



Association for  
**Behaviour Analysis Australia**

# Code of Ethical Practice

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## Publication Information

The Association for Behaviour Analysis Australia (ABA Australia) is pleased to present the Code of Ethical Practice for members of ABA Australia. This document places an emphasis on the conduct and behaviour expected of the following members of ABA Australia: certified behaviour analysts, certified behaviour analysts - undergraduate, professional members and associate members in Australia. The Code of Ethical Practice will be subject to periodic amendments (this will generally occur at least every five years), which will be communicated to members of ABA Australia, and published on the ABA Australia website. Members must ensure that they remain up to date with the current version of the Code of Ethical Practice. An electronic version is available at [www.auaba.com.au](http://www.auaba.com.au).

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Version 1



## Acknowledgements

ABA Australia acknowledges the Traditional Owners of country throughout Australia, their diversity, histories and knowledge, and their continuing connections to land, water and community. We pay our respects to all Australian Indigenous Peoples and their cultures, and to Elders of past, present and future generations.

ABA Australia commits to acknowledge and understand the historical and contemporary disadvantage experienced by Aboriginal and Torres Strait Islander peoples and the implication this has for behaviour analytic practice.

ABA Australia acknowledges those individuals that face adversity and discrimination within the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community, those identifying as Queer Transgender Intersex People of Colour (QTIPOC), those from culturally and linguistically diverse backgrounds (CALD) inclusive of asylum seekers, refugees and migrants, those with diverse intergenerational migration histories and women.

ABA Australia is committed to working with you and understanding how we can better support you.



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# Glossary

For the purposes of this Code of Ethical Practice, unless the context indicates otherwise:

**Association** means Association for Behaviour Analysis Australia.

**Behaviour analyst** means any member irrespective of his/her/their professional registration status with the association.

**Behaviour analytic service** means any service provided by a behaviour analyst to a client including but not limited to professional activities, behaviour analytic activities, professional practice, teaching, supervision, research practice, professional services, and behaviour analytic procedures.

**Client** means a party or parties to a behaviour analytic service involving teaching, supervision, research, or professional practice in applied behaviour analysis. Clients may be individuals, couples, dyads, families, groups of people, organisations, communities, facilitators, sponsors, or those commissioning or paying for the professional service.

**Code** means ABA Australia's Code of Ethical Practice (2022) as amended periodically, and includes the definitions and interpretation, the application of the Code, all general principles, and the ethical standards.

**Conduct** means any behaviour by behaviour analysts:

1. that others may reasonably consider to be a behaviour analytic service;
2. outside their practice of behaviour analysis which casts doubt on their competence and ability to practise as behaviour analysts;
3. outside their practice of behaviour analysis which harms public trust in the discipline or the profession of behaviour analysis;
4. in their capacity as members of the Association; as applicable in the circumstances.

**Stakeholder** means any person or organisation other than clients with whom behaviour analysts interact in the course of rendering a behaviour analytic service. This includes, but is not limited to:

- (a) clients' relatives, friends, employees, employers, carers, and guardians;
- (b) other professionals or experts;
- (c) representatives from communities or organisations.

**Legal rights** mean those rights protected under laws and statutes of the Commonwealth of Australia, or of the state or territory in which a behaviour analyst is rendering a behaviour analytic service.

**Member** means a member, of any grade, of the Association.

**Moral rights** incorporate universal human rights as defined by the United Nations Universal Declaration of Human Rights that might or might not be fully protected by existing laws.

**Multiple relationships** occur when a behaviour analyst, rendering a behaviour analytic service to a client, also is or has been:



1. in a non-professional relationship with the same client;
2. in a different professional relationship with the same client;
3. in a non-professional relationship with an associated party; or
4. a recipient of a service provided by the same client.

**Peoples** are defined as distinct human groups with their own social structures who are linked by a common identity, common customs, and collective interests.

**Professional relationship** is the relationship between a behaviour analyst and a client that involves the delivery of a behaviour analytic service.

### **Interpretation**

In this Code, unless the contrary intention appears:

- A. words in the singular include the plural and words in the plural include the singular;
- B. where any word or phrase is given a defined meaning, any other form of that word or phrase has a corresponding meaning;
- C. headings are for convenience only and do not affect interpretation of the Code.



## Introduction

ABA Australia is excited to release the Code of Ethical of Practice for the benefit of all members, colleagues working as part of a team and most importantly, the community. This document describes what is expected of members of ABA Australia. This document is part of ABA Australia's professional self-regulation, which has been established to:

1. provide an industry-based association for persons engaged in applied behaviour analytic practice;
2. devise, set, monitor, maintain, update and improve professional standards in applied behaviour analytic practice;
3. be a self-regulatory body to provide for certification of members and to provide a mechanism for dealing with complaints about members; and
4. liaise with the government for the benefit of members and the public.

The Code sets out the ethical values that guide the professional practice of the members of ABA Australia. Behaviour analysts are required to uphold the dignity and honour of the profession and comply with professional standards of practice. There are eight standards that outline the expectations regarding knowledge, skills, and actions. Taken together, they support our members in using their professional judgement and making ethical decisions in their daily practice.

