

FAQs from SPA members National Code of Conduct

Please find below responses to questions Speech Pathology Australia (SPA) members frequently ask about the national Code of Conduct.

Please note this is general information and members are encouraged to seek independent legal advice if they have specific questions.

What is the national Code of Conduct?

The national Code of Conduct (the Code) is a minimum set of standards of conduct for all health service providers who are not regulated by the Australian Health Practitioner Regulation Agency (AHPRA). Speech pathologists are included in this group of health professionals. Other health providers the Code will apply to include dietitians, social workers, audiologists, allied health assistants and personal care workers. The Code sets national standards against which disciplinary action can be taken. In serious cases registration and right to practice can be withdrawn.

In summary, the Code of Conduct says that practitioners must:

1. Provide services in a safe and ethical manner
2. Obtain consent from their clients
3. Display appropriate conduct when giving treatment advice
4. Report concerns about treatment or care provided by other health care workers
5. Take appropriate action in response to adverse events
6. Adopt standard precautions for infection control
7. Practice safely if diagnosed with infectious medical conditions
8. Not make claims to cure certain serious illnesses
9. Not misinform their clients
10. Not practice under the influence of alcohol or drugs
11. Modify or stop practicing if they have certain mental or physical impairments
12. Not financially exploit clients
13. Not engage in sexual misconduct
14. Comply with relevant privacy laws
15. Keep appropriate records
16. Be covered by appropriate insurance
17. Display information about this code and how to make a complaint.



How will the national Code of Conduct be implemented?

Health complaints bodies in each state and territory are responsible for implementing the Code. As of February 2020, the states that have established the Code include NSW, South Australia, Queensland and Victoria. The ACT is currently still [reviewing](#) implementing the code following stakeholder feedback.

Only complaints made in the states where the Code has been implemented can be accepted and investigated by the state or territory health complaints entity.

Who can make a complaint?

Anyone can make a complaint to the health complaints entity in their state including other speech pathologists and health practitioners, members of the public, and professional bodies.

What powers does a health complaints entity have with respect to the national Code of Conduct?

If the Code has been determined to have been breached or the health worker has been found guilty of a specific offence, the health complaints entity has the power to issue a prohibition order. A prohibition order would be issued of a health practitioner's health, conduct or performance means they pose a serious risk to clients. This could be due to:

- practising unsafely, incompetently or while intoxicated by alcohol or drugs.
- financially exploiting a person.
- engaging in a sexual or improper personal relationship with a person.
- discouraging someone from seeking clinically accepted care or treatment.
- making false or misleading claims about the health benefits of a particular health service.
- making false or misleading claims about their qualifications, training, competence or professional affiliations.

In the future, the name of practitioners who have had a prohibition order issues against them will be added to a national Register of Prohibition. It is intended that a prohibition order issued in one state or territory will apply in all other states and territories. While this is being developed, prohibition orders will be available on individual states' websites.

How can I find out more about the national Code of Conduct and the Code-regulation regime?

Further information is available on the [COAG website](#). This includes reports and communiqués released by Health Ministers. You may also contact the health complaints entity in your state:

ACT: Health Services Commissioner / Human Rights Commission: (02) 6205 2222

NSW: Health Care Complaints Commission: (02) 9219 7444

NT: Health and Community Services Complaints Commission: (08) 8999 1969

Qld: Office of the Health Ombudsman: (07) 3120 5999

SA: Health and Community Services Complaints Commissioner: (08) 8226 8666

WA: The Health and Disability Services Complaints Office: 1800 813 583

Tas: Health Complaints Commissioner: 1800 001 170

Vic: Health Complaints Commissioner: 1300 582 113

As a speech pathologist what do I have to do to comply with the Code of Conduct?

It is **compulsory** for speech pathologists working in the states where the Code has been implemented to:

1. make a copy of the Code easily accessible to clients e.g. copy in the practice's waiting room, copy given to clients.
2. ensure information about how to make a complaint to the state based health complaints entity available to clients.

In Victoria, information about the Code must also be on a speech pathologist's website.

Resources, including posters of the Code of Conduct, are available on the state based websites. Some states have translated the Code into different language (NSW) and Easy English (SA) and Victoria has provided recommended text about the Code to publish on your website. See:

Victoria: <https://hcc.vic.gov.au/providers/general-providers>

New South Wales <http://www.hccc.nsw.gov.au/Information/Information-for-Unregistered-Practitioners>

South Australia: <http://www.hcsc.sa.gov.au/frequently-asked-questions/>

Queensland: <https://www.health.qld.gov.au/system-governance/policies-standards/national-code-of-conduct>

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