



ALLIED HEALTH COUNCIL

CODE OF CONDUCT & ETHICS

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Briefing

The following Code of Conduct and Ethics is duly established under the Health Practitioners Act 2006 Section 61 Functions of Council Sub section (e). All those persons desirous of registering with Allied Health Council should be familiar with the code of conduct and ethical consideration for registration. In addition there is a general code of ethics which is much broader for AHC members which can be obtained from the Executive Director (E/D)

Ethical Considerations and Code of Conduct for Practitioners

Fairness and impartiality are stock in trade. Simply having these qualities is not enough. It is essential that the parties perceive each practitioner as having them. Accordingly, it is important to go to great lengths in both work and in deed assure parties working in good faith is the key. The major areas being addressed by the development of various codes of ethical consideration are:

- **Impartial demeanor**

Although the expression of an honest opinion about some aspect of the practice is not inconsistent with the ethical obligation of neutrality, such expressions must be made in a way that will be facilitative of settlement, not in a way that will exacerbate the conflict. **Do not engage in conduct of behavior that:**

1. Could likely lead to a party to believe you either accept or reject their position at face value;
2. You have lost control of your own emotions;
3. You personally favor some individual(s) more than others;
4. You are more important than they are;
5. You are rejecting the merits of their position because you have not heard or understood it properly;
6. You are criticizing them personally;
7. You are advocating for one's sides point of view because you personally believe them to have a superior moral or ethical position;
8. You know how the results should be achieved and that you are pushing the parties to achieve this result unduly;
9. There are pressures on you or concerns you have outside the practice which are affecting your performance;
10. You subjectively reject others values.

- **Conflicts of interest**

Clearly related to impartially, any relationship that, before or after practice sessions, could reasonably cause a patient to believe a practitioner's neutrality is impaired should be disclosed.

In most instances, if the parties, with full knowledge of the relationship, believe it to be so insignificant, unrelated or remote in time as not to create a concern, the person may proceed to serve a practitioner. There may be some situations where the practitioner believes his or her neutrality might be impaired by such a relationship. In such circumstances the person should serve as a practitioner. In the event the practitioner or a party becomes unaware, after the practice has commenced, of a relationship that is perceived by either to be an unacceptable conflict, the practitioner is obligated to withdraw from the process.

- **Self-determination**

A practitioner should never use intimidation tactics; exploit relative strengths and weaknesses of personality to coerce a party into a settlement. As discussed elsewhere, there are numerous appropriate techniques available for practitioners to assist parties in overcoming their self-created barriers to settlement, but the essence of the practiced outcome is that it has been arrived at through the free will of the parties.

- **Competence**

Although subject matter expertise is not a requirement to be an effective practitioner; a person should decline to serve in that capacity in any dispute in which he or she lacks sufficient knowledge or ability to be effective.

- **Confidentiality**

The confidentiality within the negotiating process of information disclosed to the practitioner with that reasonable expectation must be scrupulously observed.

The practitioner, without the express permission of all parties, should never discuss outside the practice process, socially or professionally, anything about a particular issue which could identify the parties

The practitioner should not use information gained during the practice process to his or her personal or pecuniary advantage outside the process.

Ethics

- What should the practitioner do if he or she learns of criminal act?
- The practitioner must recognize that the parties are in charge of the process.
- What is a fair settlement is a matter of the parties.
- An agreement is voluntarily arrived once the parties are competent.
- A practitioner can in certain situations promote the interest of a third party; if it is spelt out.
- A practitioner can be impartial.
- When a practitioner charges a fee he or she should not insist on certainty time.
- The confidentiality of the negotiating process is paramount.
- The individual causes are also confidential.

- The practitioner notes are also subject to confidentiality.
- The practitioner can give information but not advice.
- If an attorney for one party is not present during the practice and enquires about what has transpired, the practitioner is not at liberty to say. He should refer the attorney to the Chief Practitioner.