A core feature of this document is to ensure that behaviour analysts engage in conduct which promotes equity and the protection of people's moral rights. This document provides an opportunity for the profession to more clearly articulate the ethical behaviour of the Association's members in clinical settings or when providing services for a defined consumer group. It sets out the principles that describe good practice and states ethical values and professional conduct anticipated by our members. We encourage all behaviours analysts in Australia to use these standards of practice in every aspect of their work.

Behaviour Analysts are governed by the Code and have an obligation to know and abide by it. A lack of awareness or understanding of any clause in the Code is not considered a defence in relation to a charge of alleged infringement. It is also expected that behaviour analysts understand and act in accordance with the laws of the jurisdictions in which they practise and, where applicable, the organisational rules and frameworks that relate to the services they provide. The Code is not exhaustive, and therefore conduct that is not specifically addressed by the Code may not necessarily be ethical.

The Code will be reviewed regularly to ensure that it is kept up-to-date with environmental and societal changes. Whilst this is the first version of the Code, it has been written with respect to established ethical values to guide behaviour analysts.





## The Practice of Applied Behaviour Analysis

We have adopted the definition of the “practice of applied behaviour analysis” from the Association of Professional Behaviour Analysts (2018).

**PRACTICE OF APPLIED BEHAVIOR ANALYSIS.** The design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The practice of applied behavior analysis includes the empirical identification of functional relations between behaviour and environmental factors, known as functional assessment and analysis. Applied behavior analysis interventions are based on scientific research and direct and indirect observation and measurement of behavior and environment. They utilize contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other procedures to help individuals develop new behaviors, increase or decrease existing behaviors, and emit behaviours under specific environmental conditions. The practice of applied behavior analysis excludes diagnosis of disorders, psychological testing, psychotherapy, cognitive therapy, psychoanalysis, and counseling. (Association of Professional Behavior Analysts, 2018, pp. 4-5)

## Cultural Humility

This code recognises the ethical obligation of behaviour analysts to provide care in a culturally safe and responsive manner. ABA Australia is committed to supporting behaviour analysts in a way that acknowledges and incorporates the importance of culture, the assessment of cross cultural relations, vigilance towards the dynamics that result in cultural differences, the expansion of cultural knowledge, and the adaptation of services to meet culturally unique needs. Culturally safe, and appropriate care is a key strategy for improving access to services for all individuals, including Aboriginal and Torres Strait Islander people.



## Ethical Values

These values reflect the commitment of behaviour analysts to act in the interests of the client (beneficence), do no harm or prevent harm from occurring (non-maleficence), respect self-determination (autonomy) and ensure fair and equitable allocation of resources (justice). The principles in this Code reflects ABA Australia's core set of beliefs and values of:

Competence	<p>Gain sufficient knowledge to practise as a behaviour analyst and strive to continuously improve their understanding of current knowledge and information relevant to the profession.</p> <p>Be committed to ongoing professional development.</p> <p>Engage in regular supervision to develop skills, monitor performance and sustain professional accountability.</p>
Accountability	<p>Put the client's safety and well being at the centre of all behaviour analytic services.</p> <p>Ensure the client's understanding of the purpose and boundaries of behaviour analytic services.</p> <p>Protect the confidentiality of all professionally acquired information.</p>
Collaboration	<p>Acknowledge a person's right to make choices, to hold views, and to take actions based on personal values and beliefs.</p> <p>Build positive relationships with colleagues by demonstrating respect, trust, and integrity.</p> <p>Respect the aims, objectives, and philosophy of ABA Australia and carry these out with integrity, and in ways that promote confidence in ABA Australia and its services.</p>
Transparency	<p>Act with integrity and truthfulness, ensure fairness and non-discrimination, and promote the well-being of their clients within the larger society. In general, clients' interests are primary. However, behaviour analysts' responsibility to the larger society or specific legal obligations may on limited occasions supersede the responsibility to the clients, and clients should be so advised.</p>
Equality	<p>Understand, regardless of race, religion, gender, age, sexual and gender diversity, or other individual differences, a person has a right to maximise his or her potential providing it does not infringe upon the rights of others.</p>



## Standard 1: Knowledge of Practice

**Description:** Formal knowledge and theory for behaviour analysts to use in practice.

### Component 1.1: Theoretical Viewpoint

**Description:** Behaviour analysts adhere to a number of basic assumptions about behaviour.

**Performance Criteria:**

- Behaviour analysts understand that all behaviour serves a function and environmental context affects behaviour.
- Behaviour analysts know that reduction of behaviour of concern is important, but is not the main purpose of successful intervention; effective ABA results in improvements in quality of life and acquisition of skills.
- Behaviour analysts use scientific principles, conceptual analysis, and procedures developed and defined in ABA when conducting assessments, and developing and evaluating intervention.
- Behaviour analysts critically examine and keep current with emerging knowledge relevant to ABA and use assessment and intervention supported by research in their professional practice.
- Behaviour analysts uphold the right for clients to receive effective, empirically validated treatment.
- Behaviour analysts work to provide quality and effective behaviour analytic services that have been empirically validated.

