



# **The International Transactional Analysis Association**

## **Code of Ethics**

### *Philosophy and Guidelines for Ethical Practice*

The ITAA Ethics Committee continues to acknowledge and thanks the European Association for Transactional Analysis (EATA) for allowing parts of their documentation to be adapted for this document.

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# GLOSSARY

**Petitioner.** The person who believes an ITAA member has contravened an ITAA Ethical Principle/s. They do not need to be an ITAA member.

**Respondent.** The person who is alleged to have contravened an ITAA Ethical Principle/s. They must be (or within certain circumstances have been) an ITAA member.

**Mediation.** Mediation is a structured negotiation process in which an independent entity, known as mediator/s, assists the parties to identify and assess options and negotiate an agreement to resolve their dispute.

**Independent Mediator:** This person is not a TA Practitioner.

**ITAA Ethics Committee.** The committee has both an Educational function and a Remedial function. (See

**Restorative Justice Process.** This process can be activated at any phase when offered to or requested by the parties. Its purpose is to bring learning, repair, and closure to all parties. This reinforces the Principles of our Code: Responsibility, Respect, Empowerment, Protection and Commitment.

The Restorative Justice Process can also be engaged in as an additional process after a concern has been resolved, if appropriate.

If mediation or a formal enquiry occurs, there is still an opportunity for a Restorative Justice Process. (See Figure 3).

In essence, mediation aims to resolve disputes through negotiation and agreement, while restorative justice seeks to address harm, promote accountability, and foster reconciliation among those affected by a wrongdoing.

**Circle of Wise Colleagues.** A small number of qualified, experienced, and trusted TA colleagues who are available to support the functioning of the Ethics Committee in various ways. See Circle of Wise Colleagues (CoWC) for the ITAA Ethics Committee in the Appendix.

**Conflict Resolution Entity.** An external party to the TA community, who is a qualified and competent practitioner in conflict resolution processes. In most circumstances a pre-identified party can fulfil this role if required. This entity's function is specific to the mediation process.

**Affected Groups.** (See Table 2 A Grid for Ethical Assessment

). Within the helping professions, Ethical Principles impact many affected groups. The affected groups are considered to be:

- Clients (this includes individual and group clients, and clients where an organisation is the client)
- Self as Practitioner/Member
- Trainees (this includes trainees, examinees, supervisees)
- Colleagues
- Human environment/community/client's wider system

**Member.** A person who pays membership fees to ITAA but does not carry an ITAA certification and is not in TA training to be a certified Practitioner in TA.

**Practitioner.** A person who is a member and is either in training to be an ITAA certified transactional analyst (CTA), or is a certified transactional analyst (CTA, PTSTA, TSTA) or is a retired certified transactional analyst (CTA, PTSTA, TSTA).

**Philosophy.** The philosophy is the 'What' and 'Why.' It clarifies what you believe in or what you want to do. It also describes why you believe in the approach.

**Principle.** The principles are the 'How'. They outline the key strategies you can follow to translate the philosophy into action.

# Introduction

This document version has been renamed as The International Transactional Analysis Association Code of Ethics- Philosophy and Guidelines for Ethical Practice. It is referred to as “The Code of Ethics”.

## Purpose

The purpose of this Code of Ethics is to provide Practitioners and members with a reference for principles and values, and practical examples (see Table 1 Behaviours Relating to the Ethical Principles) to consider in making sense of and resolving ethical issues.

The expectation is that members and Practitioners will commit to the values and ethical principles of transactional analysis and in so doing, will maintain safe, ethical, and effective contractual services. This will bring about safety, confidence and trust in transactional analysis as a modality and in the ITAA.

The two main functions of this manual are to have:

- An Educational function. This involves providing a stimulating resource for practitioners and members to contemplate what it means to live by the Principles of the ITAA Code and how to apply that to daily work as well as personal life.
- A Remedial function. This provides a constructive structure and process to address ‘Issues of Ethical Concern’ in a fair and sound manner and that those impacted have the opportunity to learn from their experience.

This code has been significantly updated from the previous Revision of the 2014 Ethical Code of Conduct and Procedures Manual. The update relates to the ethics code change in philosophy and language from modes inferring and inviting a ‘one up’ or ‘one down’ psychological position, a Blame and Shame approach to one of Enquiry. This has involved the process of shifting the emphasis from a ‘disciplinary’ and ‘legalistic’ mode to one of learning and growing.

The Committee (and the BOD) are in agreement that responding to issues of ethical concerns raised by either the membership and/or the public is a vital part of the role of the Ethics Committee. Encouraging discussion and participation in ethical debates invites us all to be ethically mindful, and thereby potentially reducing the likelihood of ethical concerns (previously called an ethical complaint) being raised.

# Section 1: Synthesis of the ITAA Ethical Principles

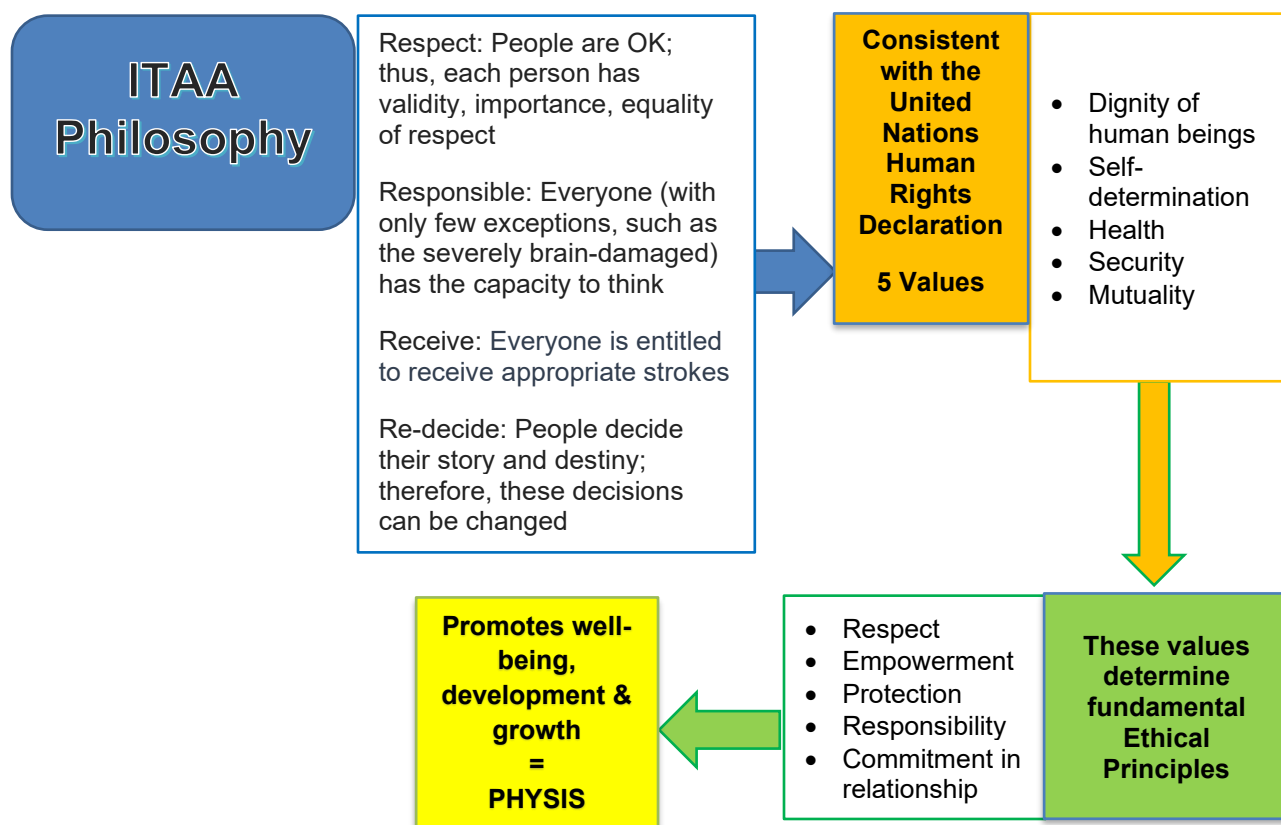
The ITAA has adopted the TA philosophy and combined this with the United Nations Human Rights Declaration. This gives us the basis on which we build an ethical framework for all 4 specialisation fields of TA: Counselling, Education, Organisations, and Psychotherapy. *Figure 1 Synthesis of the Ethics Principles* below describes the relationship between the ITAA's philosophy, the UN Human Rights Declaration, values, Ethical Principles, behaviours and physis.

A full description of the United Nations Human Right declaration can be found in Articles of the Universal Declaration of Human Rights related to basic values: in the EDUCATIONAL APPENDICES.

## ITAA Philosophy

The ITAA adopts the following philosophical presuppositions:

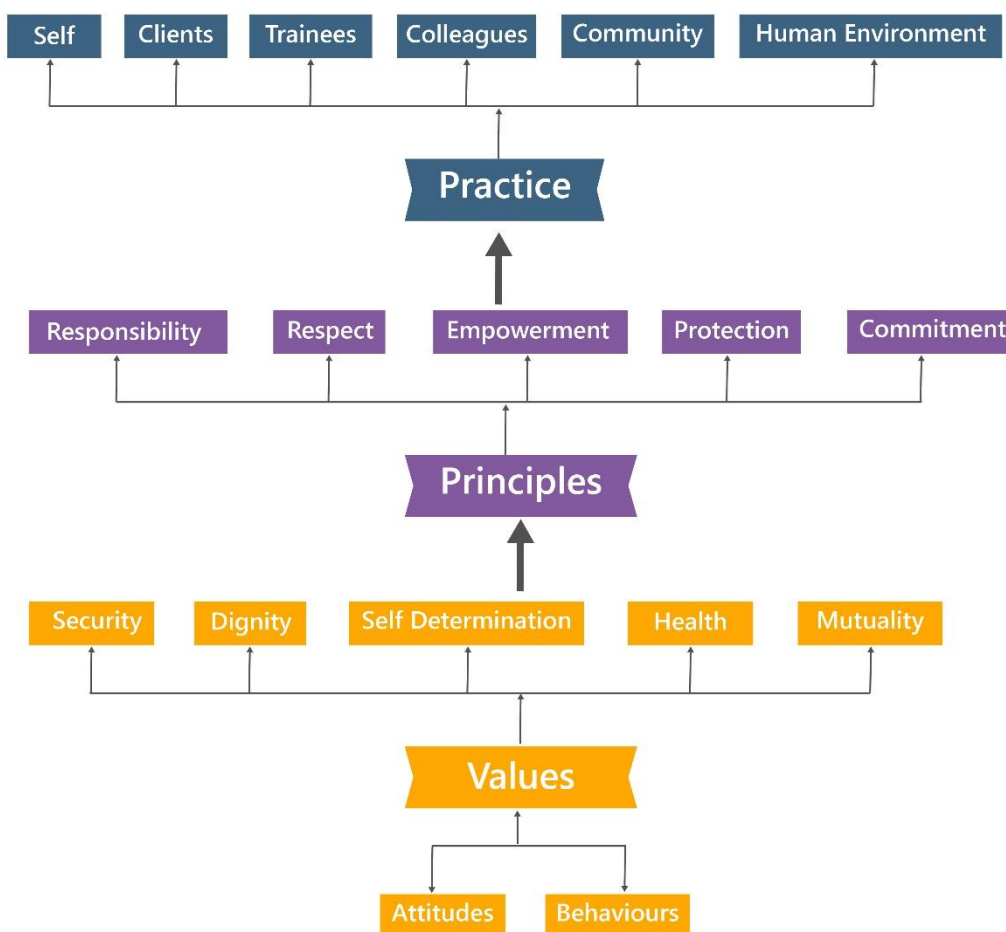
- People are OK; thus, each person has validity, importance, equality of respect.
- Everyone has the capacity to think (with few exceptions).
- Everyone is entitled to receive appropriate strokes.
- People decide their story and destiny; therefore, these decisions can be changed.



*Figure 1 Synthesis of the Ethics Principles*

## Values, Principles and Practice

Figure 2 below shows how Values inform our attitudes and behaviours. These values then inform the Principles on which we live our lives, professionally as well as personally, and then how both the Values and Principles then play out in the way we work and live.



*Figure 2 Values, Principles and Practice*

Ethical Values are the fundamental basis on which human beings promote their personal and professional development and fulfilment as well as those of others. Values include reference to natural law that informs how people behave with the best interests in mind, of self, others, and larger systems.

Our values are displayed in our attitudes and behaviours. Those values are lived out in the Principles by which we live (our Practice). Our Practice impacts on the various affected groups (Self, Clients, Trainees, Colleagues, Community and the Human Environment).

The following identified values are related to human rights and are included in the Universal Declaration of Human Rights: Dignity, Self Determination, Health, Security and Protection. This frame of reference is congruent with the existential and philosophical perspectives of transactional analysis. (LINK to Synthesis of Ethical Values and Principles from the EATA Ethics Manual and the United Nations Declaration of Human Rights for the detailed information).

## Principles of the Code of Ethics

Practitioners and members have a professional responsibility to the ITAA, its members, clients and the public to integrate and behave in line with the ITAA's Philosophy and Guidelines for Ethical Practice. This establishes a social contract inviting the public's trust.

The ITAA Ethical Principles are:

- Respect
- Empowerment
- Protection
- Responsibility
- Commitment in relationship

When a Practitioner's behaviour is not aligned with the ITAA ethical principles, those who are aware of the behaviour in question have an ethical obligation to address it appropriately. The process to address an ethical concern (Section 3) proposes the first option is to address the member directly.

