

AUSTRALIAN INSTITUTE OF KINESIOLOGISTS LIMITED (AIK Ltd)

CODE OF ETHICS AND CONDUCT

Updated November 2014

The Australian Institute of Kinesiologists Ltd was established in 1998 as a National Industry Body Representative for Kinesiology:

- *To provide an industry based Association for persons engaged in the practice of Kinesiology.*
- *To monitor, maintain, set and improve professional standards in Kinesiology education and practice.*
- *To be a self regulatory body providing registration of membership.*
- *To accredit Kinesiology courses taught by Kinesiology Instructors.*
- *To provide a mechanism for dealing with complaints about Members.*
- *To liaise with Government for the benefits of Members and the public.*
- *To liaise with Insurance and Health Fund Companies for Members benefits.*
- *To promote Kinesiology through advertising on the internet via its website, yellow/white pages and the print media with honesty and integrity.*
- *To be managed responsibly by a National Executive comprising elected Directors according to the Constitution and By-Laws of the AIK Ltd.*
- *To communicate with other professional bodies, Registered Training Organisations, Members Organisations and practitioners.*
- *To present as a Peak Industry Body representing Kinesiology and Kinesiologists to the Government, Insurance Companies, Health Funds and the general public.*

This **Code of Conduct** has been developed by The AIK Ltd for its Members to establish ethical and professional guidelines for a successful, legal and rewarding profession as a Kinesiologist. This Code has its roots in proven principles of ethical Professional Conduct across the Medical and Allied Health Professions and is incorporated in relation to common law and statute law, allowing for fairness and uniformity of a Kinesiology Practice in all states of Australia. Membership of The AIK Ltd commits Members to adhere to The AIK Ltd's **Code of Ethics and Conduct**. The AIK Ltd NE Board will not be held responsible for any breach of the Code of Ethics and Conduct by a member/s; and it is deemed that it is the AIK Ltd member's responsibility to be fully informed on any legislation in common law, state or territory law that affects their profession and their business.

The **Code of Ethics and Conduct** applies to Kinesiology work-related activities, including practice conduct, teaching, research, supervision of trainees, public demonstrations, and other activities that relate to overall general training, practice and employment of the Kinesiology profession.

This **Code of Ethics and Conduct** must be read and understood in its entirety, then signed by the Member for successful Membership Application. A copy is to be kept on hand at all times. Should a Member breach any of these Principles and a complaint be made by a client/member of the public/other professional, the Member may be contacted by The AIK Ltd to give an explanation of the complaint. This

may then proceed as per the Constitution / By-Laws for further investigation. The AIK Ltd will follow any common or state laws relative to the complaint of the member. If not resolved satisfactorily the Membership/Member may be censured or terminated.

Equal Opportunities Policy Statement:

The AIK Ltd is committed to promoting Equality of Opportunity of access and participation for all its Members in all of its structures and workings. The AIK Ltd has due regard for those groups of people who feel that they may have identifiable characteristics which may associate to visible and/or invisible barriers or restrictions which could make them feel inhibited or hesitant to joining and having full participation in The AIK Ltd. Barriers can include age, colour, creed, culture, disability, education, ethnicity, gender, information, knowledge, mobility, money, nationality, race, religion, sexual orientation, social class and status.

The work of The AIK Ltd aims to reflect this commitment in all areas including services to Members, employer responsibilities, the recruitment of and working with volunteers, setting, assessing, monitoring and evaluating standards and the implementation of the complaints procedures. This is particularly important as The AIK Ltd is the voice of Kinesiology in Australia. The guiding function of The AIK Ltd will be in The AIK Ltd Constitution and the By-Laws. The AIK Ltd will promote and encourage commitment to Equality of Opportunity by its Members.

Ethical Principles:

The helping relationship constitutes the effective and appropriate use of the practitioner's skills that are for the benefit and safety of the client in his or her circumstances. Therefore, as Members/Kinesiologists, regardless of level of Membership of The AIK Ltd, we will offer a non-judgmental, professional service, free from discrimination, honoring the individuality of the client.

Definition:

A client: A person or persons who agrees to pay for a Kinesiology treatment or session with a qualified Kinesiologist, regardless of place or time.