### Component 1.2: Professionalism

**Description:** Behaviour analysts are committed to protecting clients of behaviour analytic services from any form of harm.

**Performance Criteria:**

- Behaviour analysts' practice reflects legislation and professional organisations codes and bylaws (e.g., ABA Australia, BACB, etc.).
- Behaviour analysts ensure that they accurately represent their education, training, experience and Association membership status in all spoken, written or printed communications. They avoid misrepresentation or exaggeration about ABA competencies



and expertise in the services offered. They avoid offering clients a false or unreasonable expectation of behaviour analytic services.

- Behaviour analysts deliver services in a timely manner.
- Behaviour analysts ensure that their level of clinical knowledge and skills are appropriate to safely provide services to a client.
- Behaviour analysts take all reasonable steps to reduce risks of harm to clients and colleagues with whom they work. Environments presenting risk of harm are evaluated and relevant persons informed of measures necessary to reduce such risk and foster safe and secure places of work or leisure.
- Behaviour analysts ensure that the safety and wellbeing of clients always takes precedence over professional or other loyalties.
- Behaviour analysts maintain Public Liability and Indemnity Insurance to such levels relevant to their scope of practice.
- Behaviour analysts will also ensure they have the appropriate Working with Children's Checks (SA, NSW, QLD, NT, WA) and/or Working with Vulnerable People (ACT, TAS) relating to vulnerable populations for whom they provide services.

## Standard 2: Competence and Collaboration

**Description:** Behaviour analysts recognise that understanding the cultural context in which behaviour analytic services occur is critical to providing culturally competent and collaborative services. Understanding cultural diversity is essential to working with people whose experiences differ from those of the behaviour analyst.

### Component 2.1: Cultural Humility

**Description:** Behaviour analysts acknowledge diversity in culture, values and belief systems and ensure their practice is non-discriminatory, and promotes dignity and self-determination.

**Performance Criteria:**

- Behaviour analysts collaboratively plan and provide ethically based services consistent with the mental, physical, spiritual, emotional, social and cultural needs of the client.
- Behaviour analysts document and act upon cultural considerations affecting assessment and intervention.
- Behaviour analysts integrate cultural perspectives within the scope of their practice.



- Behaviour analysts understand and respect Aboriginal and Torres Strait Islander people and promote reconciliation between Indigenous and non-Indigenous Australians.
- Behaviour analysts advocate for culturally appropriate practices, and respect the cultural values and beliefs of all groups and individuals.

## Component 2.2: Collaboration

**Description:** Behaviour analysts collaborate and engage with clients, other stakeholders, and community to develop, activate, and evaluate comprehensive behaviour analytic services.

**Performance Criteria:**

- Behaviour analysts establish collaborative partnerships that facilitate and support clients to participate in all aspects of their service delivery.
- Behaviour analysts are respectful of the individual's choices, experiences and circumstances.
- Behaviour analysts acknowledge a person's right to make choices, to hold views, and to take actions based on personal values and beliefs.
- Behaviour analysts respect and collaborate with colleagues, including community partners and members of other professions, to access resources and expertise.
- Behaviour analysts demonstrate communication skills that promote engagement with other agencies and stakeholders.
- Behaviour analysts disseminate evidence-based information on ABA in ways that are useful to their audiences.

## Component 2.3: Education and Ongoing Professional Development

**Description:** Continuing education is fundamental to the practice of ABA. It is essential that behaviour analysts promote and share opportunities for expanding knowledge, experiences, and ideas, for the purpose of professional development and maintain behaviours stated in the Code. Failure to do so constitutes a disservice to the client and to the field of ABA.

**Performance Criteria:**

- Behaviour analysts continue to develop and maintain knowledge and skills relevant to ABA practice.
- Behaviour analysts complete recognised training and achieve a level of competence before commencing practice. When providing services, behaviour analysts use techniques, procedures, and modalities that are grounded in research and behaviour analytic theory. They practice only within the boundaries of their competence, based on their education, training and supervised professional experience.



- Behaviour analysts practice in areas new to them only after appropriate education, training, and supervised experience. While developing skills in the new speciality areas, behaviour analysts take steps to ensure the competence of their work and protect others from any possible harm.
- Behaviour analysts must have, and be able to provide documentary evidence of training and experience, including evidence of specific areas of expertise.
- Behaviour analysts are aware of the latest research in areas of application specific to their expertise.
- Behaviour analysts have an ethical responsibility to consult journals relating to their areas of expertise and to attend conferences, workshops, and training opportunities to keep informed of advances in those areas.
- In order to enhance their professional competence, monitor performance and provide accountability for their practice, certified behaviour analysts and certified behaviour analyst - undergraduates will engage in professional development activity as outlined in a document *Continuing Professional Development Policy* (ABA Australia, 2022) for a minimum of 20 units per 1 year cycle. Professional members are required to complete 10 units per 1 year cycle.
- Members of ABA Australia are expected to attend, contribute to and participate in the continuing education activities of the Association.