The following table gives examples of acceptable and not acceptable behaviours relating to each ethical principle. The ITAA philosophy underpins the aligned behaviours:

The "Aligned" behaviours are interrelated and holistic, and do not exist in isolation, for example responsibility and protection have "Do no harm" in common. The list of examples is not exhaustive.

**Table 1 Behaviours Relating to the Ethical Principles**

| <b>Principle</b>   | <b>Example Behaviours Aligned with Principles</b>                                                                                                                                                                                          | <b>Example Behaviours Not Aligned with Principles</b>                                                                                                                                                                                                                                                                                     |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Respect</b>     | Practitioners treat affected groups with dignity, regardless of, and considerate of their physiological, psychological, sociological, or economic status, their thinking, feeling and behaviour.                                           | Allowing bias and prejudice to influence and impact working relationships.<br>Engaging in working relationships in which bias and prejudice are likely to negatively influence and impact the work.                                                                                                                                       |
| <b>Empowerment</b> | Practitioners aim to develop their clients' awareness of and functioning from a position of spontaneity, connectedness, autonomy, personal and collective responsibility.                                                                  | Allowing the Practitioner's personal agenda to contaminate the work. Allowing another entity's agenda (e.g. the organisation) to contaminate the work.<br><br>Fostering and/or enabling codependent relationships, including personal (platonic or romantic) relationships within and/or outside of the client-Practitioner relationship. |
| <b>Protection</b>  | Approaching practice with a philosophy of "first do no harm" and in some cases "minimise harm" and "second, do good". Practitioners cause no intentional or deliberate harm to any client, trainee, or supervisee or other affected group. | Entering into activities outside the professional contract that will or could negatively impact or jeopardise the professional relationship with a client or group.                                                                                                                                                                       |

| Principle             | Example Behaviours Aligned with Principles                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Example Behaviours Not Aligned with Principles                                                                                                                                                                                                                                                                                    |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Practitioners will recognise when dual roles as well as potential platonic and/or romantic relationships, exist or have the potential to exist, and will seek consultation from trusted colleagues and respected supervisors for resolution. Clear contracting which appropriately ensures protection of affected groups where dual roles are unavoidable. (The Practitioner's relationship to the systemic context in Organisational and Education TA will likely be different to that of Psychotherapy and Counselling TA. These relationships and contexts need to be considered and resolved to protect all affected groups). | Practitioners providing contractual services that result in the exploitation of affected groups in any manner, including, but not limited to, financial and sexual matters.<br><br>Entering into sexual relationships (a dual relationship) between Practitioners and clients, and other affected groups (trainees, supervisees). |
|                       | Address negative consequences emerging in any affected groups as promptly as appropriate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Failing to consider and respond to the potential or actual damage resulting from dual relationships.                                                                                                                                                                                                                              |
| <b>Responsibility</b> | Practitioners will engage in informed contractual relationships with their client where both have the appropriate professional and psychological competence and intent to fulfil.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Engaging in contracts for which the Practitioner is not adequately trained or competent, and not in a significant supervisory relationship.                                                                                                                                                                                       |
|                       | Practitioners accept responsibility for addressing issues with any colleague they have reasonable cause to believe is acting in an unethical manner. Failing resolution, the Practitioner has the option to follow the process to address an ethical concern (Section 3) with the ITAA Ethics Committee. Where the Practitioner has any personal challenges or concerns in addressing the person in question, the Ethics Committee may be used as a supportive resource.                                                                                                                                                          | Failing to consider any aspect of an unethical scenario (colleague's behaviour, its significance and consequences) and the Practitioner's own ability to act.                                                                                                                                                                     |
|                       | ITAA members will consider and take responsibility for the ethical ramifications of their written and/or verbal public statements. Practitioners will operate and conduct services to clients with full responsibility to existing laws of the state and/or country in which they                                                                                                                                                                                                                                                                                                                                                 | Practitioners not taking into account dilemmas that might impact on the healthy functioning of the client/Practitioner relationship and potentially the client's and/or affected groups' wellbeing.                                                                                                                               |

| Principle                         | Example Behaviours Aligned with Principles                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Example Behaviours Not Aligned with Principles                                                                                                                                                            |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | <p>reside, provided such laws are not in conflict with the United Nations Declaration of Human Rights and the ethical principles of the ITAA. The Practitioner will seek assistance from an external supervisor to assist in managing any circumstances related to this dilemma.</p> <p>In establishing a professional relationship, Practitioners assume responsibility for providing a suitable environment, including such things as specifying the nature of confidentiality observed, providing for physical safety appropriate to the form of activity involved, and obtaining informed consent for high-risk procedures that could possibly have harmful effects. Informed consent includes informing the client of his/her right to refuse to participate in any procedures and/or to end the professional contract at any time. Practitioners will seek to ensure the protection of clients' confidentiality regarding personal information conveyed through electronic transmission.</p> |                                                                                                                                                                                                           |
| <b>Commitment in relationship</b> | <p>If it is not possible to fulfil the original contract (e.g. client abandoning the work without notice), the Practitioner endeavours to find options to resolve the situation, including the use of supervision support.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Practitioners allow their passive behaviours to go unchecked when challenges emerge from the relationship with the client, or which may negatively impact it (or any member of an affected group).</p> |
|                                   | <p>Certain professional responsibilities continue beyond the termination of the contract and include, and are not limited to:</p> <ol style="list-style-type: none"> <li>1. Maintenance of agreed-on confidentiality.</li> <li>2. Avoidance of any exploitation of the former relationship.</li> <li>3. Provision of follow-up care.</li> </ol> <p>When a Practitioner becomes aware of personal conflicts or medical problems that might interfere with their ability to carry out a contractual</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Members not attending to unresolved issues in relationship with affected groups.</p>                                                                                                                   |

| Principle | Example Behaviours Aligned with Principles                                                                                                                                                                                   | Example Behaviours Not Aligned with Principles |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
|           | <p>relationship, they will seek supervision to consider the appropriateness of terminating the contract.</p> <p>Practitioners address issues of conflict, disagreement, and different perspectives in an ethical manner.</p> |                                                |

## Section 2: The ITAA Ethics Committee

### Membership of the Ethics Committee

The ITAA Board of Directors, on the recommendation of the ITAA Director Operations in consultation with the President, appoints the committee chair/s. The Ethics Committee chairperson/s nominate candidate members for the committee, and these may then be ratified by the Board of Directors. Where possible, all fields of specialization within TA will be represented. The committee will consist of at least six (6) members. The terms of office for committee members will be for three (3) years. Because of the specialized nature of the work of this committee, members may be reappointed for successive terms. Decision-making processes will follow the ITAA guidelines for the conduct of association committee meetings (See the ITAA Procedures Manual). The membership of the Ethics Committee will include no more than three Board of Directors (**BoD**) Members. Those individuals will absent themselves from any Board matters where ethical issues of relevance are discussed. The Director Operations will not be a member of the Ethics Committee. The Co-Chairs will meet regularly with the Director Operations to give an overview of general matters in the Ethics committee. No confidential information concerning any issues of concern that have been raised or any specific details of formal inquiries will be discussed during those meetings.

### Functions of the Ethics Committee

The committee has two functions:

1. An **Educational function**: focused on providing stimulating opportunities to promote awareness and understanding of ethical principles and values, and may involve educational workshops for members to develop ethical thinking and decision-making skills. It encourages members to contemplate what it means to live by the Principles of the ITAA Code and how to apply that to our daily work as well as our personal lives. Examples could include open webinars for all members and short articles in the Script
2. A **Remedial function**: This is about "ethical review" or "ethical assessment". The Ethics Committee is responsible for providing a constructive structure and process for hearing 'Ethical Issues of Concern' in a fair and sound manner and that those impacted have the opportunity to learn from their experience. This is a collaborative and humanistic approach to addressing ethical concerns, focusing on dialogue and reflection rather than punishment or control. The aim of this approach is collaboration and participation, encouraging everyone to take responsibility for ethical decision-making and contributing to a culture of shared ethical values. This is the emphasis of the procedures laid out in this manual. Where appropriate ITAA documentation will be amended.

The committee will establish, oversee, review, and mandate inquiries into alleged conduct that contravenes the ITAA Code of Ethics, in line with the Procedures identified in Section 3 B: The Process to Address an Ethical Concern.

The ITAA Ethics Committee can serve as a consultant body to other TA organisations to develop and/or revise ethical procedures. It can also serve as a consultant on the request of another TA organisation to resolve disputed ethics decisions within that organisation. The ITAA Ethics Committee will not serve as an appeals body for other TA organisation members.

The committee will review the ITAA Code of Ethics from time to time and interpret it to the membership and the public.

### Advisory Opinions

The President, Executive Committee, Board of Directors, and Committee Chairpersons may consult with the Ethics Committee on matters arising in the management of the ITAA.

The Ethics Committee, at its discretion, may choose to give an advisory opinion about an ethical issue raised by a member of the association, but it is not required to do so. Any such opinion will be confined to matters concerning the ethics process and whether an inquiry about alleged ethical contraventions would be appropriate matters for the ITAA Ethics Committee to consider. An advisory opinion will be given only when actual and not hypothetical question/s have been asked. To mitigate ambiguity and ensure clarity, such opinions will be rendered only in writing and only in response to a written request.

**Jurisdiction**

The Code of Ethics is binding on members of the ITAA in all membership categories.

**Jurisdiction Over Resigned Members**

The association also has jurisdiction over resigned members in relation to an issue of ethical concern being raised that occurred during the period of membership, provided the concern is received within one (1) year of the date of resignation.

## Section 3: Addressing an Ethical Concern

### Section 3 A: Ethics Committee Considerations in Addressing an Issue of Concern

#### Philosophies relating to the process:

The committee will conduct the process with a philosophy of engagement with the Respondent and where appropriate, with their supervisor or appropriate support person to assess the concern in relation to the ITAA Principles and Code of Ethics and identify what learning can be gleaned.

If at any Phase of the process outlined in this manual the Respondent recognises their role in the Issue of Concern raised, the Restorative Justice Process may be entered into with the agreement of the Petitioner.

When the Ethics Committee commences the process of working through the phases below, they will take into consideration the various systems of all parties potentially at play in the Issue of Concern raised.

Every party in an affected group and that party's own wider context, will be part of a system. The ITAA as a collective entity will also be a system on its own, and incorporates other systems (e.g. the 4 fields, the training and certification system, committees etc). Systemic thinking considers parties, contextual influences, processes, and anything else in a wider scope related to the individual and the ethical issue raised with the committee.

Examples of these systems (including personal, professional and cultural influences):

- The Practitioner's systems (Psychotherapy, Counselling, Educational and Organisational)
- The client's systems
- The trainer's and trainee's shared and individual systems
- The supervisor's and supervisee's shared and individual systems
- The generalised systems of politics, society, community, and economies

The list is not exhaustive; however it gives some examples of potential systems that could be at play.

Both the influence of systemic influences, and the Respondent's influences on an ethical matter will be considered.

#### Specific Considerations

Throughout each phase of the process to address an ethical concern, the committee will note any ITAA-specific irregularities, loopholes, ambiguities, anomalies etc, which did or could have influenced the ethical concern raised. These issues will be addressed through the relevant ITAA channels, to ensure that all its systems (including documentation and processes) are robust and fit for purpose. Viewed through the lens of "contracting", the ITAA systems can be categorised as follows:

- Procedural: this includes factors related to the ITAA documentation, procedures (e.g. training and certification) which impacted the issue. Example question, 'Were the procedures and documentation robust, clear, detailed and appropriate enough to mitigate or respond to the ethical concerns?'
- Professional Organisation: any factors which were/ are the responsibility of ITAA in relation to the Practitioner's or member's competence for their role. This may relate to training and certification issues in which a member or Practitioner's readiness for their role is compromised. It may relate to office bearers' or official role players' competence for their role, or fulfilment of that role. Example question, 'How did the ITAA's organisational structure impact the ethical concern?'

- Professional Practitioner: this includes factors relating to the Practitioner's competence for the role, the modality/ies used, the aim of the work, considerations of impacted groups.
- Psychological: These factors could include but are not exhaustive of ITAA role player's bias stemming from: cultural, political, economic, racial, sexual orientation, which could be outside the persons' awareness and impact the dynamics. Example questions, 'Did any procedure written from a place of bias, or representative of a worldview impact the ethical concern?', or 'Did/does any ITAA role player's bias or worldview impact the ethical concern?'

As well, the Ethics Committee will commit to ensure that any processes and formal enquiries are mindful, considerate of, and responsive to bias and/or prejudice towards any of the parties concerned, with the purpose of minimising its negative impact. Any ethics formal enquiry committee members will consider the following points:

- Check and be open to feedback regarding bias and address any personal bias arising from a process to address an ethical concern.
- Be prepared to respectfully challenge perceived bias and/or prejudice in any other role-player.
- Conduct all duties within an environment of learning and growth.
- At all stages of this process, the aim is to be consistent with the ITAA principles.
- At any Phase of the process where it is not possible to deliver an unbiased process to address an ethical concern, this process will be contracted to an external party/Conflict Resolution Entity for mediation, formal enquiry or other form of resolution.
- The External Party may consult with the Ethics Committee Chairs or appropriate delegated Ethics Committee Member on any matters of the ITAA Ethics Manual procedures at any stage while maintaining the confidentiality of the party/parties.
- The purposes of the consultation are to maintain a fair process for all parties, and to align with any aspect of the ITAA Ethics manual (including philosophy and procedures, for example recommendations in Phase 5: Post Formal Enquiry paragraph 5.4.)
- At the completion of the External Party's deliberation, they will present a report to the Ethics Chair/s that covers:
  - If mediation was undertaken, and its outcomes
  - The Respondent has or has not contravened the Principles of the ITAA Code of Ethical Conduct.
  - The Respondent accepts their part in the contravention and wishes to resolve it amicably through the Restorative Justice process, or does not accept any part of contravening the Principles of the ITAA Code of Ethical Conduct or take any responsibility for an effective resolution.
- The External Party may make recommendations to the Ethics Committee Chairs concerning process/procedures and/or systemic change.
- The roles and expectations of the external parties will be formally contracted at the commencement of the work.