As Kinesiology Practitioners we will:

- Conduct ourselves ethically and professionally at all times.
- Render our professional services in accordance with holistic principles for the benefit and wellbeing of clients.
- Do no harm to client in accordance with the Hippocratic Oath.
- Ensure client understands the purpose, process and boundaries of the Kinesiology relationship.
- Do not offer or state that as a Kinesiologist you can cure or heal your client.
- Do not challenge or object a client's decision for any other medical treatment.
- Offer a promise of confidentiality and explain the limits of duty of care.
- For the purpose of advocacy, receive written permission from the client before divulging any information or contacting other parties' eg inter-professional relationship/referral.
- Respect an individual's autonomy, needs, values, culture and vulnerability in the provision of Kinesiology treatment.
- Not make claims to cure certain serious illness.

- Accept the rights of individuals and encourage them to make informed choices in relation to their healthcare, and support clients in their search for solutions to their health problems.
- Recognize our limitations and the competence of other healthcare professionals, and when appropriate, recommend that additional opinions and services be sought.
- Treat all Clients with respect, and do not engage in any form of exploitation for personal advantage whether financial, physical, sexual, emotional, religious or for any other reason.
- Have a commitment to continuing professional education to maintain and improve our professional knowledge and accountability, skills and attitudes through Continuing Professional Education, be it courses, seminars, conferences, books or further clinical training updates.
- Not act as or practice legal counsel on behalf of or to a client when practicing as a Kinesiologist or act as an agent for a client.
- Not initiate, develop or pursue a relationship, be it sexual or non sexual, with past or current clients, within three (3) years of the last Kinesiology session.
- Consider the need for professional indemnity insurance and when appropriate take out and maintain adequate cover.
- Display qualifications of relevance for the viewing of the client to validate what service is being offered.
- Be committed to these ethics and recognise that procedures for withdrawal of Membership will be implemented for breaches.

Duty of Care:

- The highest level of professional and ethical care shall be given to clients at all time.
- The practitioner will exercise utmost care to avoid unconscionable behaviour.
- The client has the right to receive treatment that is provided with skill, competence, diligence and care that a reasonable person would expect from a Kinesiologist and to exercise all reasonable care in ensuring that no harm comes to a client.
- In the exercise of care of the client, the practitioner shall not misrepresent or misuse their skill, ability or qualification.
- Kinesiologists must take all reasonable steps to ensure that the client does not suffer physical, emotional or psychological harm during a kinesiology session.
- Ensure room is well lit, ventilated and have a comfortable temperature and seating, with easy exit and comfortable working space between client and practitioner.

Professional Conduct of a Kinesiologist:

As Kinesiologists we must always remember that the client is placing all their trust in you the practitioner and you have a responsibility to honour that in all aspects of the treatment. This **Code of Ethics and Conduct** applies these values and ethical principles outlined here to more specific situations which may arise in the practice of Kinesiology. No clause or section should be read in isolation from the rest of The AIK Ltd Constitution and By-Laws. The AIK Ltd member would include in their business information eg Consultation Form, the option for a client to be able to make a complaint or inquiry to the Health Care Complaints Commission with the contact details of the state they operate a business within.

The **Code** will assist you to work with integrity in this relationship if followed closely in all aspects.

- The practitioner-client relationship is the foremost ethical concern, and ultimately, what is best for the client, not the practitioner, must be recognised and honoured.
- The practitioner must have achieved a level of recognised competency before commencing a

Kinesiology session for payment.

