

Purpose

The purpose of this code is to establish and maintain standards for practitioners, who are members of NZANLP, and to inform and protect members of the public seeking and using their services.

All members of this Association are required to abide by existing codes appropriate to them. They thereby accept a common frame of reference within which to manage their responsibilities to clients, colleagues, and members of this Association and the wider community. This code aims to provide a framework for addressing ethical issues and to encourage optimum levels of practice.

This Association has a Complaints Procedure, which can lead to the expulsion of members for breaches of its Codes of Ethics & Practice.

The nature of Neuro Linguistic Programming

"NLP is a meta-discipline which focuses on the discovery and coding of patterns which distinguish the most capable of the practitioners of some particular discipline (managerial practice, medical practice, sports, therapy...) from the average practitioner. These distinguishing patterns are the substance of NLP." (Reference: John Grinder letter to NZANLP, 1998).

The scope of this code

This code relates to the use of NLP applications by a practitioner in professional practice. Only when both the user and the recipient explicitly agree to enter into a practitioner-client relationship does it become "professional practice" rather than "the use of practitioner skills".

1. Code Of Ethics

- 1.1. Members are expected to conduct themselves in a responsible and professional manner at all times and abide by the Code of Ethics, Rules and Constitution of the Association. Failure to do so shall result in disciplinary action.
- 1.2. Members shall recognise an obligation to the client at all times, and shall practise their profession to the best of their ability for the benefit of the client. All reasonable steps should be taken to ensure the safety of the client.
- 1.3. Members shall take all reasonable steps to monitor and develop their own competence and to work within the limits of their competence. They should refer on any client to another member, or specialist, competent to deal with any presenting issue beyond their capability.
- 1.4. Members shall keep in confidence all information derived from a client, or from a colleague regarding a client, and except where the law requires otherwise, divulge the information only with the express permission of the client, or where failure to take action would constitute a menace or danger to the client or another member of the community.
- 1.5. The terms on which services are being offered should be made clear to the client before commencement. Subsequent revisions of these terms should be agreed in advance of any change.
- 1.6. Members shall not exploit a client for financial gain through misleading guarantees, inferences or misrepresentation.
- 1.7. Should any dispute or differences arise between members, the members concerned shall make a determined effort to settle it between themselves. Should agreement not be reached they shall submit it for settlement in accordance with the rules of the Association.
- 1.8. Members must ensure that advertisements and other public announcements are such that they will not bring the Association into disrepute.
- 1.9. Members shall display current membership Certificates and Code of Ethics in a prominent position in their premises, or make them available on request to clients in other contexts.

Code Of Practice

Introduction

This code applies to specific situations that may arise in day-to-day practice.

Issues of responsibility

The practitioner-client relationship is the foremost ethical concern, but it does not exist in social isolation. For this reason, the practitioner's responsibilities to the client, to themselves, colleagues, and other members of the Association and members of the wider community are listed under separate headings.

2. Responsibilities To the Client

2.1. Client safety

2.1.1. Practitioners should take all necessary steps to ensure that the client suffers neither physical nor psychological harm during consultation.

2.2. Client autonomy

2.2.1. Practitioners are responsible for working in ways that promote the client's control over his/her own life, and respect the client's ability to make decisions and change in the light of his/her own beliefs and values.

2.2.2. Practitioners do not act on behalf of their clients. If they do, it will be only at the express request of the client, or else in the exceptional circumstances detailed in 8.

2.2.3. Practitioners are responsible for setting and monitoring boundaries between the professional relationship and any other kind of relationship, and making this explicit to the client.

2.2.4. Practitioners must not exploit their clients financially, sexually, emotionally, or in any other way. Engaging in sexual activity with the client is unethical.

2.2.5. Clients should be offered privacy for sessions. The client should not be observed by anyone other than his or her practitioner(s) without having given his/her informed consent. This also applies to audio/video taping of consultations.

2.3. Promotional information

2.3.1. Any publicity material and all written and oral information should reflect accurately the nature of the service on offer, and the training, qualifications and relevant experience of the practitioner/

2.3.2. Practitioners should take all reasonable steps to honour undertakings offered in their promotional information.

2.4. Contracting

2.4.1. Work with clients should be on the basis of a clear contract.

2.4.2. Practitioners are responsible for communicating the terms on which the session is being offered, including availability, the degree of confidentiality offered, and their expectations of clients regarding fees, cancelled appointments and any other significant matters. The communication of terms and any negotiations over these should be concluded before the client incurs any financial liability.