### **Time Limitations**

The Ethics Committee may determine at its discretion, that a concern cannot be investigated because the concerning events occurred too far in the past, or other circumstances which make it impossible to address.

### **Initiation of a concern by the Ethics Committee**

The Ethics Committee may proceed on its own initiative when it has been presented with sufficient assertions that, if proven factual, would constitute a contravention of the Ethical Principles. For example, the committee could proceed on information received from another professional organisation, a state regulatory agency, or public sources. If the committee decides to proceed on its own initiative, it will prepare a written statement concerning factual assertions of a contravention of the Ethical Principle/s.

At the end of each phase, the formal enquiry committee will review its conduct to ensure that the process has been correctly followed. This aspect of each phase review will include a representative from the Circle of Wise Colleagues, providing process oversight as defined in the Circle of Wise Colleagues document. In circumstances where the committee cannot or could not follow the procedure precisely, this will be noted with reasons and does not necessarily interrupt the formal enquiry process.

In carrying out its responsibilities, the Ethics Committee shall act in accordance with the ITAA Articles of Incorporation and Bylaws, the Code of Ethics, and with these procedures. The ITAA Process to Address an Ethical Concern is not a legal proceeding.

### **The Restorative Justice Process**

The Restorative Justice Process has the purpose of bringing complete closure to all affected groups (including the Petitioner, Respondent and Ethics Committee) on resolution of a concern. As such, this may be activated at any phase of the process. Examples of this may be

- If at any Phase of the process outlined in this manual the Respondent recognises their role in the Issue of Concern raised, the Restorative Justice Process may be entered into with the agreement of the Petitioner.
- After a mediation process, to bring closure to all parties.
- At the end of a full formal enquiry, to bring closure to all parties.

# itaa Restorative Justice



*Figure 3 ITAA Restorative Justice Framework*

## Section 3 B: The Process to Address an Ethical Concern

### Phase 1: Actions Prior to a Formal Process being Initiated

- 1.1. The Petitioner assesses whether their concern is best addressed as a matter of unprofessional practice and/or inadequate standard of practice, ethics, or a governance issue. These are each likely to be addressed by different entities within ITAA, e.g. by the relevant ITAA certification body in matters of certification and exams, or by the BoD (or any other appropriate body) in matters of governance and ITAA internal procedures, or by the ethics committee in matters of alleged unethical behaviour.  
  
Considerations which assist in assessing what category the concern best falls into are listed in Phase 1 Form: Submission of a Concern relating to ITAA Governance, Professional Standards, or Ethics (for use by Petitioner).
- 1.2. The Petitioner talks with the ITAA member whose behaviour they believe to be in contravention of the Ethical Principles, to raise their Issue of Concern.
- 1.3. If that proves to be unsuccessful, inappropriate, not feasible or impossible (e.g. bias, conflicts of interest, or pressures emerging from multi-party relationships), then the Petitioner's next step is to address their concern to the Ethics Committee of their local TA body.
- 1.4. When no such authority exists, or the step is inappropriate, not feasible or impossible, or it is impractical for the local TA association to address the concern, the Petitioner may contact the ITAA Ethics Committee Chairperson/s directly to further the concern.
- 1.5. All parties involved in an ethics concern will indicate their commitment to confidentiality and data security by means of a signed non-disclosure agreement.
- 1.6. The ITAA Ethics Committee Chairperson/s will check to see if the potential Respondent is a current ITAA member. To ensure anonymity of potential Respondents only the Ethics Committee Chairperson/s will have access to the membership database.
- 1.7. If the Respondent is not an ITAA member, ITAA Ethics Committee chairperson/s will advise the Petitioner that the ITAA has no jurisdiction to address the concern with the Respondent. The ITAA's ability to engage with Respondents is therefore only possible if they are a current member. If the Respondent is not currently a member, then the Ethics Committee will explore with the Petitioner and/or members of the affected groups, what support and/or actions they would like from the Ethics Committee.
- 1.8. If the Respondent is an ITAA member, the Ethics Committee chairperson/s will advise the Petitioner that they will follow the procedure in this document on receipt of the concern in writing.
- 1.9. Inform the Petitioner/s that they may not seek any compensation or reward from this ITAA process.
- 1.10. The Petitioner will have direct knowledge of the alleged behaviour concerned or be in position to supply relevant, reliable testimony or other evidence on the subject.
- 1.11. The Petitioner will compile Phase 1 Form: Submission of a Concern relating to ITAA Governance, Professional Standards, or Ethics (for use by Petitioner) to submit an ethical concern, available on the website, making use of administrative support from a member of the Ethics Committee to streamline the process. The Ethics Committee member assisting the Petitioner to compile the form will recuse themselves from Phases 3 and 4.
- 1.12. Petitioner submits the form to the ITAA Ethics Committee chairpersons, marked "CONFIDENTIAL" in the subject. Note: digital correspondence is encouraged. The Petitioner will specify which of the ITAA Ethics Principles have been contravened.

- 1.13. The Petitioner is encouraged to formulate one or more desired outcomes from this formal process. (These desired outcomes will be considered during the mediation process as well as the formal enquiry process.)
- 1.14. The process requires the Petitioner to disclose their name to the member their Issue of Concern is about (Respondent). In exceptional circumstances, this may be reconsidered.
- 1.15. The Ethics Committee will take into account the same concern raised by the Petitioner to any other body. If a formal enquiry by any other body has already taken place, this information may inform further considerations.
- 1.16. The Petitioner is encouraged to make use of personal support resources prior to, during and after the process, bearing in mind confidentiality around the matter.

If at any stage it is considered appropriate and advantageous to all parties to outsource this whole process, ITAA Executive Committee will be consulted. Considerations in this regard will be fairness and impartiality to all parties. Examples of situations where the process would best be outsourced include high-profile ITAA members, multi-party relationships, any form of bias or prejudice (whether recognised by self or others). Where the Issue of Concern raised concerns a member of the BoD or an ITAA committee member, that member will be excused from their role while the process is followed

## Phase 2: Preliminary Enquiry

In writing this process, we are mindful that not all scenarios can be predicted and integrated into a linear set of steps. There may be scenarios in which it may be possible to de-escalate a concern by following the process steps in a different order, or to diverge from them. In these cases, the reasons for such will be carefully considered, communicated to relevant parties, and formally noted. At all stages of the process, the Ethics Committee will show appropriate flexibility and adaptability, with the emphasis being on a learning process throughout. Use Form Phase 2: Record of Preliminary Enquiry Process to record diversions from the process.

- 2.1. If the **assertions** do not appear to constitute a contravention of the Principles of the Code of Ethics, the chairperson/s will formally notify the Petitioner. Notification to the Petitioner will explain why the assertions do not warrant further action by the Ethics Committee and include a copy of the ITAA Code of Ethics
- 2.2. If the **assertions** do appear to contravene the Principles of the Code of Ethics, the Ethics Committee Chair/s will engage in an informal conversation with the Respondent about the Issue of Concern that has been raised. The Committee will approach the concern in the spirit of a humanistic philosophy and de-escalation.
  - 2.2.1. The Ethics Chair/s email the Respondent using Phase 2 Email (not included in this document): to be sent with 'Phase 2.1 Form Petitioner's Concerns and Desired Outcomes' as Attachment to the Respondent inviting them to an informal conversation on the matter. This email will contain details of the Petitioner's concerns and their desired outcomes from the process (for fair sharing of information and as a de-escalation method). In addition to form Phase 2.1, the email will include Phase 2.2 Form: Respondent's Response to formal notification of an Issue of Concern. The Respondent uses the latter form to record their responses for clarity and accuracy in considering the Issue of Concern.
  - 2.2.2. The Respondent is afforded 14 days to respond to the invitation to the informal conversation. This informal conversation can be attended with the Respondent's supervisor as a support person. Where Respondent does not have a supervisor, a support person can be present.
  - 2.2.3. The Respondent is encouraged to work with their supervisor to reflect on the Issue of Concern that has been raised.
  - 2.2.4. Within 21 days of the initial contact with the Chair/s, the Chair/s and the respondent will engage in a follow up conversation.

- 2.3. Given the outcome of 2.1, several options could be considered:
  - 2.3.1. Mediation or Formal Enquiry is not required. A process takes place at the lowest level of escalation and with the lowest use of resources (financial and role players) which allows the concern to be resolved. As not all circumstances can be foreseen, the particulars of this process will not be defined here, but rather left to the various parties (Petitioner, Respondent, Ethics Committee) to co-create at the time. Examples: the petitioner and respondent choose to meet together; or the Ethics Committee Chairs or Circle of Wise Colleagues facilitate a meeting of the parties to resolve the Issue of Concern.
  - 2.3.2. The offer of external mediation is made and accepted.
  - 2.3.3. The respondent does not believe there was any contravention of the Principles of the Code of Ethics, and the following procedures take effect.
- 2.4. The Ethics Committee Chair/s will set up a preliminary enquiry committee, to assess if the alleged behaviours contravene the **Principles of the Code of Ethics**. The committee will consist of one of the chairs unless it is deemed ethically or procedurally inappropriate.
- 2.5. The Ethics Committee Chair/s will provide a copy of the concern (or a summary) to the Ethics Committee's investigator/s.
- 2.6. If the preliminary enquiry committee concludes the alleged behaviour/s are likely to have contravened the Principles of the Code of Ethics, the committee reports their findings to the chairs.
- 2.7. The Chairperson/s shall consider which of the following options are most appropriate:
  - 2.7.1. Suggesting/recommending supporting supervision.
  - 2.7.2. Recommending independent mediation. The Chair/s will:
    - 2.7.2.1. Identify the appropriate mediator.
    - 2.7.2.2. Note if the mediation was successful or unsuccessful.
  - 2.7.3. If these are not appropriate, rejected, or fails the chairperson/s shall enter the next phase.
- 2.8. It will be noted if either or both parties accept or decline this opportunity. The Ethics Chair/s will consider consulting with ITAA's legal counsel through the ITAA President where appropriate.

### **Phase 3: Initiating a Formal Enquiry**

- 3.1. Formally record and notify the Petitioner that the concern will be formally investigated.
- 3.2. The chair/s of the Ethics Committee will formally notify the member (Respondent) of the concern. Use Phase 3 Email: to be sent with 'Respondent Record and Notification of a Concern Involving Them as Attachment' (for office use only) and Phase 3 Form: Respondent Record and Notification of a Concern Involving Them. The notice to the Respondent will:
  - 3.2.1. Be notified by means ensuring the correspondence by any means, digital or postal, is trackable and marked "CONFIDENTIAL". If email is used, a "Read Receipt" will be requested.
  - 3.2.2. Reiterate ITAA's fundamental philosophies and the manner this formal enquiry will be conducted.
  - 3.2.3. Enclose a copy or a summary of the concern.
  - 3.2.4. State the alleged behaviours that contravene the Principles of the Code of Ethics and are relevant to the Petitioner's assertions.
  - 3.2.5. Provide a link to the ITAA Code of Ethics and a copy or a summary of Section 3: Process to Address an Ethical Concern.

- 3.2.6. Where appropriate, request the Respondent cease the activity while the formal enquiry takes place.
- 3.2.7. Notify the Respondent that the supervisor has been notified of the alleged contravention/s (where possible).
- 3.2.8. Notify the Respondent's supervisor of the alleged contravention/s.
- 3.2.9. Encourage the Respondent to fully engage with their supervisor.
- 3.3. The Ethics Committee will afford the Respondent the opportunity to respond to the assertions, formally, within thirty (30) days from receipt of the notification (if no response is acknowledged, the committee will use other means to ensure the Respondent has received the correspondence).
- 3.4. If all attempts to support and encourage the Respondent to respond to the assertions have failed, the committee may:
  - 3.4.1. Take it as an admission of the allegation/s.
  - 3.4.2. Recommend to the President options included in 5.4.

#### **Phase 4: Conducting a Formal Enquiry**

It is recommended that this phase take no more than 2 months to complete. In extenuating circumstances, the investigators may apply to the committee for an extension supported by a reasonable justification.