- Competence includes being able to recognise when it is appropriate to refer a client elsewhere.
- The practitioner is responsible for working in ways that respect and promote the client's ability to make decisions in light of his/her own beliefs, values and context.
- The practitioner shall not discriminate on the basis of race, age, religion, gender, ethnicity, sexual preference, political views, medical condition, and socioeconomic status, culture, and marital status, physical or mental disability.
- The practitioner is responsible for ensuring that any problems with mutual comprehension due to language, cultural differences or for any other reason are addressed at an early stage. Use of an interpreter needs to be carefully considered at the outset of the Kinesiology consultation. Suggest the client brings a friend with them.
- The practitioner must behave with courtesy, respect, dignity and discretion towards the patient, at all times respecting the diversity of individuals and honouring the trust in the therapeutic relationship.
- The practitioner has a responsibility to consider and address their own prejudices and stereotyping attitudes and behaviour and particularly to consider ways in which these may be affecting the Kinesiology consultation.
- The practitioner must not humiliate nor abuse a client under any circumstances.
- If necessary the practitioner will notify the client that the consultation has ended and request that the client vacate the premises if necessary.
- The practitioner should not induce a client into believing that the service being offered will address the needs of the client, when the expected outcome cannot be substantiated or the provision of the service is unnecessary.
- The practitioner must dress in appropriate attire and maintain a high level of personal hygiene in a clinical situation with the client.
- The practitioner must not smoke in the presence of a client in a professional clinical session.
- Practitioner members shall adhere to all the requirements of this **Code of Ethics and Conduct** whilst also adhering to the laws of the State or Territory in which they operate (including all relevant statute, common law and other codes where applicable).
- The practitioner must obtain a Working with Children Check from the regulatory body when working with children. This must be visible for all clients to see in the Kinesiologists clinic.
- If working with children under the age of consent a parent, guardian or adult should always be present during a consultation and therapy to prevent any claims against you.
- The practitioner shall not denigrate other Members of the Kinesiology profession.
- The practitioner shall not denigrate other members of allied healthcare professions.
- The practitioner shall not engage in activity, whether written or verbal, that will reflect improperly on the Kinesiology profession or The AIK Ltd.
- In the conveying of scientific or empirical knowledge to a patient, the practitioner shall act responsibly and ensure that all claims can be substantiated and are within the competence of the practitioner. The practitioner shall also refrain from the giving of any personal opinions and if personal opinion is given, the client shall be advised as such.
- In the clinical setting, the practitioner shall not be under the influence of any substance capable of impairing professional judgment, whether drugs, alcohol or medication.
- The practitioner shall be responsible for the actions of all persons under their employ, whether under contract or not.
- The products and medical devices used by the practitioner must be in accordance with Therapeutic Goods Law.
- The practitioner should ask the client about other therapies that are being undertaken in relation to the reason for the consultation, to prevent clashes of treatment which may be conflicting.

- The practitioner should assist the client find another healthcare professional if required.
- Should a conflict of interest or bias arise, the practitioner shall declare it to the client, whether the conflict or bias is actual or potential, financial or personal.
- Telephone or Internet consultations, without a prior face-to-face consultation, must not be conducted.
- The AIK Ltd member must adhere to continuous professional development or continuous professional education to maintain their health practitioner recognition.
- The fee for service and products charged by the practitioner must be reasonable, avoiding any excess or exploitation.
- All appointments by the client should be kept in records, e.g., an appointment book and client should be made aware of this fact.
- The practitioner will be clear to the client about fees being charged, services offered, arrangements for payment of fees and products, cancellation of appointments and other significant matters. The communication of essential terms and any negotiations should be concluded by having reached a clear agreement before the client incurs any commitment or liability of any kind.
- Under no circumstances may a student, staff member or another practitioner use someone else's Membership number or tax invoice book for purposes of issuing a health fund rebate tax invoice. The Member is responsible for the issue of their tax invoices.
- For complaints and conflicts between Kinesiology Practitioners; a Formal Disciplinary and Complaints Procedure is to be followed in writing to The AIK Ltd National Executive; as per the Constitution, By-Laws, Common Law and State and Territory Law.

Professional Boundary:

- The AIK Ltd member who has been diagnosed with a medical condition that can be passed on to a client/s must ensure that he or she practices in a manner that does not put clients at risk.
- The practitioner will not enter into an intimate or sexual relationship with a client.
- The practitioner will not engage in contact or gestures of a sexual nature to a client.
- The client will never be required to be naked for any Kinesiology therapy; however minimal removal of clothing may be required from time to time as the Kinesiology modality may require.
- Mammary glands and genitalia of a client will not be touched or massaged and only professional techniques applied to surrounding tissue as relevant to the Kinesiology training for the modality practiced.
- The practitioner must not under any circumstances conduct any internal examination of a client, excluding (mouth).
- The practitioner must not under any circumstances conduct any therapy in or around any body orifices, excluding (mouth).
- Any approaches of a sexual nature by a patient must be declined and a note made in the client's record. The Kinesiologist should inform the client that it is now inappropriate for a professional relationship; therefore the Kinesiologist would make an inter-professional referral for the client to ensure they have support.
- The AIK Ltd member must not attempt to dissuade clients from seeking or continuing with treatment by a registered medical practitioner.
- The AIK Ltd member must not practice while suffering from a physical or mental impairment, disability, condition or disorder (including an addiction to alcohol or a drug, whether or not prescribed) that detrimentally affects, or is likely to detrimentally affect, his or her ability to practice or that places clients at risk of harm.