## Standard 3: Confidentiality and Communication

**Description:** Confidential communication is one made with the expectation of privacy. Information that is confidential is private information that is not accessible to the general public.

### Component 3.1: Privacy

**Description:** Behaviour analysts have a clear understanding of their legal and ethical obligations in relation to the privacy of clients' personal information, and apply this knowledge in accordance with the legislation.

**Performance Criteria:**

- Behaviour analysts comply with the 13 Australian Privacy Principles in the Federal Privacy ACT 1988.
- ACT, NSW and Victorian behaviour analysts must be familiar with their relevant Health Records Act to ensure compliance
  - ACT: The Health Records (Privacy and Access) Act 1997. This can be accessed online from <http://www.legislation.act.gov.au/a/1997-125/default.asp>



- NSW: The Health Records and Information Privacy Act 2002. This can be accessed online from [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/hraipa2002370/index.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/hraipa2002370/index.html)
- Victoria: The Health Records Act 2001. This can be accessed online from <http://www.austlii.edu.au/au/legis/vic/consol%5fact/hra2001144/index.html>
- Behaviour analysts must have a privacy policy available to clients.

## Component 3.2: Informed Consent

**Description:** Behaviour analysts seek to obtain the informed consent of all clients to whom professional services or research participation are offered.

### Performance Criteria:

- Behaviour analysts obtain consent prior to commencing behaviour analytic services.
- Behaviour analysts explain the nature and purpose of the procedures they intend to use and clarify the reasonably foreseeable risks, adverse effects, and possible disadvantages of those procedures.
- Behaviour analysts explain how information will be collected, stored, and who will have access to the stored information.
- Behaviour analysts advise clients that they may withdraw consent at any time.
- Behaviour analysts keep adequate records of when, how, and from whom consent was obtained.
- Behaviour analysts explain confidentiality (see below) and the conditions under which the behaviour analytic services may be terminated.
- If a client's capacity to give consent is limited or impaired, every effort will be made to adapt our communication (including documentation) to be understood by the client. Where this is not possible consent is gained from people who have the legal authority to act on behalf of the client.
- It is the responsibility of the behaviour analyst to inform clients that they are members of ABA Australia.
- Behaviour analysts should discuss with clients their policies concerning the use of technology in the provision of professional services.
- Behaviour analysts who use technology to provide behaviour analytic services should obtain informed consent from the individuals using these services.
- Behaviour analysts who make audio, video or photographic recordings of clients must do so with consent from the client, or their legally appointed guardian.



## Component 3.3: Confidentiality

**Description:** Behaviour analysts respect confidentiality of client information obtained during the provision of behaviour analytic services, and obey all laws pertaining to privacy and sharing of information.

**Performance Criteria:**

- Behaviour analysts discuss confidentiality at the commencement of behaviour analytic services, and thereafter as necessary.
- Behaviour analysts assist colleagues, staff, and supervisees to understand and respect the provisions of this standard concerning the handling of confidential information.
- Behaviour analysts grant reasonable requests from (former) clients, to access client information, with consideration to any legislative exceptions.
- Behaviour analysts explain the limitations to confidentiality, such as potentially conflicting legal and ethical obligations.
- Behaviour analysts may discuss clients when consulting colleagues, or in the course of supervision or professional training, provided the behaviour analyst conceals the identity of clients and associated parties involved or obtains the client's consent, and gives prior notice to the recipients of the information that they are required to preserve the client's privacy.
- Behaviour analysts restrict breaches of confidentiality to those exceptional circumstances under which there appears sufficient evidence to raise serious concern about;
  - the safety of clients;
  - the safety of other persons who may be endangered by the client's behaviour;
  - the health, welfare or safety of children or vulnerable adults; or
  - when a court or tribunal has ordered during the process of legal proceedings that information be divulged or a document be produced from the client's files.
- Behaviour analysts consult with a supervisor/professional colleague when contemplating a breach of confidentiality, unless the delay occasioned by seeking such consultation is rendered impractical by the immediacy of the need for disclosure.
- Breaches in confidentiality are clearly documented within a client's file.
- Behaviour analysts obtain consent from clients, or their legally appointed guardian, for disclosure of confidential information to third parties, unless required to do so by law. Third parties may include other professionals or agencies, other services within the acting agency, known persons to the client (such as friends or relatives), or any other person.





## Component 3.4: Record Keeping

**Description:** Behaviour analysts understand the ethical and legal requirements associated with the preparation, management, storage and disposal of client records in clinical and research settings, and apply this knowledge in accordance with this standard.