- 4.1. On receipt of the Respondent's reply, the chairperson/s will appoint a formal enquiry committee. The actions of this formal enquiry committee could include:
  - 4.1.1. Engaging with both the Petitioner and the Respondent in order to gather any further relevant information, potentially including reaffirming or updating the Petitioner's desired outcomes.
  - 4.1.2. Sharing and clarifying with the Respondent their rights, i.e. to present their experience of the issue of ethical concern raised, and that they may respond to the Petitioner's assertions formally and that this response may be given to the Petitioner.
  - 4.1.3. Notifying the Respondent that they may respond to the Petitioner's assertions formally and that this response may be given to the Petitioner.
- 4.2. Once all the information has been gathered, assess if any of the original information as well as additional information contravenes the ITAA Ethical Principles, as follows:
  - 4.2.1. Determine the Respondent's role in the matter and if they behaved unethically according to the ITAA Ethical Principles and Code.
  - 4.2.2. Determine if the Respondent has contravened any other Principles not addressed in the original concern.
  - 4.2.3. Determine if the Respondent has demonstrated unprofessional practice or standards of practice. These will be addressed by the relevant committee.
  - 4.2.4. Consider the Petitioner's desired outcomes and the Respondent's response to these in the recommendations made.
  - 4.2.5. Check that all the procedures that have taken place to date are appropriate and that no steps have been missed and that the philosophies have been followed (due process) and that all people involved in the process have also been abiding by the Principles and Code of Ethics.
- 4.3. Where the investigating committee finds no contravention has occurred, recommendations will be made about what support will be offered to the Petitioner and the Respondent.

- 4.4. The following eventualities can be included in the investigation committee's report to the Ethics Co-Chair/s:
  - 4.4.1. Where the Respondent minimises any aspects of their breach of the Ethical Principles, and the impact on the Petitioner and/or other affected parties.
  - 4.4.2. Where the Respondent does not acknowledge there was a breach of the Ethical Principles, that harm occurred, their role in the event/s, and that it could have been prevented.
- 4.5. Formulate a report that clearly identifies the Code/Principle/Value that has/have been contravened and make recommendation/s to the Chairs of the Ethics Committee and its members on a way forward.

If at any stage of this phase, the Respondent recognises their contravention of the ethics Principles, appropriate steps will be taken to assist the Respondent and all involved parties (systemic influences identified) to gain learning.

### **Phase 5: Post Formal Enquiry**

- 5.1. After reading the report of the investigating committee, the Ethics Committee may find that contravention/s of the Ethical Principles have been established and recommend any of the following actions: supervision, therapy/counselling and/or education.
- 5.2. The Respondent may choose their own Practitioner/professional to support them in the process. As a recorded contravention has occurred, a 'formal referral' will be made available to the referred Practitioner/professional so they are aware of the concern/s and can work with the Respondent to learn from the situation.
- 5.3. As part of the process the Respondent's therapist, counsellor, educator, or supervisor will provide a report to the ethics committee, on the Respondent's attendance, recognition of the issues and level of participation in an effective resolution of the issues. However all other matters that arise in the course of the consultation/therapy will remain totally confidential between the Respondent and the professional/Practitioner who is writing the report.
- 5.4. The Ethics Committee Chair/s compile a report which may recommend to the Executive Committee any one or more of the following:
  - 5.4.1. The Respondent to cease and desist.
  - 5.4.2. Regarding certification: Suspension of the ITAA certification (e.g. CTA or P/TSTA). A suspension of certification will be for a documented period of time. At the end of the suspension period, the ethics committee will review the Respondent's eligibility for reinstitution of certification.
  - 5.4.3. Termination of the ITAA certification (e.g. CTA or P/TSTA).
  - 5.4.4. Regarding ITAA membership:
    - 5.4.4.1. Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation). At the end of the suspension period, the ethics committee will review the Respondent's eligibility for reinstitution of membership.
    - 5.4.4.2. Resignation or termination of membership with or without publication.

**If the Respondent is a member of the ITAA BoD or ITAA Committee member, that person will recuse themselves from this process.**

**With regards to termination (with or without publication), the committee will consider the following determining factors:**

- The likelihood of a recurrence of the ethical transgression.
- The Respondent not acknowledging the ethical transgression.
- The Respondent not acknowledging the harm caused by their ethical transgression.
- The amount of harm caused to the Petitioner and/or any other affected parties.
- The amount of harm caused to the ITAA.

The purpose of publishing the ITAA's action could be to preserve the integrity of the association or in the interests of public safety, concern, or closure, e.g. if there has been a very public contravention of the TA philosophy and/or Code of Ethics and no learning has been gleaned and the Respondent takes no responsibility for their action/s or inaction/s, one potential action of ITAA could be to publish the termination. This would only occur in exceptional circumstances and where every effort has been made to resolve the conflict in an amicable manner. See paragraph on Confidentiality Exceptions.

**If deemed appropriate, and after consultation with the ITAA Executive Committee, the ITAA Ethics Committee may send relevant information to the EATA Ethics Committee, relating to the outcome of a completed process to address an ethical concern.**

- 5.4.5. If the Ethics Committee decides to uphold the Issue of Concern and that there has been a contravention of the ethics principles, with the Respondent taking no responsibility for their behaviour, resulting in a recommendation for suspension or termination, the committee will report this to the Director Operations and the ITAA President for information, within ten (10) days of reaching the decision. The ITAA President will forward the findings to the Board of Directors, who will consider the recommendations and take appropriate action.
- 5.5. The Ethics Chairs will consider the following options to bring closure to the process for all parties concerned.
  - 5.5.1. A restorative justice process. See The Restorative Justice Process.
  - 5.5.2. A review of options that would enable closure with the Petitioner.
  - 5.5.3. Engagement with all affected parties to thank them for their participation and to receive feedback on their experience of the process.
  - 5.5.4. Review if the manual needs to be updated.
  - 5.5.5. Or any other action, within its remit, that the Ethics Committee deems appropriate.

## **Phase 6: Appeals Process**

- 6.1. At the end of each phase the process is reviewed to ensure that all procedures have been followed, and where this has been deviated from, the thinking and process have been clearly documented.
- 6.2. If either party (the Respondent and/or the Petitioner) believes the formal enquiry process contained undue procedural abnormalities that disadvantaged them, they can request a review of the process they experienced.
- 6.3. This review process will be outsourced with a clear contract with the reviewer to assess if the Ethics Committee and the Investigating committee have:
  - 6.3.1. Adhered to the ITAA Ethics procedure as laid down in the Ethics manual and where this was deviated from, the documentation clearly noted the reasons for deviation/s.
  - 6.3.2. Clearly documented the process that was followed.

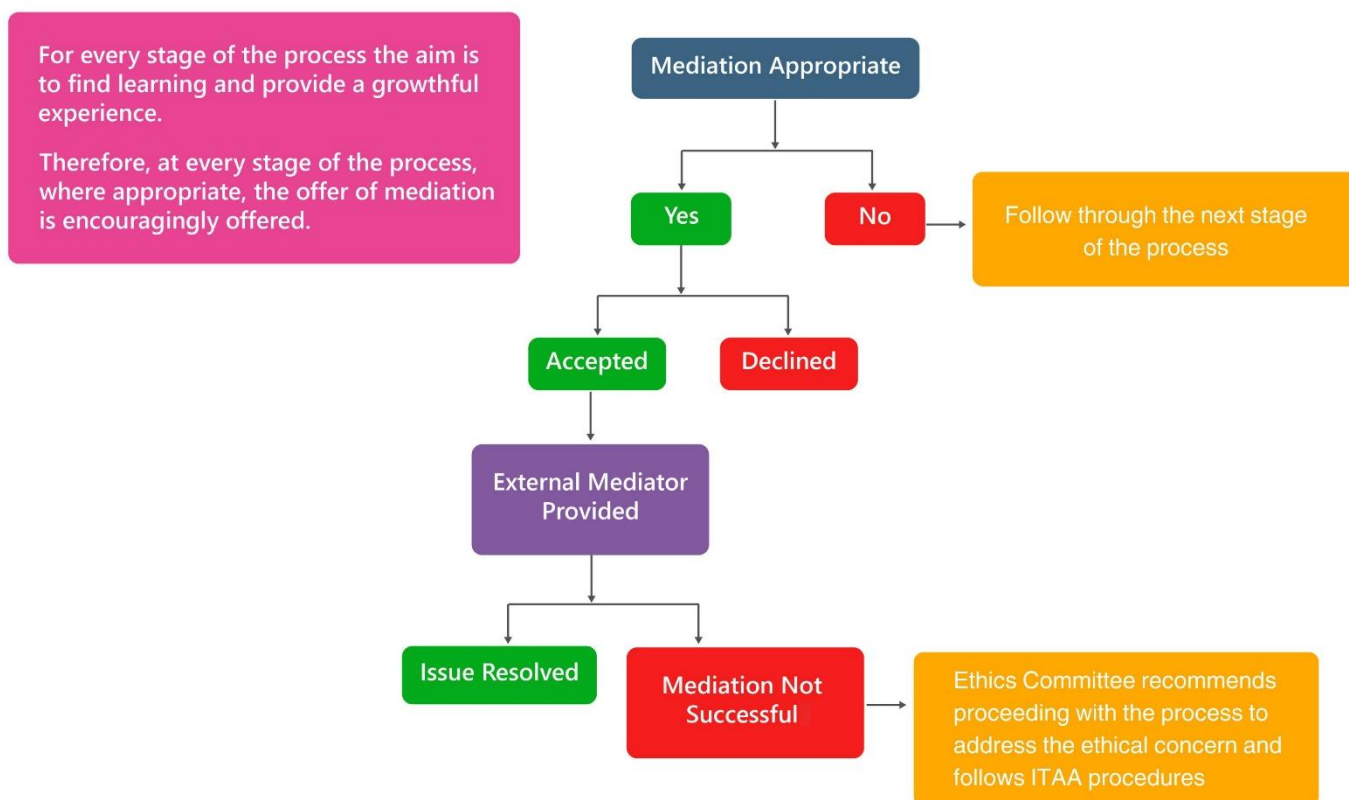
- 6.3.3. Conducted a fair and equitable process.
- 6.3.4. Make any recommendations that would have enhanced a fairer and more equitable outcome for this process and for the future.
- 6.4. At the completion of the outsourced agency's formal enquiry, a report will be provided to the ITAA Board of Directors with a copy to the Ethics Committee addressing the four criteria included in 6.3.
- 6.5. If the report finds errors on the part of the formal enquiry or procedural abnormalities which definitively resulted in an unfair and/or inequitable outcome for either party, the case may be resubmitted.

**With regards to "A Fair and Equitable" Process to Address an Ethical Concern.**

**Fairness is considered as relating largely to the Petitioner's and Respondent's experiences of due process, process which remains fair even if it deviates from the specified process, and freedom from unintentional and/or intentional bias from ITAA role-players (as far as can be reasonably expected).**

**Equitable process is considered to include any features of the Process to Address an Ethical Concern or other systemic phenomena which advantage or disadvantage the Petitioner and/or Respondent. Examples of this could be socio-economic disparities experienced by the Petitioner and/or Respondent, influencing (negatively or positively) their participation in the Process to Address an Ethical Concern.**

## ITAA Code of Ethical Conduct and Ethics Procedures Manual

**Process Flowchart**

*Figure 4 Quick Reference Guide Flowchart to address an Ethical concern Part 1*

## ITAA Code of Ethical Conduct and Ethics Procedures Manual

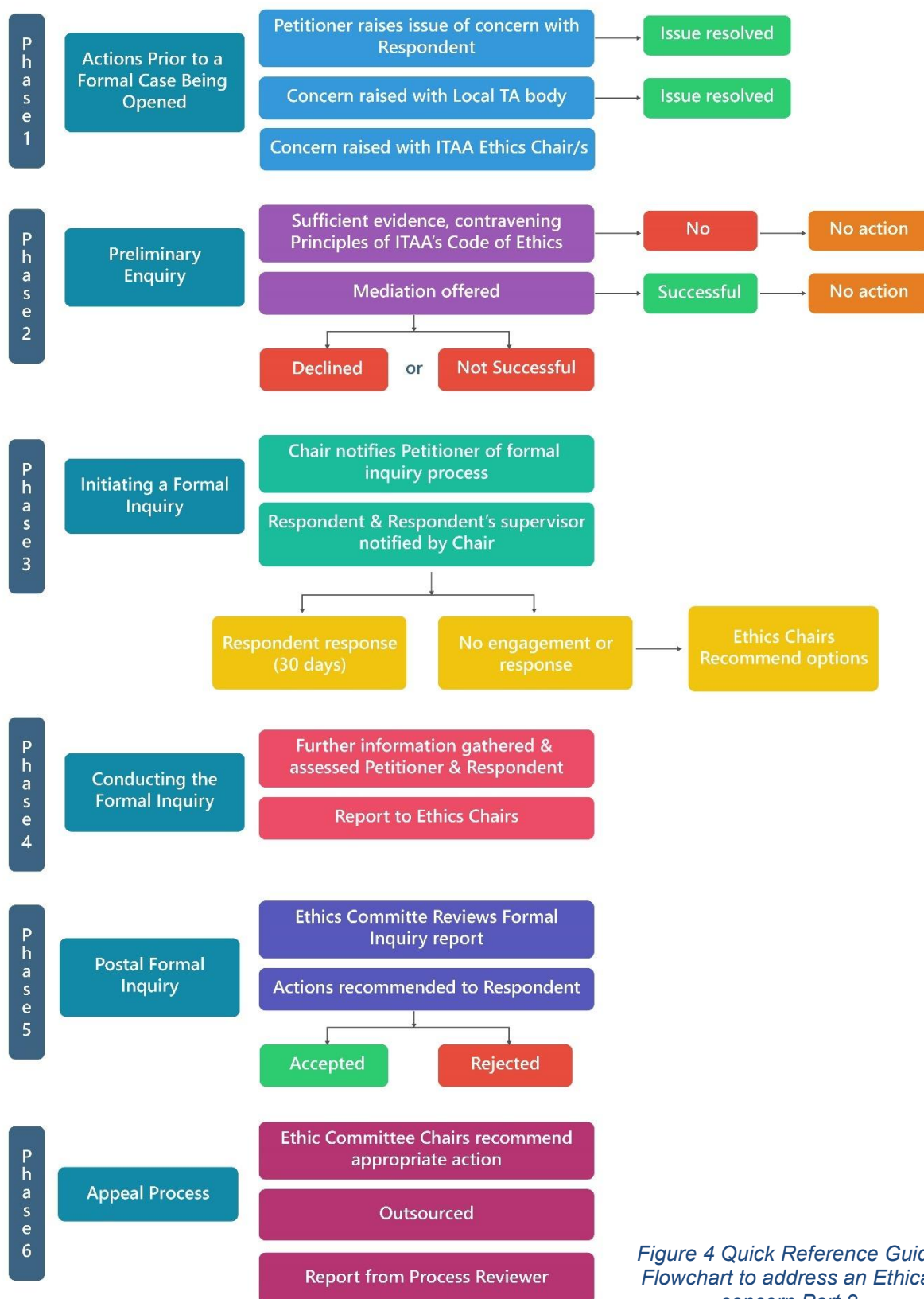


Figure 4 Quick Reference Guide  
Flowchart to address an Ethical  
concern Part 2

**Section 3 C: Forms**

The forms linked below can be found in the PROCESS APPENDICES.

