



CODE OF PROFESSIONAL CONDUCT AND ETHICAL PRACTICE

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ESSA Code of Professional Conduct and Ethical Practice

1. Introduction

Exercise & Sports Science Australia (ESSA) is the peak professional body for exercise and sports science professions including Accredited Exercise Scientists, Accredited Exercise Physiologists, Accredited Sports Scientists and Accredited High Performance Managers.

The ESSA professions are self-regulating and as such all individual members and accredited professionals who hold current membership and/or accreditation with ESSA agree to be bound by the ESSA Code of Professional Conduct and Ethical Practice ('the Code').

The Code establishes the minimum standards of professional behaviours and ethical practice expected of all ESSA members and accredited professionals.

ESSA members and accredited professionals must abide by ESSA's standards and policies, and decisions made by the ESSA Board, its Councils and other Board delegated authorities.

This Code should be read in conjunction with other relevant ESSA standards, policies and guidelines.

ESSA members and accredited professionals are responsible for reading, understanding and applying the principles in the Code across the breadth of their professional interactions. This commitment is renewed by declaration at annual membership and/or accreditation renewal.

This version of the Code considers other jurisdictional codes of conduct and legislation that may apply to ESSA members and accredited professionals in their practice, such as the National Code of Conduct for Health Care Workers.

1.1 What the Code is

The Code is ESSA's standard for professional behaviour and conduct, and is a broad framework to ensure legal, ethical and quality practice. The Code informs and protects ESSA members and accredited professionals and those who use their services.

The purpose of the Code is to provide guidelines:

- for ESSA members and accredited professionals on quality professional practice
- to inform members of the public about the practice of ESSA members and accredited professionals
- to identify breaches of professional conduct that could be considered by the Ethics and Disciplinary Committee ('committee') as professional misconduct and unprofessional conduct

ESSA members and accredited professionals, members of the public and others who reasonably believe an ESSA professional has breached this Code should report the matter to ESSA.

1.2 What the Code is not

This Code does not detail a comprehensive list of applicable jurisdictional codes of conduct and legislation, nor does it provide profession- or situation-specific professional practice guidance.

The Code is not for use in addressing issues or disputes arising from civil, commercial or contractual obligations nor is it for resolving disputes between professional colleagues.

1.3 Breaches of the Code

Failure to abide by ESSA's standards and policies including ESSA membership and accreditation requirements such as mandatory declarations and Continuing Professional Development is considered a breach of the Code.

ESSA members and accredited professionals who fail to comply with the Code and/or fail to engage with the ethics and disciplinary processes will be subject to penalties. Penalties will depend on the nature and extent of the breach and will be determined based on the Ethics and Disciplinary Policy and procedures.

Lack of awareness of the Code or misunderstanding is not considered a defence in disciplinary proceedings for reported or suspected breaches of the Code.

2. Definitions

Accredited professional — means and includes all individuals who hold an accreditation from Exercise & Sports Science Australia

Board — the Board of Directors of Exercise & Sports Science Australia

Client — any person (such as a consumer or patient) who has used or potentially may use a service provided by an ESSA professional, including individuals, groups of people and organisations where the ESSA professional utilises their exercise and sports science professional knowledge and skills.

Code — the ESSA Code of Professional Conduct and Ethical Practice as amended from time to time

Committee — ESSA's Ethics and Disciplinary Committee

Comply/compliance — adhere to a direction or request

Conflict of Interest — a situation in which someone in a position of trust has competing professional or personal interests (perceived or real). Such competing interests could make it difficult for an individual to fulfil their duties impartially, and potentially could improperly influence the performance of their duties and responsibilities

ESSA — Exercise & Sports Science Australia

Informed Consent — a process of communication between the practitioner and client about all aspects of the service including risks and benefits of participating, other options, potential outcomes, fees and how the service will be conducted. This communication results in the client's voluntary agreement to participate in a service, care or intervention. Consent is an ongoing process and can be written, verbal or a combination of both methods.

Jurisdictional Codes of Conduct and other legislation — the National Code of Conduct for Health Care Workers as it applies in each Australian state or territory; the World Anti-Doping Code; and/or National Policy On Match-fixing; the Privacy Act 1988 (Cwlth), and any other relevant legislation and/or regulation.