2.4.3. It is the client's choice whether or not to participate in a session. Steps should be taken in the course of the professional relationship to ensure that the client is given an opportunity to review the terms on which services are being offered and the methods being used.

2.4.4. Practitioners are expected to make explicit to the client any relevant conflicts of interest.

2.4.5. If records of consultations are kept, clients should be made aware of this. At the client's request information should be given about access to these records, their availability to other people, and the degree of security with which they are kept.

2.4.6. Practitioners have a responsibility to establish with clients what other therapeutic or helping relationships are current. Practitioners should gain the client's permission before conferring with other professional workers.

2.4.7. Practitioners are required to be aware of the provisions of the Privacy Act as they relate to client records

2.5. Professional competence

2.5.1. Practitioners should monitor actively the limitations of their own competence through consultative support, and by seeking the views of their clients and other practitioners. Practitioners should work within their own known limits.

2.5.2. Practitioners have a responsibility to themselves and their clients to maintain their own state, effectiveness, resilience and ability to help clients. They are expected to monitor their own personal functioning and to seek help and/or withdraw from practice, whether temporarily or permanently when their personal resources are sufficiently depleted to require this (see also 3).

2.5.3. Practitioners should not practice when their state, functioning or good judgment is impaired due to personal or emotional difficulties, illness, disability, alcohol, and drugs or for any other reason.

2.5.4. Practitioners will make appropriate referrals when they recognise their inability to consult a client or clients.

3. To self as Practitioner

3.1. Practitioners should have received adequate basic training before commencing professional practise, and should maintain ongoing professional development.

3.2. Practitioners should review periodically their need for professional indemnity insurance and to take out such a policy when appropriate.

3.3. Practitioners should take all reasonable steps to ensure their own physical safety.

4. To other Practitioners

- 4.1. Practitioners should not conduct themselves in their NLP-related activities in ways, which undermine public confidence in either, their role as a practitioner or in the work of other practitioners.
- 4.2. If a practitioner suspects misconduct by another practitioner they should implement the Complaints Procedure, doing so without breaches of confidentiality other than those necessary for investigating the complaint.

5. To colleagues and members of the caring profession

- 5.1. Practitioners should be accountable for their services to colleagues, employers and funding bodies as appropriate. The means of achieving this should be consistent with respecting the needs of the client.
- 5.2. No colleague or significant member of the caring professions should be led to believe that a service is being offered by the practitioner which is not, as this may deprive the client of the offer of such a service from elsewhere.
- 5.3. Practitioners should accept their part in exploring and resolving conflicts of interest between themselves and their agencies, especially where this has implications for the client.

6. To the wider community

6.1. Law

- 6.1.1. Practitioners should work within the law.
- 6.1.2. Practitioners should take all reasonable steps to be aware of current law affecting the work of the practitioner.

6.2. Social context

- 6.2.1. Practitioners will take all reasonable steps to take account of the client's social context

7. Consultative support

- 7.1. Practitioners should have regular consultative support.
- 7.2. Consultative support refers to a formal arrangement, which enables practitioners to discuss their client services regularly with one or more people who have an understanding of consulting and consultative support. Its purpose is to ensure the efficacy of the practitioner-client relationship. It is a confidential relationship.
- 7.3. The volume of consultative support should be in proportion to the volume of work undertaken and the experience of the practitioner.
- 7.4. Whenever possible, the discussion of cases within consultative support should take place without revealing the personal identity of the client.