Phase 1 Form: Submission of a Concern relating to ITAA Governance, Professional Standards, or Ethics (for use by Petitioner)

Phase 2: Record of Preliminary Enquiry Process (for administrative use by Ethics Committee)

Phase 2.1 Form: Petitioner's Concerns and Desired Outcomes (for use by Ethics Committee)

Phase 2.2 Form: Respondent's Response to formal notification of an Issue of Concern

Phase 3 Form: Checklist for Formal Inquiry into a Concern (for administrative use by Ethics Committee)

Phase 3 Form: Petitioner Record and Notification that the Concern will be Formally Investigated

Phase 3 Form: Respondent Record and Notification of a Concern Involving Them

Phase 3 Form: Supervisor Record and Notification of a Concern Involving Respondent

## **Section 3 D: Administrative Considerations**

### **Resignation from Membership**

If the Respondent chooses to resign their ITAA membership at any stage of the process, all avenues will be opened to encourage the Respondent to return to the process.

Should the Respondent not return to the process, with the written consent of the Petitioner, and where ITAA knows who the Respondent's primary supervisor is, that Supervisor will be formally notified of the situation inviting the Respondent to a learning experience.

Where the Respondent does not continue with any part of the process, and has formally resigned, the Petitioner is formally informed that the ITAA Ethics committee is not able to proceed with the formal process laid out in this manual.

### **Action During Litigation**

If during the process of conducting an ethics formal inquiry the ethics committee is made aware of a civil or criminal litigation the investigating committee can decide whether to:

- Put the formal inquiry on hold until the litigation is concluded
- Place the Respondent's membership on hold
- Placing the Respondent's ITAA directory listing on temporary hold

Considerations in making this decision will at least be:

- The safety of the Respondent's current and potential clients
- The ITAA's professional reputation

The time period between the lodging of a formal issue of ethical concern with the ITAA Ethics Committee and the resolution of any civil or criminal litigation will not be counted in any time limits for ITAA ethics processes.

### **Findings of Other Professional Associations, Regulatory Bodies, and Courts as the Basis for the Finding of a Contravention of the ITAA Code of Ethics**

When a member has had action taken on them in response to an ethical concern by another professional association or regulatory board or convicted by a court of a legal offence related to his or her qualifications or functions, it is the policy of the ITAA Ethics Committee to review the situation and consider the implications for the member on a case-by-case basis.

### **Respondent's Demonstration of Evidence to Overcome Presumption**

To overcome the presumption that an ITAA member has not maintained good standing with other professional associations or regulatory bodies that have jurisdiction over his/her professional practice or conduct, the Respondent will prove to the Committee's satisfaction one of the following:

- 1.1. A Flawed Process. That the other body's process was so flawed that the finding of the association or board cannot be presumed to be correct (e.g. demonstrated bias of one of the decision makers, failure of the body to allow the Respondent to be heard, etc.)
- 1.2. Action Too Severe. That in the case of an action by another body, the action was far in excess of the Respondent's conduct.

- 1.3. In the absence of compelling evidence of one or both of the above, the ITAA Ethics Committee will not question or go behind the finding of the other body and will move on to its decision about what action, if any to recommend to the Executive Committee.
- 1.4. Other ITAA Actions Based on Actions by Other Bodies. When another body investigates a person who is also an ITAA member, the ITAA Ethics Committee will decide whether and how to take action on a case-by-case basis.

### **Confidentiality and Disclosure of Information**

All persons (Ethics Committee members, Petitioner, Respondent, their respective support resources and supervisors, mediators etc) involved in the process to address an ethical concern will treat all information and the process in a strictly confidential manner.

All correspondence and information relating to ethics cases will be sent and stored securely, and in a manner in which only the intended recipients have access.

### **Breaches of Confidentiality**

The Ethics Committee may take action if either party alleges a contravention of confidentiality and/or data security by either:

1. Sending a letter of caution. The letter will contain the nature of the asserted contravention and corrective action to be taken. The nature of the letter will be corrective as opposed to punitive.
2. The Ethics Committee will consider in each case the most appropriate action to take, where a party fails to take corrective action on receiving the letter.

If the Ethics Committee determines that a contravention of confidentiality has occurred, it may demand that all confidential material be deleted by any person to whom the material was given, and assurances provided to the Ethics Committee that this has been done.

### **Involved Parties**

All parties involved in an ethics concern will indicate their commitment to confidentiality and data security by means of a signed non-disclosure agreement.

### **Correspondence**

Correspondence concerning any Issue of Concern that has been raised will be directed to the Chair/s of the Ethics Committee.

### **Discussion of Issues of Concern Raised**

Any discussion of a case by involved parties will ensure confidentiality and data security.

### **Dissemination of Information**

Parties involved in an ethics concern will not disseminate any information regarding a concern (including the existence of a concern) to any member of the public or any ITAA member and committee who is not directly involved in the processing of the concern under consideration.

The procedures allow the ITAA Ethics Committee, at its discretion, and during the process before its resolution, to manage the information and to decide who is to be informed and/or consulted in the process of dealing with concerns.

When the case is completed, it is the ITAA Executive Committee, on the recommendation of the ITAA Ethics Committee, that publishes to ITAA member's information regarding the final resolution of the ethics concern if deemed appropriate.

## **Confidentiality Exceptions**

### **Internal and External Entities**

All information obtained by the Ethics Committee, including any formal enquiry committee, and all proceedings of the Ethics Committee will be confidential except to obtain evidence, at which point the Ethics Committee Chair/s may disclose that a process to address an ethical concern is under way. The Ethics Committee Chair/s will not provide unnecessary information nor disclose any identification of the parties involved to anyone except in the following cases:

- If the Ethics Committee deems that sharing information with the ITAA President is in the best interests of ITAA.
- Where the ITAA President has received information that they believe the Ethics Committee needs to be aware of, and in this consultation the Ethics Committee Chair/s decide after careful consideration, that other related information is appropriate to share with the ITAA President (taking confidentiality into full consideration).
- Whenever the Ethics Committee appoints an investigator/s or formal enquiry committee to investigate a concern, either may disclose only as much information as is necessary to conduct its formal inquiry. It is most likely that the categories of people whose information may be disclosed in the conduct of a formal inquiry, are witnesses, Petitioner and Respondent, ITAA committee members overseeing specific processes or committees that have relevance to the concern.
- The Ethics committee will present an annual report to the BoD which will state the number of cases they have been involved in.

## **Questions Received Regarding Disclosure**

When ITAA Directors and members have questions about whether information may properly be disclosed, these will be referred to the ITAA Ethics Committee chairperson/s.

### **Disclosure to the Petitioner**

The Ethics Committee will disclose to the Petitioner the resolution of a particular case as it affects him/her. The ITAA Ethics Committee will not reveal to the Petitioner, its recommendations pertaining to the Respondent, unless the Ethics Committee Chairs decide otherwise.

## **Reports to the International Board of Certification (IBOC) regarding Practitioners**

When an ITAA Practitioner has been found to contravene the ITAA Ethical Principles, and after action, if any, the Ethics Committee will submit a brief report on this to the IBOC. The report will state the Ethical Principles of the ITAA Code of Ethics contravened, a brief statement regarding the nature of the contravention, the action taken, and the date of the committee's finding.

## **Reports to the ITAA Awards Committees**

If a person has been found to contravene the ITAA Ethical Principles, the Ethics Committee will report this to the ITAA awards committees, or when the member is a nominee for an honour or an elected position within the ITAA, the Ethics Committee will make a report to the Nominations Committee and the BOD as in item "Disclosure to the ITAA Board of Directors" below. The report of the Ethics Committee will state the Ethical Principles of the Code of Ethics contravened a brief statement regarding the nature of the contravention, the action taken if any, and the date of the event and/or finding.

In cases where an issue of ethical concern has been raised and the Respondent is a nominee for an honour and/or elected position within the ITAA, the Ethics Committee will notify the Nominations Committee and/or the President, stating that concern has been raised regarding the Respondent.

### **Membership Committee**

If the Respondent has been found to contravene the ITAA Ethics Principles, or that of another body, resulting in termination of their membership, the ITAA Office will be informed only of the fact of the termination, or suspension, for their records. The ITAA Office will check membership applications and renewals against this record.

See Disposition of Files.

### **External Entities**

### **Publication of Termination of Membership**

The Ethics Committee will make a recommendation to the Executive Committee, having considered the public profile and nature of the case, as to whether to publish a termination of membership. The considerations will be based on:

- The Case's Public Profile. The termination's publication having a positive and necessary impact on closure for parties involved directly as well as the public.
- The Case's Nature. Notwithstanding the consideration above, if the case involved an especially egregious contravention of the ethics principles, a termination publication may be warranted.

### **Inquiries From State Regulatory Agencies and Professional Organisations**

It is the policy of the ITAA Ethics Committee to cooperate with state regulatory agencies, other professional organisations, or any other institution or organisations that have control (by means of a code of conduct or a code of ethics) over the member or former member when such groups inquire about any action taken in relation to a member or former member for contravention of the ITAA Code of Ethics. If the member or former member has never been found to contravene the Code of Ethics, the state regulatory agency or professional association will be so informed. In cases in which the member or former member has been found to contravene the Code of Ethics, and when such an inquiry is received, the following procedures will be followed:

- 1.1. The member or former member will be notified in writing that such a request has been received and that the ITAA intends to comply by a specific date.
- 1.2. The inquiry will be answered with a report from the Ethics Committee chair/s. The report will include the following:
  - 1.2.1. The principle/s of the ITAA Code of Ethics that were contravened.
  - 1.2.2. A brief statement regarding the nature of the offence.
  - 1.2.3. The action taken, if any.
  - 1.2.4. The date of the event and/or finding.
- 1.3. A copy of the report will be sent to the member or former member.

## Disclosures Required by Law

The ITAA may disclose such information as compelled by a validly issued subpoena or when otherwise required by law.

## Disclosure to the ITAA Board of Directors

The ITAA Ethics Committee chairperson/s will inform the President, who may in turn inform the ITAA Board of Directors of any action taken regarding a member for contravening the ITAA Code of Ethics.

## Action by the ITAA President on Disclosure

Where a national or regional TA association member, who is also a member of the ITAA has been subject to an action taken regarding an ethical contravention by that national or regional TA association, the organisation enacting the action is requested to inform the ITAA President. Having ascertained that due process was followed, the President will confer with the ITAA Ethics Committee to ascertain the appropriate steps regarding the member's standing with ITAA.

## Record System

The Ethics Committee ensures an appropriate system is in place and maintained, to retain records of ethical concerns raised.

All information relating to an issue of ethical concern, including the processing of a formal inquiry (e.g. forms) will be stored in an online system as follows:

- 1.1. The Chair/s of the ITAA Ethics Committee will be administrators.
- 1.2. A platform will be used which offers:
  - 1.2.1. Security features (i.e. login, password, 2-step authentication).
  - 1.2.2. User access level rights (i.e. limited folder/document access).
  - 1.2.3. Limited sharing permissions (e.g. view or edit).
- 1.3. Passwords and access rights will be reviewed as follows:
  - 1.3.1. If a security contravention is suspected.
  - 1.3.2. When a member joins the committee.
  - 1.3.3. When a member leaves the committee.
  - 1.3.4. When investigating committees are formed, changed or closed.
- 1.4. Routine training will be held for members with access to the platform.
- 1.5. All members' passwords will conform to best practice guidelines.
- 1.6. Members will only access the platform from their personal devices (i.e. no public computers).
- 1.7. Members will ensure their devices are protected by security software.
- 1.8. A separate internal document will contain these procedures.

**Consider that many people are not familiar with digital security and the requirements for effective passwords. Ensure that members with access to the platform use passwords to access their accounts. The following points are basic guidelines and will be reviewed as standards change over time.**

**Password security starts with creating a strong password. A strong password is:**

- A minimum of 12 characters long. More than 14 characters is better.
- Uses a combination of uppercase letters, lowercase letters, numbers, and symbols.
- Not simply commonly used word. I.e. one that can be found in a dictionary or the name of a person, character, product, or organisation.
- Very different from your previous passwords.
- Created and stored in a password manager or if carried in memory, is easy to remember but difficult for others to guess.