Member — a financial member of Exercise & Sports Science Australia whether admitted as a student member, full member, fellow, associate member, academic member or honorary member.

Practice — any role, whether remunerated or not, in which the individual uses their skills and knowledge as a practitioner in their profession. Practice includes the direct provision of services to clients, and the use of professional knowledge and/or skill in a direct clinical or non-clinical way. This includes non-direct relationships with clients such as working in management, administration, education, research, advisory, regulatory or policy development roles; and any other roles that impact on safe, effective delivery of exercise and sports science services

Reasonable — a fair, proper and due degree of care and ability as might be expected from an ordinarily prudent person with the same knowledge and experience engaging in the particular service in similar circumstances.²

Regulatory body — any organisation and/or government body with which exercise and sports science professionals may engage. Examples include Australian Sports Anti-Doping Authority, Medicare

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Australia, Department of Veterans' Affairs (DVA), Workers Compensation Authorities, health insurance agencies, Health Ombudsman, and Complaints Commission.

Profession — means an occupation that requires specialised training, knowledge and skills, and which intrinsically carries with it implied obligations to community, society and individuals; each profession has a set of standards and ethics to regulate the professional practitioner's duties and activities.

Professional misconduct — conduct that does not confirm to the relevant professional scope of practice and current legislation

Scope of practice — the full spectrum of roles, functions, responsibilities, activities and decision-making capacity that individuals within that profession are educated, competent and authorised to perform

Sexual misconduct — any unwelcome behaviour of a sexual nature including but not limited to sexual harassment, an act of indecency, making or distributing sexually explicit photos or videos without consent, and any other non-consensual sexual conduct if a reasonable person would consider that conduct to be an invasion of their privacy, indecent or otherwise unacceptable conduct.

Substitute decision-maker — a person who has the authority to make decisions on behalf of a client who does not have the capacity to make their own decisions. A substitute decision-maker may include a parent or a legally appointed decision-maker

Unprofessional conduct — professional conduct that is of a lesser standard than that which might reasonably be expected of an ESSA professional by the public or professional peers

3. Professional responsibilities

ESSA members and accredited professionals have a responsibility to conduct themselves professionally in all aspects of their practice. ESSA members and accredited professionals must practise in a way that is consistent with jurisdictional codes of conduct and legislation that may apply to their professional services.

3.1 Professional behaviour

ESSA members and accredited professionals are expected to maintain a high standard of professional behaviour in all aspects of practice. ESSA members and accredited professionals must:

- not exploit, neglect or abuse clients, their families or carers financially, sexually, physically, emotionally, socially or in any other unprofessional manner; and
- not engage in criminal activity, and practise with honesty, integrity and transparency.

3.2 Sexual misconduct & personal relationships

ESSA members and accredited professionals are expected to maintain appropriate professional boundaries when working with clients and must not engage in sexual misconduct. In particular, ESSA members and accredited professionals must:

- ensure all interactions with clients, client's families and carers are professional, including verbal and written communication;
- be aware of and carefully consider the appropriateness of providing services to people that they have a close personal relationship with;
- not engage in inappropriate sexual behaviour with clients, client's families or carers;
- not engage in an inappropriate close personal, physical or emotional relationship with a client; and
- ensure a reasonable period of time has elapsed since the conclusion of the professional relationship before engaging in a sexual and/or close personal relationship with a client.

3.3 Conflicts of interest

ESSA members and accredited professionals must avoid any Conflict of Interest. ESSA members and accredited professionals must:

- recognise any potential, perceived or actual Conflict of Interest and declare these to clients, colleagues and other stakeholders where appropriate;
- take appropriate action to resolve any Conflict of Interest; and
- not accept or offer financial inducements as part of referral arrangements with healthcare providers.

3.4 Health

The health and well-being of ESSA members and accredited professionals is important for the ability to provide safe and effective services. ESSA members and accredited professionals must:

- take care of their own health and well-being, and seek advice from health professionals where appropriate;

- not practise in a manner that puts the health and/or well-being of the client at risk, including physically and emotionally; and
- not practise when service delivery and professional behaviours is likely to be compromised or significantly impaired such as by alcohol, drugs, illness, or personal difficulties.