**Performance Criteria:**

- As allied health service providers, behaviour analysts have a legal obligation to comply with the requirements of the Federal Privacy Act and relevant state health records legislation in the collection and management of personal information, including health information. See the information detailed in Component 3.1 Privacy.
- Behaviour analysts are required to create, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to:
  - Promote continuity of a client's service through the maintenance of accurate and comprehensive records;
  - Allow for replication of research design and analyses;
  - Meet organisational requirements;
  - Ensure accuracy of billing and payments;
  - Ensure compliance with law; and
  - Maintain confidentiality
- Behaviour analysts ensure all entries in a client's records are accurate and concise statements of fact or clinical judgments relating to assessment, treatment and professional advice.
- Behaviour analysts ensure that all entries are relevant to that client and do not contain prejudicial, derogatory or irrelevant statements about the client.
- Behaviour analysts allow clients to access their record without unreasonable delay or expense.
- Behaviour analysts record and store confidential information in a secure manner that minimises the risk of loss, damage or access from unauthorised personnel. This includes secure backup of electronic records.
- Behaviour analysts retain records for a minimum period of seven years from the date the last entry was made. For clients less than 18 years of age, records must be retained for seven years from the date the client turns 18.
- Behaviour analysts dispose of records in a way that will preserve the confidentiality of any information contained in them, and note the date and method of disposal of client records.



## Standard 4: Conflicts of Interest

Description: Behaviour analysts by virtue of their professional role and responsibilities, understand that they are often in a position of privilege and trust. They must not exploit their clients sexually, financially or otherwise.

### Component 4.1: Professional Boundaries/Dual Relationships

**Description:** Behaviour analysts understand the importance of maintaining professional boundaries with clients, relevant stakeholders and colleagues. They are aware of dual relationships, identify and declare conflicts of interest when they arise and take action to prevent harm to clients or their relevant stakeholders.

**Performance Criteria:**

- Behaviour analysts establish and maintain professional relationship boundaries that prioritise therapeutic benefit and safeguard the best interest of their clients against exploitation.
- Multiple relationships occur when a behaviour analyst and their client or person closely associated with the client engage in one or more separate and distinct relationships at the same time.
- Behaviour analysts engage in ethical multiple relationships with caution and in a manner that is compatible with their professional role. Not all multiple relationships are unethical, and some need not be avoided, including those that are due to geographic proximity, diverse communities, community activities, or that fall within the context of culturally corresponding relationships.
- Behaviour Analysts are aware of their influential position with respect to clients or people closely associated with the client, and avoid relationships that are reasonably likely to exploit the trust and/or dependence of clients or which may impair the behaviour analyst's objectivity, competence, or effectiveness in performing their professional role.
- If a behaviour analyst finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the behaviour analyst takes reasonable steps to resolve it with due regard for the best interests of the affected person and maximal compliance with the Code.
- When behaviour analysts are required by law, organisational policy, or extraordinary circumstances to serve in more than one role, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur.
- Prior to engaging in a non-sexual relationship with former clients, behaviour analysts take care to avoid engaging in interactions that may be exploitive or harmful to the former client. Behaviour analysts consider factors that include, but are not limited to, the potential continued emotional vulnerability of the former client, the anticipated consequences of involvement with that person, and the elimination of the possibility that the former client resumes services in the future with that behaviour analyst.



- Behaviour analysts should under no circumstances engage in sexual activities, inappropriate sexual communications through the use of technology or in person, or sexual contact with current clients, whether such contact is consensual or forced.
- Behaviour analysts should not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom the client maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. Behaviour analysts--not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship--assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.
- Behaviour analysts should not engage in sexual activities or sexual contact with former clients.
- Behaviour analysts should not provide clinical services to individuals with whom they have had a prior sexual relationship.
- Behaviour analysts should not provide or do their best to avoid providing clinical services to individuals with whom they have an existing relationship that is not of a professional nature.

## Component 4.2: Giving or Receiving Gifts

**Description:** Behaviour analysts maintain boundaries by recognising that receiving or giving gifts can violate boundaries. Gifts from clients may be offered, even unintentionally, as a means to secure 'special' or preferred treatment.

### **Performance Criteria:**

- Generally gifts should be discouraged in order to place the needs and interests of clients before the personal interests of the behaviour analyst. When declining gifts, behaviour analysts should do so in a manner that is respectful of cultures or social practices where gift-giving is customary. In any case, behaviour analysts should only give or accept gifts with a low value.
- All gifts of a significant value (either monetarily or sentimentally) given/received should be documented in the client record. Behaviour analysts must use their professional judgement to determine if the gift is of significant value to the client.
- Behaviour analysts should consider if it could reasonably be perceived that the offering of a gift is intended to influence or increase the power the client holds within the behaviour analyst-client relationship. If it is interpreted as such, the behaviour analyst should decline the gift and re-establish the expectations of the professional relationship.
- Behaviour analysts must not allow gift giving/receiving to influence their professional decision-making, or to be perceived to be influenced, by any consideration, gift or advantage offered by or to clients, colleagues, and other industry representatives.



## Component 4.3: Reporting Misconduct

**Description:** Behaviour analysts are to report and address misconduct and other unacceptable behaviour by a colleague in a fair, timely and effective way.