Personal Information and Confidentiality:

- The practitioner will consult a client in a private setting unless the client gives permission otherwise.
- The session must not be overheard, recorded or observed by anyone (except in the case of children) other than with informed consent by the client.
- The practitioner will abide by the requirements of State, Territory and Federal privacy and client record law.
- The practitioner shall honour the information given by a client in the therapeutic relationship.
- The practitioner shall ensure that there will be no wrongful disclosure, either directly or indirectly, of a client's personal information.
- Client records must be securely stored, archived, passed on or disposed of in accordance with State, Territory and Federal client record law.
- Appropriate measures shall be in place to ensure that client information provided by facsimile, email, mobile telephone or other media shall be secure.
- The client has a right to be informed as to their treatment plan and products, and access to their information as far as the law permits.
- The practitioner must act with due care and obtain consent when conveying a client's information to another healthcare professional.
- Exceptional circumstances may arise which give the practitioner good grounds for believing that serious harm may occur to the client or to other people. In such circumstances the client's consent to make 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 willing or able to take responsibility for his/her actions. Referral to a Medical Practitioner or other authority may be required for the sake of all concerned. A note in the client's file should be made for the record and a copy of the correspondence sent by the Kinesiologist should be placed on the client's file.
- When case studies are used for reports/seminars/lectures or publications the client's informed consent must be obtained wherever possible and their identity must be effectively disguised.
- Client records must be properly maintained with adequate information of a professional standard.

Advertisements about Kinesiology, whether printed or electronic, must not:

The following standards of ethics refer explicitly to publicity, advertising and literature for Members of AIK Ltd. These guidelines for advertising of kinesiology have been developed by the AIK Ltd NE Board in accordance as introduced in each State and Territory:

States that a practitioner must not advertise a health service or business that provides a health service, in a way that: –

- a) Is false, misleading or deceptive or is likely to be misleading or
- b) Offers a gift, discount, or other inducement to attract a person to use the service or the business, unless the advertisement also sets out the terms and conditions of the offer; or
- c) That uses testimonials or purported testimonials about the service or business or
- d) Creates an unreasonable expectation of beneficial treatment; or
- e) Directly or indirectly encourages the indiscriminate or unnecessary use of health services.

The AIK Ltd encourages the member to be fully informed on all legislation and government bodies pertaining to their professional business; such as common law plus state and territory law of Fair Trading and the Australian Competition and Consumer Commission (ACCC).

The AIK Ltd NE Board will not be held responsible for the member's lack of knowledge or not abiding by these legislative acts. A Member is responsible for the style and contents of all advertising material associated to their professional business and their services. A Member cannot delegate accountability for ensuring the accuracy of advertising and compliance with these guidelines to another person or agency.

Member's obligations:

- Advertising is to be truthful and must be in accord with the ethics and spirit of the AIK Ltd.
- Misleading statements or exaggerations must not be used to attract clients.
- Advertising is not to compare one Member with another Member and is not to compare one technique with another technique or qualification of one to the other.
- A Member shall be conscientious in enlightening the public regarding the benefits of therapies approved by the Association, remembering that quality of service shall be a measure of the standing of the profession as a whole.
- A Member should always consider their professional ethical obligations and their legal obligations when advertising services.
- A member needs to be aware that a client of kinesiology services may not be aware or in the position to judge the merits of advertised services and products, and that they are more likely to hold a Kinesiology Practitioner as a health provider, in some esteem making them more vulnerable to believing the advertising claims. A member should not advertise in a manner that could be considered as attempting to profit from or take advantage of limited client understanding of any professional service.
- A member is obligated to advertise their **membership level** with their association membership ie Members name, Member of AIK Ltd (Membership Level), Logo – with no added additions within or around the AIK Ltd emblem will be permitted); if the Member wishes they can list their AIK Ltd membership number.
- Members are encouraged to place advertisements in the professional sections specific to the advertising medium ship they wish to use.
- A member is to advertise their name, address, qualifications, contact details (telephone numbers, email address, website address), AIK Ltd Membership and their Membership Level and is entitled to use the AIK Ltd logo (no additions within or around the AIK Ltd Logo/emblem will be permitted).
- A Member must state clearly their professional qualifications. A member who does not hold specialist qualifications recognised by the association or the government, or an endorsement recognised by another recognised association must not claim or hold himself or herself out to be a specialist, either explicitly or by implication, or attempt to convey that perception to the public.
- A Member must be able to substantiate any claims made in advertising material, particularly in relation to outcomes of treatment, whether implied or explicitly stated.

