Financial Counsellors' Association (Inc.) (SAFCA)
- Tasmania - Financial Counselling Tasmania (FCT).
- Victoria - The Financial and Consumer Rights Council (FCRC)
- Western Australia - The Financial Counsellors' Association of Western Australia (Inc.) (FCAWA)

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## Appendix 3

### How the Code was created

The Australian Financial Counselling Code of Ethical Practice (The Code) was created with reference to FCA's Minimum Practice Standards and Code of Professional Conduct, the NSW Responsible Gambling Fund (RGF) Code of Ethics, and to all pre-existing financial counselling codes of ethics and codes of practice or conduct in use within financial counselling associations. The Code was written using information on best practice for codes of ethics and ethical conduct from the St James Ethics Centre and the Australian Standard Organizational Codes of Conduct. It refers to National legislation and guidelines such as the Privacy Act and National Mental Health Practice Standards, as well as State and Territory legislation where relevant. This Code also acknowledges the codes of ethics and codes of conduct for allied health professions in Australia, including those of the Australian Psychological Society (APS), the Psychotherapy and Counselling Federation of Australia (PACFA), and the Australian Association of Social Workers (AASW), who have each granted their permission for this acknowledgement.

The Code was created in consultation with representative financial counsellors from across Australia and in conjunction with ethicists, psychologists, lawyers, and counsellors, who provided diverse perspectives on the principles of best practice in the field of counselling generally, and within the profession of financial counselling specifically.

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## Appendix 4

### Responsibility for the Code

**Table 1** - Records the person(s) who have carried, and currently carry, the responsibility of overall control of this document.

NAME	POSITION	DATE STARTED	DATE CEASED
Fiona Guthrie	Executive Director, FCA	February 2012 (date Code adopted)	

**Table 2** - Records changes made to this Code

CHANGE	NAME	POSITION	DATE