### Performance Criteria

- If a behaviour analyst becomes aware of a colleague's misconduct, they shall act in accordance with the following:
  - Bring to the attention of a colleague any concerns they have about that person's ethical conduct or professional judgement;
  - Recommend, where appropriate, to those directly affected by another behaviour analyst's alleged misconduct, that they notify that person's employer or the behaviour analyst's relevant association or professional organisation.
- A behaviour analyst who, after reflection, considers a colleague to have seriously breached the Code in a way that constitutes a serious risk to the well-being of a client, colleague, or any member of the public, should discuss that behaviour analyst's alleged misconduct with their supervisor, manager, or the relevant association to determine the appropriate course of action.
- The criteria for risk which may result in a behaviour analyst being reported for misconduct includes, but is not limited to:
  - Practising while intoxicated by alcohol or drugs;
  - Engaging in sexual misconduct within professional practice;
  - Conduct which places clients or the public at risk of substantial harm; or
  - Significant deviation from accepted professional standards.

## Standard 5: Ethical and Responsible Business Practice

**Description:** Behaviour analysts have a responsibility to conduct themselves professionally in all aspects of their practice. ABA Australia members must practise in a way that is consistent with jurisdictional codes of conduct and legislation that may apply to their professional services.



## Component 5.1: Appropriate Billing

**Description:** Behaviour analysts make financial arrangements with clients and supervisees that are understandable, and conform to accepted professional practices and legal requirements.

**Performance Criteria:**

- Behaviour analysts should be honest in any financial arrangements with clients.
- Clients have a right to know how much services will cost and how much they will be charged before accepting treatment. Prior to the commencement of services, behaviour analysts must disclose their fees and the basis upon which they are computed, including, but not limited to, charges for cancelled or missed sessions, and give reasonable notice of any changes in fees or other charges.
- Behaviour analysts take responsibility for making a clear contract with the client to include issues such as availability, fees, and cancelled appointments. Behaviour analysts ensure that the contract is agreed, if feasible, before work commences. Any subsequent revisions of the contract shall be agreed with the client before they take effect.
- Behaviour analysts should communicate fees for non-clinical services (e.g. travel) and inform clients of any fee to be charged before providing such services.
- Behaviour analysts do not financially exploit their clients.
- Behaviour analysts give reasonable notice to clients with unpaid balances of their intent to take legal action or to refer for collection. Behaviour analysts first inform the client that such measures will be taken and provide that person an opportunity to make a payment.
- Whenever legal action is taken, behaviour analysts will avoid disclosure of clinical information. Whenever unpaid balances are referred to collection agencies, behaviour analysts will exercise care in selecting collection agencies and will avoid disclosure of clinical information.
- Behaviour analysts ordinarily refrain from accepting goods or services from clients in return for services rendered due to the potential for conflicts, exploitation, and/or distortion of the professional relationship. Bartering should only be considered and conducted if the client requests it, the bartering is not otherwise exploitive or detrimental to the therapeutic relationship, and it is negotiated without coercion. Behaviour analysts are responsible to ensure that such arrangements are not exploitive and that a clear written agreement is created. Behaviour analysts are encouraged to consider relevant social and/or cultural implications of bartering including whether it is an accepted practice among professionals within the community.
- Behaviour analysts represent facts regarding services rendered and payment for services fully and truthfully to third-party payers and/or guarantors of payment. When appropriate, behaviour analysts make reasonable efforts to assist their clients in obtaining reimbursement for services rendered.
- If limitations to services can be anticipated because of limitations in financing, this is discussed with the recipient of services as early as is feasible.
- Behaviour analysts do not withhold client records or information solely because the behaviour analyst has not been paid for prior professional services.



- Behaviour analysts can exercise the option to pause or cease professional services and pursue remuneration if a client has unpaid balances.

## Component 5.2: Advertising

**Description:** Behaviour analysts who advertise do so appropriately and recognise that advertising in all of its forms enables consumers to choose professional services based upon accurate information.

### Performance Criteria:

- Behaviour analysts accurately represent their education, training, and experience relevant to their professional practice to clients and others.
- Behaviour analysts take reasonable steps to ensure that advertisements and publications convey accurate information to the public, whether in directories, business cards, newspapers, radio, television, websites, email, social media, etc.
- Behaviour analysts do not use any means of professional identification, including but not limited to: a business card, office sign, letterhead, telephone, email address, association directory listing, Internet, social media or any other media, if it includes a statement or claim that is false, fraudulent, misleading, or deceptive. A statement is false, fraudulent, misleading, or deceptive if :
  - It contains a material misrepresentation of fact,
  - Omits any material fact necessary to make the statement,
  - In light of all circumstances, not misleading, or is intended to or is likely to create an unjustified expectation.
- Behaviour analysts do not solicit testimonials from those clients who, due to their particular circumstances, are vulnerable to undue influence.
- ABA Australia members may identify their membership in ABA Australia in public information or advertising materials, but they must clearly and accurately represent their membership status. Behaviour analysts may use the ABA Australia logo only after receiving written permission from the Association.

## Component 5.3: Termination or Interruption to Services

**Description:** In some circumstances, the relationship between a behaviour analyst and a client may become ineffective or compromised and may need to end. Good practice involves ensuring that the client is informed adequately of the decision and facilitating arrangements for the continuing care of the client, including passing on relevant clinical information.