Business Directories, Signs, Radio, Television, Cinema and Internet:

- All such advertising via these media is to be in accordance with the ethics and spirit of the Association. All advertising must conform to Local, State, and Federal Law.

What is acceptable advertising for an AIK Ltd Member: (This section is intended to provide examples of the type of advertising of service that an AIK Ltd Member considers to be acceptable. These examples are not intended to be exhaustive).

- A clear and factual statement of the services and/or products offered.
- Contact details of the practitioner business location including contact numbers, email address and website addresses if appropriate.
- Clear information on office hours and availability of after hour's appointments.
- Accurate photos or drawings of the practitioner and/or their workplace.
- Information on availability of disabilities access ie wheelchair access.
- Accurate information if another language apart from English is available to the client.
- Accurate information on fees and charges including Health Funds/Insurance Rebates.
- Accurate information of the member's qualifications and the training programs from which the member has received recognition and qualifications from.
- Accurate terminology and to be balanced and use terminology that is understood readily by the public/client to whom it is directed.

What is considered unacceptable advertising for an AIK Ltd Member: (This section is intended to provide examples of the type of advertising of service that an AIK Ltd Member considers to be not acceptable. These examples are not intended to be exhaustive).

- To create false or unsubstantiated claims or unrealistic expectations about the Members services advertised.
- To criticise the services or products offered by another practitioner or modality.
- Mislead either directly or by implication, comparison, contract or omission.
- Claim services provided by a Member to be better, as safe as or safer than others.
- Contain language that could cause undue fear or distress.
- Contain price information that is inaccurate or fails to specify any conditions or variables to an advertised price.
- To contain any claim, statement or implication that:
 - a) expressing or by omission that the service is infallible, unailing, magical, miraculous, guaranteed, healing or a certain or a sure cure.
 - b) a Member has exclusive or unique skill or remedy or healing powers.
 - c) be vulgar, sensational, contrary to accepted standards of propriety or likely to bring kinesiology profession into disrepute, or sexist in any manner or format.
 - d) to make statements they are a doctor unless they have a doctorate degree or PhD and who are registered medical practitioners.
 - e) to avoid any confusion to the client or public within their advertisement.
 - f) to avoid phrases such as 'lowest prices' or similar words or discounts such as % when advertising prices for services or products or not fully disclosing the total cost of the service.

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CODE OF ETHICS AND CONDUCT

I shall at all times strive to maintain the highest levels of moral and professional conduct with my clients and the community.

I recognise each of my clients as an individual, consisting of mind, body and spirit. I commit to support the development and health of the whole being.

As a Kinesiologist with The Institute, I will always provide the highest possible standard of care to my clients.

I commit to continually improving and expanding my kinesiology skills, knowledge, understanding and techniques that improve the level of benefit I am able to provide.

I shall not denigrate a fellow Kinesiologist or any other allied health professional to another fellow Kinesiologist or in the presence of a client or lay person.

I shall conduct myself with respect and courtesy toward another Kinesiologist or practitioner of other health modalities during and outside of business hours.

I agree to practice kinesiology in a manner that does not violate State, Territory or Commonwealth laws.

I shall ensure that any person(s) employed by me or acting as an agent on my behalf shall adhere to the Code of Ethics in full.

I shall display a copy of this Code of Ethics and Conduct in a prominent position that is visible to all clients.

I may be liable to relinquish my membership to The AIK Ltd; if I am in breach of this Code of Ethics, Code of Conduct, Constitution, or By-Laws of The AIK Ltd.

Members Commitment:

As a Kinesiologist and Member of the AIK Ltd I agree to abide by the **Code of Ethics and Conduct** and accept the consequences should I be in breach of these requirements.

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PRINT NAME CLEARLY

.....Date...../...../.....
SIGNATURE