3.5 Legal

ESSA members and accredited professionals must respect and comply with all relevant jurisdictional codes of conduct, legislation, and standards that apply to their practice. ESSA members and accredited professionals must:

- ensure they are aware of and comply with current service requirements set by regulatory bodies and the law;
- ensure they comply with general legal requirements including privacy, advertising and employment law; and
- communicate these requirements appropriately to clients, colleagues and practitioners.

3.6 Scope of practice & competency

ESSA members and accredited professionals must only provide services that they are competent and appropriately qualified to perform. In particular, ESSA members and accredited professionals must:

- not make false or misleading claims about their qualifications, ESSA accreditation status, competencies or scope of practice;
- not provide any services outside of their experience or training or that they are not qualified to provide;
- recognise the limitations of their scope of practice and competency and refer to other professionals where appropriate;
- communicate their scope of practice accurately and appropriately to clients, including where they hold multiple qualifications and/or competencies; and
- hold appropriate professional indemnity insurance that covers the scope of all activities undertaken, whether in a professional or voluntary capacity.

3.7 Research

ESSA members and accredited professionals are expected to ensure the safety and well-being of research participants, including private practice clients where any data is collected, stored or used for research purposes. ESSA members and accredited professionals involved in research must:

- ensure research is conducted in a way that complies with ethical standards and the law such as the [National Statement on Ethical Conduct in Human Research](#);
- communicate the research accurately and appropriately to research participants to ensure they understand their rights, such as the right to withdraw at any time, data collection, storage and use, and can provide informed consent;
- ensure protocols, funding, conflicts of interest, and outcomes are communicated appropriately to colleagues and other professionals;
- explain to private practice clients how their information may be collected, used or stored for research purposes, and obtain informed consent; and

- ensure data is stored in line with privacy and confidentiality requirements, and where used is appropriately de-identified.

3.8 Professional services

ESSA members and accredited professionals are responsible and accountable for their own practice and must represent their services truthfully and accurately. Practising within the guidelines of employers, organisations or professional groups does not absolve the ESSA professional of responsibility for their behaviours or actions.

Services should only be provided where there is a reasonable expectation that a client will benefit from them. ESSA members and accredited professionals must:

- deliver services in a way that maintains ESSA standards and policies;
- not make false or misleading claims about services, products or outcomes of services including in any promotional materials;
- not provide indiscriminate or unnecessary services; and
- consider the suitability of service delivery modes for clients such as individual or groups, in-person or telepractice.

3.9 Safety & adverse events

ESSA members and accredited professionals are expected to deliver safe, quality and evidence-based services and take appropriate steps to minimise the risk of harm to clients. ESSA members and accredited professionals must:

- screen or assess client suitability for services across the life of service delivery;
- evaluate, prepare and maintain the physical environment in which services are provided;
- adopt standard and contemporary hygiene and infection control measures;
- appropriately maintain equipment used in services;
- have appropriate procedures in place to prevent and respond to adverse events;
- take appropriate and timely action in response to an adverse event, including implementing emergency procedures;
- document adverse events and disclose where appropriate; and
- abide by workplace health and safety requirements.

3.10 Privacy & confidentiality

ESSA members and accredited professionals have legal and ethical obligations to protect the privacy and confidentiality of the personal information of clients. ESSA members and accredited professionals must:

- explain clearly and accurately how client information will be collected, used and stored and obtain informed consent to these processes before proceeding with the service;

- ensure information is only disclosed where the client consents or requests access, except where required under law or where there is a serious and/or immediate threat to the safety, health or well-being of the client or the public;
- keep accurate, clear, respectful, up-to-date records documenting services; and
- store records securely and for the appropriate period of time required by law or relevant authority.

4. Working with clients and the community

ESSA members and accredited professionals have a responsibility to make the safety and well-being of their clients a priority. ESSA members and accredited professionals are expected to ensure services are accessible and delivered in partnership with clients. When providing services to clients, ESSA members and accredited professionals must:

- respect the rights of clients including freedom and choice;
- respect the values and beliefs of clients;
- practise in a culturally safe, inclusive and sensitive manner;
- not discriminate on the basis of age, gender identity, sexuality, ethnicity, religion, race, cultural identity, health or socioeconomic status, disability or other grounds included in anti-discrimination legislation; and
- take reasonable steps to advocate for the best interests and wishes of the client, including access.