**Disposition of Files**

The Ethics Committee Chair/s are the custodians of members' ethical records.

In the circumstance of a person seeking access to a member's ethical records, that person will apply for access in writing to the Ethics Committee Chair/s. If a Committee Chair seeks access to ethical records, they will apply for access in writing to their co-Chair or an Ethics Committee member.

- 1.1. Records for those members whose membership is terminated or who have resigned are maintained indefinitely.
- 1.2. Records of concerns in which the member is found not to have contravened the Ethical Principles are screened for identifiable (statistical) information and then destroyed after two (2) years.
- 1.3. Records of concerns closed for insufficient evidence are maintained for five (5) years.
- 1.4. Records of cases in which the Ethics Committee found a contravention but in which the action is less than termination of membership are maintained for five (5) years.
- 1.5. All records containing identifiable information of deceased members or former members who have contravened the code are maintained indefinitely.
- 1.6. The ITAA Ethics Committee may use its records for archival, educative, or other legitimate purposes so long as identification of the parties is protected.

**Materials**

On resolution of an issue of ethical concern, any party holding any information (digital and/or hardcopy) relating to the concern, will send it immediately to the ITAA Ethics Committee chairperson/s, and delete it from their system, unless explicitly agreed to otherwise in writing by the Ethics Committee chairperson/s. This includes any processes contracted to an external entity.

# Section 4: Training Resources

Case studies

Exercises

Examples of use of the grid for ethical assessment

# EDUCATIONAL APPENDICES

Synthesis of Ethical Values and Principles from the EATA Ethics Manual and the United Nations Declaration of Human Rights

Ethical Principles

Table 2 A Grid for Ethical Assessment

Articles of the Universal Declaration of Human Rights related to basic values:

## **Synthesis of Ethical Values and Principles from the EATA Ethics Manual and the United Nations Declaration of Human Rights**

The ITAA Ethical Values and Principles have largely been adapted from the EATA Ethics Manual and the United Nations Declaration of Human Rights.

Values are the fundamental basis on which human beings promote their own personal development and fulfilment as well as that of others. Values include reference to natural law that informs how people behave respectfully toward self and others. The following identified values are related to human rights and are included in the Universal Declaration of Human Rights.

This frame of reference is also congruent with the existential and philosophical perspective of transactional analysis. Many values can be extrapolated, so the following list will not be considered exhaustive by Practitioners.

Considering the range of activities involved, the fundamental values are:

### **A. Dignity of human beings**

Each human being is of worth, regardless of gender, social position, religious creed, ethnic origin, physical or mental health, political beliefs, sexual orientation, and ability.

### **B. Self-determination**

Each individual is free to decide his/her own future within the national laws of their country and with due consideration for the needs of self and others. Each person can learn from their experience to be in charge of himself/herself while taking into account the nature of the world and the freedom of others.

### **C. Health**

Physical and mental stability is a right of every individual and needs to be actively safeguarded.

### **D. Security**

Each person is free to explore and grow in an environment that enables a sense of security.

### **E. Mutuality**

Each person, considering that he/she lives and grows in an interpersonal world, is mutually involved with the well-being of others and develops interdependency with others in order to build his/her own and others' security.

These values are directly related to each other and will influence those who provide contractual services in their professional fields.

## **Ethical Principles**

Because of the nature of values and their significance in human life, and in order to guarantee the respect and rights of each person, it is necessary to identify clear guidelines for behaviour that are linked to values. Ethical principles are derived from values and are intended as an indication of how to behave so as to promote the well-being, development, and growth of the individual. They are prescriptive and offer criteria for ethical behaviour.

Using values as the starting point, it is possible to determine a set of ethical principles. The principal ones are:

- Respect
- Empowerment

- Protection
- Responsibility
- Commitment in relationship

Within the helping professions, ethical principles need to address many affected groups in order to influence ethical behaviour. The main ones are:

- Clients/Customers (these can be individuals, and/or groups as in Education and Organisations)
- Self as Practitioner
- Trainees
- Colleagues
- Human environment/community

ITAA members will consider each value and the ethical principles that derive from it and self-reflect in order to decide what attitude to take and how to behave as a member of the group to which they belong. They will analyse a given situation, consider the influence of ethical principles on their practice, and choose behaviours that take into account a wide variety of factors, including client/customer, self, and environment.

After a brief definition of each ethical principle, various examples are provided that illustrate how it might be applied to each affected group. It is given that transactional analysts will operate within a contractual framework with the affected groups.

The examples are not exhaustive, rather they are prompts and stimuli to enable Practitioners to consider how to apply the principles to their practice.

1. **Respect** for each person as a human being, aside from any specific characteristic or quality

- Toward clients:

The Practitioner will fully consider and seek to understand the personal perspectives of every individual.

The Practitioner will assist the individual to be appropriately congruent with their own perspective in a healthy manner.

The Practitioner will provide his/her best possible services to the client based on the mutual goal of benefit to the client through contract fulfilment.

The Practitioner will provide a safe and professional environment. Being aware of the power of his/her position, the Practitioner will be careful to create a trustworthy environment and avoid any situation that is exploitive.

- Toward self:

The Practitioner will take into account his/her own perspective, difficulties, preferences, and skills as well as prejudices and/or bias, and will use supervision to support them when considering referring clients where it is deemed appropriate.

- Toward trainees:

The trainer will take into consideration the learning needs of trainees, provide adequate support, and learning resources, as well as be open to addressing his/her own teaching style in order to attune to the learning needs of trainees.

- Toward colleagues:

The Practitioner will maintain awareness of the professionalism of colleagues, and when there are concerns, will address them directly with the colleague. After listening to the response, the Practitioner will make a decision on whether any other action is required. They will use supervision appropriately to support them in these decisions.

- Toward the community:

The Practitioner will take into account the specific culture of his/her community and will seek to foster respectfulness within that community.

## 2. **Empowerment** that emphasizes the importance of enhancing the growth of each person

- Toward clients:

The Practitioner will commit himself/herself to developing clients' awareness of their dignity, responsibility, and rights within the contractual relationship/s.

- Toward self:

The Practitioner will maintain ongoing education in his/her field of specialisation in order to expand his/her knowledge and sustain his/her professional and personal growth.

- Toward trainees:

The trainer will work contractually with the trainee to develop competency and enable them to develop their potential, growth, and well-being.

- Toward colleagues:

The Practitioner will respect a colleague's contributions and create occasions to expand his/her professionalism while supporting them by sharing their competencies as appropriate and within a contractual framework.

- Toward the community:

The Practitioner will think in terms of the wider well-being of the community as well as that of the individual.

## 3. **Protection** implies taking care of both self and others (physically and psychologically), bearing in mind the uniqueness and worth of each individual.

- Toward clients:

The Practitioner will offer appropriate services to his/her clients, provide a safe working environment (e.g. confidentiality, physical and psychological safety, ensuring informed consent for any high-risk procedures), and hold an awareness of any client's destructive tendencies whether that is within the psychotherapeutic, counselling, educational or organisational framework. He/she will not enter into or maintain a professional contract in which other activities or relationships might jeopardise the professional contract and will maintain confidentiality even when the therapeutic or working relationship has ended.

- Toward self:

The Practitioner will take care of his/her own values and learning process. He/she will take care of his/her own safety and with the support of supervision, decide if/when it is appropriate to terminate the relationship with a client if any physical or mental condition impairs his/her ability to work effectively and competently with the client.

- Toward trainees:

The trainer will encourage trainees to recognise their own preferences, skill levels and levels of competence as well as limits in order to protect himself/herself and clients from inappropriate or

inadequate interventions. He/she will stimulate trainees to take care of their personal and professional growth and to look at their personal styles to address personal issues that interfere with their own or others' safety.

- Toward colleagues:

The Practitioner will promote the well-being of colleagues and model respectful conduct of colleagues through demonstrating caring, acknowledgement and where appropriate, providing information.

- Toward the community:

The Practitioner will provide contractual services to clients in recognition of existing laws of the country and abide by them where they are consistent with the UN Declaration of Human Rights.

**4. Responsibility** implies taking into account the consequences of our own actions as clients, trainers, , counsellors, educators, consultants, therapists, and supervisors. .

- Toward clients:

The Practitioner will make clear contracts and conduct the professional relationship in such a way as to bring no harm to the client when that individual is unable or unwilling to function autonomously and responsibly because of mental impairment or intentional reckless behaviour. The Practitioner will not exploit the client in any manner or act in a way that causes intentional harm to the client. The Practitioner will adhere to the principle of fidelity, keeping contractual commitments made to clients.

- Toward self:

The Practitioner will consider the impact on the client of his/her position as an authority figure and take care in how he/she responds to clients in order to promote well-being and prevent the misuse of his/her power in relation to clients. The Practitioner will use supervision to support them to provide professional services to their clients.

- Toward trainees:

The trainer will be aware of the learning needs of his/her trainees and support them to become fully aware of ethical practices and principles, including delineating ethical issues in training and practice. Trainers will supportively confront trainees regarding any unethical behaviour and will work collaboratively with a supervisor to assist them in deciding on a specific and ethical course of action if the trainee is not willing to change his/her behaviour.

- Toward colleagues:

The Practitioner will accept responsibility for acknowledging his/her concerns about colleagues' ethical behaviour and will take appropriate steps to effect a resolution.

- Toward the community:

The Practitioner will take into consideration any appropriate action that will support the psychological and physical health of his/her community.

**5. Commitment in relationship** means members are mindful of the social and interpersonal contexts of relationships and endeavour to uphold agreements with others.

- Toward clients:

The Practitioner will take care and be mindful of the interpersonal world of the client and support them to integrate with others appropriately.

- Toward trainees:

The trainer will provide information and resources that support trainees to consider the interpersonal world of their clients.

- Toward colleagues:

The Practitioner will engage professional development that will enable them to have healthy and effective relationships with colleagues.

- Toward the community:

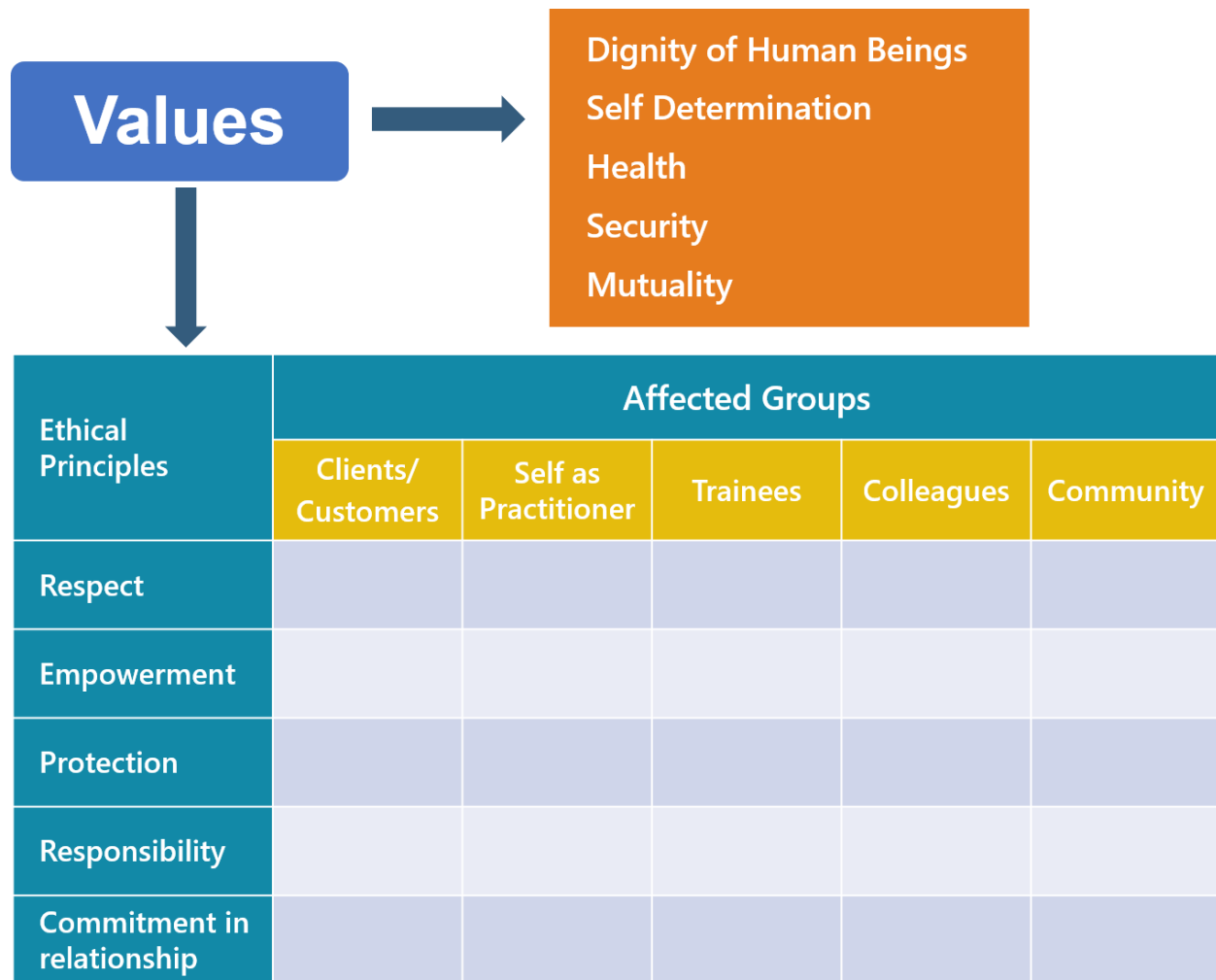
The Practitioner will be active and support the healthy functioning within his/her community.