### Performance Criteria:

- Behaviour analysts make all reasonable efforts to facilitate the continuation of services for the client. When services are interrupted due to illness, annual leave, relocation or other reasons relating to the circumstances of the behaviour analysts or the employer, behaviour analysts should, where possible, discuss with the client any issues involved



with termination or interruption to services, assist the client with the process, and refer the client to alternative services if required. The following actions are suggested:

- Discuss service needs with relevant parties;
- Provide appropriate pre-termination services and advice;
- Suggest alternative relevant service providers; and
- Facilitate timely transfer of reports, documentation, service plans to another provider with full consent of all parties involved, where appropriate.
- Behaviour analysts shall terminate or interrupt services at their discretion, with client agreement wherever possible, when:
  - The services are no longer necessary for the client when all work requested by the client has been completed,
  - The client is no longer benefiting from the service as evidenced by no measurable progress towards goals after consistent months of engaging in behaviour analytic services,
  - There has been a breakdown in a therapeutic relationship which negatively impacts the quality of services to the client; or
  - The client has failed to attend appointments and does not respond to a reasonable amount of communications.
- Behaviour analysts should document in writing any termination of service.
- The client has the right to discontinue services or engage another service at their own choosing, with given notice depending on the signed client agreement in place.

## Component 5.4: Self-Care

**Description:** Behaviour analysts have a number of responsibilities toward themselves. These maximise the likelihood that the behaviour analyst is able to provide effective behaviour analytic services to clients, and to ensure that their physical, mental, and emotional state does not impair their ability to provide competent services.

### Performance Criteria:

- Behaviour analysts engage in self-care strategies to maintain and enhance physical, emotional, and psychological well being; keeping a healthy balance between work and other aspects of life.
- Behaviour analysts will monitor their own physical and mental health and general well-being to allow them to undertake their professional responsibilities competently.
- Behaviour analysts will seek appropriate assistance for problems that interfere with their professional duties, due to personal or emotional difficulties including illness, bereavement, trauma, alcohol or drug misuse or dependency, or any other significant distress.
- Behaviour analysts, if necessary for the safety of their clients and their own wellbeing, limit, suspend or terminate their professional responsibilities until such time as their health and/or well-being is satisfactorily restored, ensuring that alternative care for their clients is available if appropriate.





## Component 5.5: Complaints and Feedback System

**Description:** Behaviour analysts understand that complaints may arise and have the skills and knowledge to respond appropriately and effectively to a client complaint.

**Performance Criteria:**

- Behaviour analysts must inform their clients of the Association's Code and provide information on how to make a complaint in the event of dissatisfaction with services provided.
- Behaviour analysts should have a comprehensive complaint management process that encompasses the following objectives:
  - To provide an efficient, fair and accessible mechanism for handling complaints from clients;
  - To recognise, promote and protect the rights of the client;
  - To collect data and monitor complaints to enable ongoing improvement in service delivery; and
  - Attempt to resolve complaints by handling them directly, promptly and professionally.

## Standard 6: Ethical and Responsible Assessment and Intervention

**Description:** Behaviour analysts have a responsibility to follow a behaviour analytic framework for assessment and intervention.

### Component 6.1: Data Collection and Interpretation

**Description:** Behaviour analysts understand that data based decision making is a fundamental element of ABA and measuring behaviour is a critical component.

**Performance Criteria:**

- Behaviour analysts use operational definitions to describe target behaviours.
- Behaviour analysts use data systems that are appropriate for target behaviours.
- Behaviour analysts maintain data collection throughout their involvement with a client. This includes, but is not limited to, baseline measurements, measuring behaviour during relevant times and contexts, use of interobserver agreement, and graphical displays of collected data.





- Behaviour analysts use graphic displays of data to support decision making during the assessment, intervention, and evaluation of intervention.
- Behaviour analysts collect and use data in all aspects of their practice to allow data-based decision making and recommendations for services.
- Behaviour analysts use data to make decisions regarding whether to maintain, revise, or terminate interventions.
- Behaviour analysts convert all relevant raw data into standardised format that is presented in a clear and easy to understand manner (e.g., axis labels, phase change lines, data labels).
- Behaviour analysts evaluate data frequently throughout services to track trends and intervention effects.
- Behaviour analysts use data to determine if additional collaboration is needed to achieve intended outcomes.
- Behaviour analysts share data with relevant stakeholders.

## Component 6.2: Assessment

**Description:** Behaviour analysts conduct observations of behaviour and use other assessments to make informed decisions.