4.1 Informed consent

ESSA members and accredited professionals have a responsibility to obtain ongoing informed consent from their clients to receive services. ESSA members and accredited professionals must:

- explain clearly and accurately the proposed services, fees, risks, benefits, potential outcomes and other service options;
- consider the client's capacity for decision making and consent, and where capacity is impaired or limited seek consent from a substitute decision-maker;
- ensure consent is freely given;
- ensure consent is recorded appropriately; and
- respect the client's right to limit or withdraw consent at any time.

4.2 Communication

ESSA members and accredited professionals are expected to communicate information transparently, honestly and in a way the clients, families, carers, colleagues and other key stakeholders can understand to support quality services. ESSA members and accredited professionals must:

- communicate information in an easily understandable, accurate and timely manner;
- engage appropriately with families, carers colleagues and other key stakeholders, ensuring they have obtained consent from the client;
- explain clearly to the client their rights and responsibilities, including the right to complain;
- make information about how to make a complaint easily accessible; and
- manage complaints in a professional, sensitive and timely manner.

4.3 Children

ESSA members and accredited professionals have a responsibility to meet relevant legislation and additional requirements when working with children. ESSA members and accredited professionals must:

- comply with child protection legislation such as Working with Children Checks;
- engage children in decision making as much as possible; and
- recognise the role of parents, or guardians.

5. Working with colleagues

ESSA members and accredited professionals have a responsibility to be respectful, professional and collaborative in all interactions with other practitioners, colleagues, employers, employees, volunteers, students, other key stakeholders their profession and ESSA.

5.1 Other practitioners

ESSA members and accredited professionals are expected to work collaboratively, respectfully and professionally with other practitioners to ensure quality outcomes for clients. ESSA members and accredited professionals must:

- practise to promote client-centred care;
- respect the contributions of others involved in providing services to the client; and
- engage with other practitioners in a timely and professional manner, ensuring consent from clients.

5.2 Mentoring, supervision & delegation

ESSA members and accredited professionals will demonstrate respect, patience and leadership when mentoring, supervising or teaching students, colleagues, or carers. ESSA members and accredited professionals must:

- take responsibility for those under their supervision;
- take reasonable steps to assess risk and ensure those under their supervision practise within their level of competence, scope of practice, the Code and any regulatory body rules;
- consider the competency and capabilities of a person and only delegate appropriate tasks to them;
- communicate effectively and be honest and fair in feedback; and
- obtain client and/or substitute decision maker's consent for participation of students, colleagues or carers.

5.3 Professional colleagues & stakeholders

ESSA members and accredited professionals are expected to be respectful and professional when engaging with professional colleagues and stakeholders, including fellow professionals, employers, employees, staff, students, volunteers, carers, and representatives of ESSA. ESSA members and accredited professionals must:

- engage in respectful discussions with colleagues in professional forums, including social media;
- respect colleagues and their rights;
- treat colleagues with honesty, fairness, respect and good faith;
- not bully, harass or discriminate against colleagues;
- not use any form of communication to defame or undermine the professional reputation or practice of individuals and organisations;
- use appropriate channels to raise concerns about the practices of colleagues;
- work with and educate employers on best practice and contribute to work policies and procedures; and
- seek to resolve conflicts through appropriate channels.

5.4 Professional reputation

ESSA members and accredited professionals are expected to uphold the reputation of and build on trust and confidence in the ESSA professions. ESSA members and accredited professionals must:

- comply with the policies and standards of ESSA;
- avoid behaviour that would bring ESSA or its professions into disrepute;
- consider the impact on the ESSA professions and community when expressing thoughts and opinions in public or professional forums;
- clearly distinguish personal views from professional ones, and not represent personal or professional views as that of others, including ESSA;
- only represent ESSA with appropriate authorisation;
- commit to ongoing development of their own professional knowledge and skills; and
- consider their role in educating the community on the roles of ESSA members and accredited professionals.