In order to make an ethical decision, Practitioners take account of the ethical principles so they can evaluate various situations and take appropriate considered action. Where Practitioners find themselves in , situations in which it is not possible to reconcile all the applicable principles, with challenging and supportive supervision, the Practitioner will, after full consideration of the different perspectives be accountable for their decision and action. Guidelines for the Application of Values and Ethical Principles.

Principles such as those above provide a useful framework for understanding conflicts but do not provide answers for handling particular situations. This section is designed to be a bridge to ethical contractual services. A graphic is provided to help Practitioners visualize the complexity required in applying the code to practice.

In all these situations, supervision is always recommended; a place where honesty, respect as well as challenge and support are provided so the Practitioner is able to take into account their own perspectives, skills and abilities as well as their potential bias, prejudice so the best possible outcomes are proposed.

Table 2 A Grid for Ethical Assessment



Examples of how you might use the grid:

How do I show **Respect** to my trainees? I recognise that as adult learners they come with years of experiences, knowledge and skills. So I explain a piece of theory and ask them how they might apply it to their field of work; what value it might hold for them; what flaws or shortcomings the theory might have in their application; how they might adapt it to more appropriately meet their and their client/customer needs?

How do I **Protect** myself as a practitioner? I recognise my strengths as well as my limitations. I ensure I have sufficient sleep, rest and nutrition to ensure I am in the best condition to provide services to my trainees/clients/customers. I acknowledge where my skills to support the contract will add value as well as recognising where my limitations lie and how my trainees/client/customers can potentially get their needs met – what other resources are available to them.

How do I show **Commitment in relationship** to my clients/customers? I recognise when a form of challenge arises in our professional relationship, and address this using an appropriate resource like supervision to bring resolution to the challenge.

This grid can be viewed as a potentially useful visual aid for thinking about prospective ethical dilemmas. Its purpose is to encourage practitioners to consider the values implicit in each principle in relation to a particular context, as opposed to it being regarded as a formulaic, tick-box method of decision making.

Ethical decisions that are strongly supported by one or more of the above ethical principles, without any contradiction from other principles, may be regarded as reasonably well founded. In addition to these principles and values, members are expected to consider legal, contractual, or clinical issues and ethical concerns in relation to the ethical dilemma under consideration.

However, Practitioners including educators, and consultants are bound to encounter circumstances in which it is impossible to reconcile all the applicable principles, and thus, choosing between principles may be required. In many cases, Practitioners balance the relevance of one principle against one or more of the others. Likewise, a decision or course of action does not necessarily become unethical merely because it is contentious in the eyes of other practitioners, educators or consultants who would have reached different conclusions in similar circumstances. Even for experienced practitioners, educators, and consultants, supervision or consultation is highly recommended.

### **Comparing the Previous ITAA Code of Ethical Conduct (5 December 2014) with this Revised Ethics Code**

The Ethics Committee's vision for the future is to move ethics from a position of being hidden and stigmatised, i.e. members view ethics from a position of right or wrong behaviours, to a position where the psychological aspects of all affected group relationships are fully integrated. The aim is to normalise ethics as integral to a holistic TA environment.

This paradigm shift from 'must do and/or not do' to 'living by the principles' changes the dialogue from Parent ego state which invites compliance (from Child Ego state) to dialogue between Adult ego states.

The new paradigm invites both Petitioner and Respondent to reframe ethical practice on the procedural, professional, and psychological levels (moving away from defensiveness, guilt, fear and/or shame) to constructive dialogue, learning and healing. The shift also supports the procedures of raising an ethical concern and conducting formal ethical procedures.

The 12 clauses from the previous manual were written as follows:

'The following clauses imply or explicitly state what practitioners **must do and/or not do**. The aim is to ensure that the process of framing, investigating, and adjudicating complaints is fair and transparent.

1. ITAA members acknowledge the dignity of all humans, regardless of their physiological, psychological, sociological, or economic status. (Now Under the Principle: Respect).
2. It is the primary protective responsibility of ITAA members who are providing contractual services to offer their best possible services to clients, trainees, and supervisees and to act in such a way as to cause no intentional or deliberate harm to any client, trainee, or supervisee. (Now under the Principle: Responsibility).
3. ITAA members who use transactional analysis should strive to develop their clients' awareness of and functioning from a position of dignity, autonomy, and personal responsibility. (Now under the Principle: Empowerment).
4. The ethical application of transactional analysis involves entering into an informed contractual relationship that the ITAA member and the client should have the competence and intent to fulfil. When a client is unable or unwilling to function autonomously and responsibly within this contractual relationship because of mental impairment or intentional reckless behaviour, the ITAA member must resolve this relationship in such a way as to bring no harm to the client. (Now under the Principle: Protection).

5. ITAA members who are providing contractual services will not exploit a client in any manner, including, but not limited to, financial and sexual matters. Sexual relationships between an ITAA member and his/her clients, trainees, or supervisees are prohibited. (Also included under Principle: Protection).
6. An ITAA member will not enter into or maintain a professional contract whereby other activities or relationships between that member and a client might jeopardize the professional contract. ITAA members are expected to minimize dual roles and to seek consultation from trusted colleagues and respected supervisors when faced with potential dual roles. (Also included under Principle: Protection).
7. The professional relationship between an ITAA member and a client is defined by the contract, and that professional relationship ends with the termination of the contract. However, certain professional responsibilities continue beyond the termination of the contract. They include, but are not limited to: (a) maintenance of agreed-on confidentiality; (b) avoidance of any exploitation of the former relationship; and (c) provision for any needed follow-up care. (Now under Principle: Responsibility).
8. ITAA members will operate and conduct services to clients with full responsibility to existing laws of the state and/or country in which they reside, provided such laws are not in conflict with the United Nations Declaration of Human Rights and the ethical principles of the ITAA. (Now under the Principle: Responsibility).
9. In establishing a professional relationship, ITAA members assume responsibility for providing a suitable environment, including such things as specifying the nature of confidentiality observed, providing for physical safety appropriate to the form of activity involved, and obtaining informed consent for high-risk procedures that could possibly have harmful effects. Informed consent includes informing the client of his/her right to refuse to participate in any procedures and/or to end the professional contract at any time. ITAA members will also seek to ensure the protection of clients' confidentiality regarding personal information conveyed through electronic transmission. (Now under Principle: Commitment in relationship).
10. ITAA members will, in their written and/or verbal public statements, refrain from derogatory comments, inferences, and/ or innuendoes that disparage the standing, qualifications, or character of other people, bearing in mind their responsibility as representatives of the ITAA and of transactional analysis. On the other hand, direct personal and objective feedback is welcomed. (Now under the Principle: Responsibility, and equally under Respect, and Commitment in Relationship).
11. If ITAA members become aware that personal conflicts or medical problems might interfere with their ability to carry out a contractual relationship, they must either terminate the contract in a professionally responsible manner or ensure that the client has the full information needed to make a decision about remaining in the contractual relationship. (Now under Principle: Commitment in relationship).
12. ITAA members accept responsibility for confronting any colleague whom they have reasonable cause to believe is acting in an unethical manner and, failing resolution, may report that colleague to the ITAA Ethics Committee or Board of Trustees. On occasions when members have concerns about potential cultural, professional, or personal consequences of confronting a colleague's behaviour, they are advised to seek consultation with respected supervisors to find ethical solutions in accordance with these values and principles. (Now under Principle: Commitment in relationship).'

#### **Articles of the Universal Declaration of Human Rights related to basic values:**

##### **Article 1:**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.

##### **Article 2:**

Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin,

property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing, or under any other limitation of sovereignty.

Article 3:

Everyone has the right to life, liberty, and security of person.

Article 18:

Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his/her religion or belief and freedom, either alone or in community with others and in public or private, to manifest his/her religion or belief in teaching, practice, worship, and observance.

Article 19:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

Article 22:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organisation and resources of each state, of the economic, social, and cultural rights indispensable for his dignity and the free development of his/her personality.

Article 23:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself/herself and his/her family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his/her interests.

Article 24:

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25:

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself/herself and of his/her family, including food, clothing, housing, medical care, and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his/her control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 29:

(1) Everyone has duties to the community in which alone the free and full development of his/her personality is possible. (2) In the exercise of his/her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

# PROCESS APPENDICES

Phase 1 Form: Submission of a Concern relating to ITAA Governance, Professional Standards, or Ethics (for use by Petitioner)

Phase 2: Record of Preliminary Enquiry Process (for administrative use by Ethics Committee)

Phase 2.1 Form: Petitioner's Concerns and Desired Outcomes (for use by Ethics Committee)

Phase 2.2 Form: Respondent's Response to formal notification of an Issue of Concern

Phase 3 Form: Checklist for Formal Inquiry into a Concern (for administrative use by Ethics Committee)

Phase 3 Form: Petitioner Record and Notification that the Concern will be Formally Investigated

Phase 3 Form: Respondent Record and Notification of a Concern Involving Them

Phase 3 Form: Supervisor Record and Notification of a Concern Involving Respondent

**Phase 1 Form: Submission of a Concern relating to ITAA Governance, Professional Standards, or Ethics (for use by Petitioner)**

The Petitioner will have personal knowledge of the alleged behaviour they are concerned about or be in position to supply relevant, reliable testimony or other evidence on the subject. Submissions will be in writing (preferably typed on computer) and signed.

Personal information noted here will be treated with limited confidentiality (it will be shared with ITAA Director/s in order to determine which committee processes the concern) and subject to data protection procedures.

The Petitioner acknowledges that the process requires the disclosure of the Petitioner's name to the Respondent. In exceptional cases, this may be reconsidered. Please write/type "I acknowledge this" or provide your reason for this to be reconsidered.

**Overview of Areas for Ethical, Governance, and Professional Standards Concerns**

The ITAA recognizes that members and affected groups may have a variety of concerns to submit for review. To ensure clarity, the Ethics Committee has designed this form to assist Petitioners and the ITAA in identifying the appropriate category for their submission. Below is a summary of the categories a submitted concern may apply to. Upon review of this form, the Ethics Committee refers concerns to the relevant committee.

**Ethical Concerns**

Ethical issues relate to individual or collective behaviour that contravenes the association's formal Ethical Code and Principles. These concerns may involve actions or decisions by members that are perceived to contravene the ethical Principles upheld by the association.

**Governance Concerns**

Governance concerns pertain to the oversight and management of the association according to its bylaws. These issues may include questions of transparency, adherence to policies, decision-making processes, or the conduct of leadership, boards, and committees. Governance concerns are structural and procedural in nature.

**Professional Standards Concerns (Membership and Conduct, Certification, and Exams)**

Professional standards concerns relate to the criteria, procedures, and policies related to maintaining professional quality and integrity provided by members of the association. Concerns in this category often involve compliance with established professional standards, equitable treatment of members, and assurance that professional service quality is delivered. This includes

- processes for attaining and retaining membership
- standards of service delivered by certified members
- professional conduct of members
- administration and fairness of certification processes, and the conduct and oversight of examination procedures

This summary aims to guide the Petitioner in identifying which category their concern falls into. While overlap among these areas is possible, the questions that follow will help refine and direct the submission appropriately.

Which category/ies does your concern most appropriately relate to?

☐ Governance Concerns

Which bylaw/s policy and/or procedure/s does your concern relate to? Be as specific as possible.

☐ Professional Standards Concerns (Membership, Certification, and Exams)

Which procedure/s and/or professional standard/s does your concern relate to? Be as specific as possible.

☐ Ethical Concerns

Which Principle/s of the Code of Ethics does your concern relate to? Be as specific as possible.

Please state evidence (including names of corroborating persons) that could help to support your concerns

If relevant, why do you believe your concern overlaps with another category?

Date you are completing this submission

Petitioner's name (your name)

Petitioner's address (City, State or Province, Postal Code, Country)

Petitioner's contact number you can be reached at (include country code)

Petitioner's email address

Respondent's name (ITAA member who you a raising an Ethical Concern with)

Respondent's address (if not known in detail, please at least name their country of residence and/or practice)

Respondent's contact number (include country code)

Respondent's email address

Your relationship with the Respondent when you experienced the concern (e.g. client, supervisee, colleague, employee, trainee, etc.)

Date/s or period during which the event/s occurred (use additional named/labelled document if required)

Details of the concerning behaviour (Write an account of what happened that you believe to be a contravention and how the events affected you. Be as specific as possible.)

Details and outcome of the action you have taken (if possible/appropriate) with the ITAA member before filing your formal concern as required by the procedures.

Any actions that you have taken or are considering taking to deal with the alleged contraventions (e.g. advising the Respondent's employer, initiating a formal grievance process with another body, seeking legal sanctions, etc.)

We encourage you to formulate one or more desired outcomes from this process. (These desired outcomes will be considered during any process as well as the formal concern process if it proceeds). Please note these below

Provide the names, addresses and telephone numbers of witnesses, if any, or others who might provide relevant information about the events you are filing a concern about. If possible, obtain from them a signed statement that can be sent along with this submission.

**In relation to an Issue of Ethical Concern, the Ethics committee will take into account the same concern by the Petitioner to any other body. If a formal inquiry by any other body has already taken place, this information may inform the Ethics Committee's considerations**

Have you filed a formal concern regarding the ITAA member with any non-TA organisation (e.g. a national consumer protection agency/entity)?