8. Confidentiality: Clients, colleagues and others

- 8.1. Confidentiality is a means of providing the client with safety and privacy. For this reason any limitation on the degree of confidentiality offered is likely to diminish the usefulness of the service provided.
- 8.2. Practitioners treat with confidence personal information about clients, whether obtained directly or indirectly or by inference. Such information includes name, address, biographical details, and other descriptions of the client's life and circumstances that might result in identification of the client.
- 8.3. Practitioners should work within the current agreement with their client about confidentiality.
- 8.4. Exceptional circumstances may arise which give the practitioner good grounds for believing that the client will cause serious physical harm to others or themselves, or have harm caused to him/her. In such circumstances, the client's consent to a change in the agreement about confidentiality should be sought whenever possible unless there are also good grounds for believing the client is no longer able to take responsibility for his/her own actions. Whenever possible, the decision to break confidentiality agreed between a practitioner and client should be made only after consultation with another experienced practitioner.
- 8.5. Any breaking of confidentiality should be minimised both by restricting the information conveyed to that which is pertinent to the immediate situation and to those persons who can provide the help required by the client. The ethical considerations involve balancing between acting in the best interests of the client and in ways which enable clients to resume taking responsibility for their actions, a very high priority for practitioners, and the practitioner's responsibilities to the wider community (see 6.1 and 8.3).
- 8.6. Practitioners should take all reasonable steps to communicate clearly the extent of the confidentiality they are offering to clients. This should normally be made clear in information prior to consultancy or initial contracting.
- 8.7. If practitioners include consultations with colleagues and others within the confidential relationship, this should be stated to the client at the beginning of the consultation.

- 8.8. Care must be taken to ensure that personally identifiable information is not transmitted through overlapping networks of confidential relationships. For this reason, it is good practice to avoid identifying specific clients in consultative support and other consultations, unless there are sound reasons for doing so (see also 2.4.5 and 8.2).
- 8.9. Any agreement between the practitioner and client about confidentiality may be reviewed and changed by joint negotiations.
- 8.10. Agreements about confidentiality continue after the client's death unless there are overriding legal or ethical considerations.
- 8.11. Practitioners hold different views about whether or not a client expressing serious suicidal intentions forms sufficient grounds for breaking confidentiality. Practitioners should consider their own views and practice and communicate them to clients and any significant others where appropriate (see also 5.2).
- 8.12. Special care is required when writing about specific situations for case studies, reports or publication. It is important that the author either has the client's informed consent, or effectively disguises the client's identity.

9. Confidentiality in the legal process

- 9.1. Generally speaking, there are no legal duty to give information spontaneously or on request until instructed to do so by a court. Refusal to answer police questions is not an offence, although lying could be. In general terms, the only circumstances in which the police can require an answer about a client, and when refusal to answer would be an offence, relate to the prevention of terrorism. It is good practice to ask police personnel to clarify their legal right to an answer before refusing to give one.
- 9.2. There is no legal obligation to answer a solicitor's inquiry or to make a statement for the purpose of legal proceedings, unless ordered to do so by a court.
- 9.3. There is no legal obligation to attend court at the request of parties involved in a case, or at the request of their lawyers, until a witness summons or subpoena is issued to require attendance to answer questions or produce documents.
- 9.4. Once in the witness box, there is a duty to answer questions when instructed to do so by the court. Refusal to answer could be punished as contempt of court unless there are legal grounds for not doing so. (It has been held that communications between the practitioner and client during an attempt at reconciliation in matrimonial cases are privileged and thus do not require disclosure unless the client waives this privilege. This does not seem to apply to other kinds of cases).
- 9.5. The police have powers to seize confidential files if they have obtained an appropriate warrant. Obstructing the police from taking them in these circumstances may be an offence.
- 9.6. Practitioners should seek legal advice and/or contact this Association if they are in any doubt about their legal rights and obligations before acting in ways which conflict with their agreement with clients who are directly affected.

10. Advertising / Public statements

- 10.1. Announcements of professional services should be accurate in every particular.
- 10.2. Practitioners should distinguish between membership of this Association and accredited practitioner status in their public statements. In particular, the former should not be used to imply the latter.
- 10.3. Practitioners should not display an affiliation with an organisation in a manner that falsely implies the sponsorship or verification of that organisation.

11. Research

- 11.1. The use of personally identifiable material gained from clients or by the observation of client interactions should be used only after the client has given consent, usually in writing, and care has been taken to ensure that consent was given freely.
- 11.2. Practitioners conducting research should use their data accurately and restrict their conclusions to that compatible with their methodology.

12. Resolving conflicts between ethical priorities

- 12.1. Practitioners will, from time to time, find themselves caught between conflicting ethical principles. In these circumstances, they are urged to consider the particular situation in which they find themselves and to discuss the situation with other experienced practitioners. Even after conscientious consideration of the salient issues, some ethical dilemmas cannot be resolved easily or wholly satisfactorily.
- 12.2. Ethical issues may arise which have not yet been given full consideration. The Standards & Ethics Committee of this Association is interested in hearing of the ethical difficulties of NLP Practitioners as this helps to inform discussion regarding good practice.