Yes ☐ No ☐

If yes, what organisation? Please include contact details.

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Have you filed a formal concern regarding the ITAA member with any local TA organisation?

Yes ☐ No ☐

If yes, what organisation? Please include contact details.

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|  |
|--|

Have you filed a formal concern regarding the ITAA member with any other TA organisation or national or international organisation?

Yes ☐ No ☐

If yes, what organisation? Please include contact details.

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Signed

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Date

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**Phase 2: Record of Preliminary Enquiry Process (for administrative use by Ethics Committee)**

Date and time on which the Respondent was invited to the informal conversation

Date on which the Respondent replied to the invitation to the informal conversation

Did the Respondent accept the invitation to the informal conversation? Add relevant notes.

Date the informal conversation was scheduled. Note rescheduled dates and reasons if applicable.

1<sup>st</sup> Scheduled meeting

2<sup>nd</sup> Scheduled meeting

3<sup>rd</sup> Scheduled meeting

Note pertinent details from the meeting

Please note the option that was concluded after the meeting.

- ☐ Mediation or Formal Enquiry was not required.
- ☐ The offer of external mediation was made and accepted.
- ☐ The respondent does not believe there was any contravention of the Principles of the Code of Ethics.
- ☐ Other (e.g. mediation was declined).

Note the actions taken based on the option decided upon above.

If applicable, what were the preliminary enquiry committee findings?

Which of the following options did the Chairperson/s decide upon?

- ☐ Suggesting/recommending supporting supervision.
- ☐ Recommending independent mediation. Note if either or both parties accept or decline this opportunity.

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What was the outcome of the mediation?

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Record below any deviations from the process and reasons for these.

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**Phase 2.1 Form: Petitioner's Concerns and Desired Outcomes (for use by Ethics Committee)**

Personal information noted here will be treated as confidential and subject to data protection procedures.

Petitioner's name

Respondent's name

Petitioner's relationship with the Respondent when they experienced the Ethical Concern (e.g. client, supervisee, colleague, employee, trainee, etc.)

Date/s or period during which the event/s occurred

An account of what happened that is believed to be an ethical contravention and how the events affected the Petitioner.

The Principle/s of the ITAA Code of Ethics the Petitioner believes have been contravened.

Evidence the Petitioner believes support their concerns.

Details and outcome of the action the Petitioner has taken with the Respondent before filing the Ethical Concern as required by the procedures.

The Petitioner's desired outcomes are:

**Acknowledgment of Receipt**

Signed (by Respondent)

Date

**Phase 2.2 Form: Respondent's Response to formal notification of an Issue of Concern**

The Ethics Committee is committed to a fair process for all parties. While this phase of the process is informal, recording details in this form ensures the clarity and accuracy of your perspectives are maintained.

The Respondent acknowledges receipt of the formal notification of an Issue of Concern being raised with them. (Please mark with an X) ☐

The Respondent (mark the appropriate statement with an X ):

☐ acknowledges that the event being brought to their attention occurred or

☐ is not aware of the event being brought to their attention

☐ is aware of the event, however the information provided in the Petitioner's Issue of Concern is inaccurate or some aspects are incorrect

The Ethics Committee requests you as the Respondent to respond in writing (preferably typed on computer) with your signature.

The Respondent agrees to treat the information noted here as confidential and subject to data protection procedures. The Ethics Committee acknowledges your entitlement to seek support through use of a therapist or supervisor. Please ensure they are aware and commit to the confidentiality of this material. (Please mark your agreement with an X) ☐

The Respondent acknowledges that the Issue of Concern raised requires the Ethics Committee to follow due process as outlined in the 'Code of Ethics Philosophy and Guidelines for Ethical Practice'. (Please mark your agreement with an X) ☐

Date you are completing this response to the submission

Respondent's name (your name)

Respondent's postal address (City, State or Province, Postal Code, Country)

Respondent's contact number you can be reached at (include country code)

Respondent's email address

Your relationship with the Petitioner when they experienced the Issue of concern being raised (e.g., Practitioner, Supervisor, Trainer, Counsellor, Psychotherapist, Consultant, Colleague, Employee, etc.)

Do you confer with the dates or period during which the event/s occurred? (If you have different information, please provide details and add additional documentation if required.)

Please provide a response, or responses to the details of the concerning behaviour provided by the Petitioner

You are invited to respond to the perceived breaches of the Principle/s of the ITAA Code of Ethics the Petitioner believes you have contravened. See Principles of Principles of the Code of Ethics.(Provide a link)

Has the Petitioner addressed this Issue of Concern with you personally prior to initiating this process with the Ethics Committee (as required by the procedures)? Please provide any additional information as necessary.

Are you aware of any other actions the Petitioner has taken or is considering taking to deal with the alleged contraventions?

The Ethics Committee encourages you to formulate one or more desired outcomes from this informal process. (These desired outcomes will be considered during a potential mediation process as well as a formal concern process if that becomes an eventuality). Please note these below.

**If the Petitioner has raised this same issue with any other body, the Ethics committee will take this into account. If a formal inquiry by any other body has already taken place, this information may inform the Ethics Committee's considerations.**

Are you aware of a related concern about you being made with any non-TA organisation (e.g. a national consumer protection agency/entity)?

Yes ☐ No ☐

Please include any relevant details (including the names of organisations if known).

Are you aware of any related concern being raised by this Petitioner with any local (regional) or other TA organisation?

Yes ☐ No ☐

Please include any relevant details (including the names of organisations if known).

Provide the names, addresses and telephone numbers of witnesses, if any, or others who might provide relevant information about the events the Petitioner is raising this Issue of Concern about. If possible, obtain from them a signed statement that can be included with the return of this form.

Signed

Date

**Phase 3 Form: Checklist for Formal Inquiry into a Concern (for administrative use by Ethics Committee)**

## Regarding the Petitioner

- ☐ Send the Petitioner the form "Phase 3 Petitioner Record and Notification that the Concern will be Formally Investigated".
- ☐ Provide a link to the ITAA Code of Ethics.
- ☐ Support the Petitioner to fully engage with their Supervisor (where applicable).
- ☐ Record the date sent on form

## Regarding the Respondent

- If it is appropriate, request the Respondent cease the activity while the formal inquiry takes place. Record details of this if done, below

- ☐ Notify the Respondent's Supervisor of the alleged contravention/s using the relevant form.
- ☐ Support the Respondent to fully engage with their supervisor.
- ☐ Record the date sent on form
- ☐ Record the date by which response must be received using the relevant form
- ☐ Record the date on which response was received (if applicable), below,

Record below any deviations from the process and reasons for these.

**Phase 3 Form: Petitioner Record and Notification that the Concern will be Formally Investigated  
(for use by Ethics Committee, to send to the Petitioner)**

Preamble (give context to the form)

Name of Petitioner

Means by which Petitioner was contacted (write email, postal address or other)

Name of Respondent

Summary of the concern

Alleged behaviours that contravene the principles of the Code of Ethics, relevant to the Petitioner's assertions

Please note

- We encourage you to review the ITAA Code of Ethics on the website or correspond with the Ethics Committee for information on the process.
- We encourage you seek support from your supervisor or other resource.

Date sent

Date on which correspondence was acknowledged

**Phase 3 Form: Respondent Record and Notification of a Concern Involving Them (for use by Ethics Committee, to send to the Respondent)**

Preamble (Give context to the form)

Name of Respondent

Means by which Respondent was contacted (write email, postal address or other)

Summary of the concern

Alleged behaviours that contravene the principles of the Code of Ethics, relevant to the Petitioner's assertions

Other comments/instructions/notes

Please note

- We encourage you to review the ITAA Code of Ethics on the website or correspond with the Ethics Committee for information on the process.
- We may notify your supervisor of the alleged contravention/s.
- We encourage you to fully engage with your supervisor.

Date sent

Date by which response must be received (within 30 days)

**Phase 3 Form: Supervisor Record and Notification of a Concern Involving Respondent (for use by Ethics Committee, to send to the Respondent's supervisor)**

Preamble (Give context to the form)

Name of Supervisor

Means by which Supervisor was contacted (write email, postal address or other)

Name of Respondent

Summary of the concern

Alleged behaviours that contravene the principles of the Code of Ethics, relevant to the Petitioner's assertions

Other comments/instructions/notes

Please note

- We encourage you to review the ITAA Code of Ethics on the website or correspond with the Ethics Committee for information on the process.
- We may notify the Respondent of the alleged contravention/s.
- We encourage you to fully engage with the Respondent.

Date sent

Date on which correspondence was acknowledged

## **Circle of Wise Colleagues (CoWC) for the ITAA Ethics Committee**

### **Background**

Work on updating the ITAA Ethical Code of Conduct and the Complaints Procedure was initiated in 2018. Through a separate process, surveyed members indicated curiosity and agreement with the process of revising The Code of Ethics and recommended that an 'eldership' role be developed to support the work of the Ethics committee.

This 'elders' role suggestion has been taken up by the Ethics committee and has been titled Circle of Wise Colleagues. It is ideally three senior TA colleagues who are held in high regard. The overall goal is to further the philosophy of 'engaging in a spirit of enquiry': to dialogue, support develop awareness and create opportunities for growth and learning for all affected parties; engaging in a thoughtful 'both/and' mindset so it affords the opportunity to explore the volatility, uncertainty, complexity, and ambiguity of our contemporary world.

This CoWC serves as a resource support, development, and challenge for the Ethics Committee.

### **The functions of the CoWC**

- **Process Review.** At the end of each phase of the process to address an ethical concern, the formal enquiry committee will review its conduct to ensure that the process has been correctly followed. This aspect of each phase review will include a representative from the Circle of Wise Colleagues, providing process oversight. In circumstances where the committee cannot or could not follow the procedure precisely, this will be noted with reasons, without necessarily interrupting the formal enquiry process.
- **Resolve Issues of Concern at the Lowest Level of Escalation.** See Phase 2: paragraph 2.3.1. "Mediation or Formal Enquiry is not required. A process takes place at the lowest level of escalation and with the lowest use of resources (financial and role players) which allows the concern to be resolved. As not all circumstances can be foreseen, the particulars of this process will not be defined here, but rather left to the various parties (Petitioner, Respondent, Ethics Committee) to co-create at the time. Examples: the petitioner and respondent choose to meet together; or the Ethics Committee Chairs or Circle of Wise Colleagues facilitate a meeting of the parties to resolve the Issue of Concern."
- **Resolve Bias.** The CoWC may be invited to act as a supervisory resource to mitigate and/or detect and/or respond to bias in the ITAA Ethics Committee group, its individuals, and process.
- **Reflective Practice.** A type of collegial supervision in which an exchange of ideas regarding difficult questions takes place.

### **Defining the Role of Wise Colleague**

Members of the ITAA Circle of Wise Colleagues (COWC) assume the role of active, ethically minded colleagues. Active and ethically minded means:

- Celebrating successes and providing support during times of difficulty.
- Contributing to a sense of trust, respect, community, engagement, and support by scheduling regular opportunities to connect.
- Encouraging a sense of belonging and purpose
- Offering appropriate objective feedback and challenge

### **Wise Colleague Activities**

- Reflecting on any issues of concern/s raised and working collaboratively with the committee, make recommendations to make the Ethical Code of Conduct more robust and appropriate.
- Proposing changes to enhance the Ethics Committee's effectiveness.
- An educative role. Being available to members of the ITAA to discuss general ethical matters in a collegial way so that new insights and new perspectives for action can be considered.
- At relevant phases, provide oversight regarding the process to address an ethical concern. This means providing an outside/objective perspective on the process, noting bias, parallel process, and any other phenomena (organisational or relational) which have impacted proceedings.
- Assist the ethics and/or formal enquiry committees through objective consulting and robust challenge resulting in the best, healthy outcome. The Circle of Wise Colleagues can also be called upon and contracted specifically to assist the Petitioner formulate their concern. This could be very useful if there are language barriers or if the Petitioner is not a Practitioner, i.e. not familiar with ethics codes etc. The contract between the CoWC and the Petitioner is based on a pre-formulated contract template, to ensure that a coherent process is followed, mitigating any complications that might arise in subsequent steps.
- Play a supportive role to the Ethics Committee to resolve scenarios which are not explicitly or procedurally addressed in the Code of Ethics.

### **Benefits for CoWC Members**

Mutual Collegueship – CoWC members offer the committee wisdom, experience and thoughtful considerations and the Ethics Committee members value and appreciate their input. This gives all parties the opportunity to explore meaningful and profound theoretical and practical ethical issues. This will support Ethics Committee member professional development as well as adding significant value for ITAA members.

### **Structure of the CoWC**

It is envisaged:

- There will be a minimum of three people in the Circle.
- CoWC membership will be for a period of two years, after which a second period of two years is possible. Members leaving the CoWC have the opportunity to nominate another ITAA member. The committee appoints members.
- The Circle will meet a minimum of three times a year. If there is a need or reason for multiple meetings, the Circle of Wise Colleagues can organise these. For additional meetings to be held, consensus must be reached by at least three (3) members to do so.
- The membership of the CoWC is voluntary basis. They are not accountable to third parties that might delegate them.
- A co-chair of the Ethics Committee will act as a liaison for the CoWC. This liaison will also attend CoWC meetings.

**Disclaimer:** The Circle of Wise Colleagues of the ITAA Ethics Committee project is in an experimental phase. The year July 2024 to June 2025 will be used to explore whether and how such a Circle of Wise Colleagues can make a valuable contribution to the further development of Ethical thinking and action within the worldwide TA community.