**Performance Criteria:**

- Behaviour analysts consider medical or biological reasons for the behaviour of concern and within reason attempt to address these variables, and document work related to addressing medical/biological variables.
- Behaviour analytic assessment is conducted prior to making any recommendations for behaviour change procedures.
- Behaviour analysts use assessments of behaviour that are evidence-based.
- When treatment appears to be needed, a functional behaviour assessment and/or skills assessment should be completed in a timely manner.
- Functional behaviour assessment should include the use of indirect assessments, direct assessments and/or functional analysis.
- Behaviour analysts explain the assessments results to clients and relevant stakeholders in a manner that is easy to understand.
- Assessment results should discuss the effects of the environment on the client's behaviour.
- Behaviour analysts who use technology to provide behaviour analytic services should assess the clients' suitability and capacity for electronic and remote services. Behaviour analysts should consider the clients' intellectual, emotional, and physical ability to use technology to receive services and the clients' ability to understand the potential benefits, risks, and limitations of such services. If clients do not wish to use services provided through technology, behaviour analysts should help them identify alternate methods of service.



## Component 6.3: Intervention/Behaviour Change Procedures

**Description:** Behaviour analysts use interventions that are individualised and personalised to the client's unique needs and address behaviours that are of concern to the client and/or relevant stakeholders.

**Performance Criteria:**

- Behaviour analysts' interventions are directly related to assessment data.
- Interventions have clear treatment goals that are achievable/realistic in the identified time frame and include measurement procedures to assess behavioural change.
- Behaviours are clearly defined in an objective and measurable manner.
- Behaviour analysts use interventions that are research-based procedures and based on the principles of learning.
- Interventions should take place in the natural environment as much as possible.
- Interventions should emphasise skill building while replacing behaviour of concern.
- Interventions should include generalisation and maintenance procedures.
- Interventions should focus on using reinforcement-based procedures.
- Behaviour analysts use behaviour-change procedures that are conceptually consistent with behaviour analytic principles and scientific knowledge.
- Behaviour analysts need to be aware of potential pressure from others (e.g., clients, relevant stakeholders, funding bodies, etc.) to change or influence intervention away from what is considered best practice in the behaviour analytic field. If such a situation arises, then the behaviour analyst should (1) make those relevant parties aware of the Code, and (2) try to educate those parties on the need to use best practice behaviour analytic intervention.

## Standard 7: Ethical and Responsible Supervision

**Description:** Behaviour analysts who act as supervisors should strive to create and maintain a collaborative relationship that nurtures the supervisees' professional competence.

### Component 7.1: Supervisor-Supervisee Relationship

**Description:** Supervisors are responsible for maintaining the professional boundaries in a supervisory relationship. Supervisors shall not exploit supervisees sexually, financially or otherwise.



### **Performance Criteria:**

- Supervisors must clearly set, define and maintain ethical boundaries between professional, personal, and social relationships with their supervisees.
- Supervisors may not enter into any sexual relationships with supervisees.
- Supervisors recognise the value and dignity of supervisees and their clients irrespective of age, class, disability, ethnicity, gender, party politics, race, religion, sexual orientation or social standing.
- Supervisors will hold appropriate professional indemnity insurance as well as public liability insurance for their supervision work.
- Supervisors should ensure the following of their supervisees:
  - They belong to a professional ABA association (i.e., ABA Australia, and any others);
  - They adhere to the Code;
  - They are aware of the Association's complaints procedure;
  - They have appropriate professional indemnity insurance as well as public liability insurance cover; and
  - That their client practice is appropriate to their level of competence and training.
- Supervisors and supervisees establish a formal supervisory contract that covers all aspects of the supervision relationship (e.g., supervisor qualifications, fees, amount of and frequency of supervision, etc.).
- The usual principles of confidentiality cover all aspects of the supervisory relationship.
- Contact with third parties shall only occur with the knowledge and consent of the supervisee.
- Supervisors and supervisees have a responsibility to ensure that the privacy of the client is respected.
- Given that the primary purpose of supervision is to ensure that the supervisee is addressing the needs of the client:
  - Supervisees are responsible for their work with the client, and for presenting as honestly as possible that work to the supervisors; and
  - Supervisors are responsible for encouraging and facilitating supervisees to develop professionally by reflecting analytically upon that work.
- Supervisors have a responsibility to their supervisees to model and to promote an awareness of and an adherence to the provisions of the Code, as well as to other relevant legal obligations or supervisory requirements (e.g., BACB).
- Supervisors provide supervisees with periodic performance feedback throughout the supervisory relationship to identify and address any issues that might impede performance. Feedback should be delivered in an honest, professional, and fair manner.
- Supervisors should use the principles of behaviour analysis and relevant scientific literature to develop necessary skills for the supervisee to practise ABA in a safe, reliable and professional manner.



## Component 7.2: Supervisor Competence

**Description:** Behaviour analysts who act as supervisors are responsible for maintaining the quality of their supervision skills and for obtaining consultation or supervision for their work as supervisors whenever appropriate.

### Performance Criteria:

- Supervisors are required to:
  - Be experienced and certified ABA practitioners;
  - Have undertaken professional training as a supervisor (e.g., BACB training);
  - Continuously seek ways of increasing their professional competence and development of their supervisory skills;
  - Explicitly state their specific areas of competencies;
  - Make arrangements for their own support to help them monitor and evaluate their supervision work. This includes having supervision on their supervisory work;
  - Monitor and maintain their own effectiveness, including seeking help and/or withdraw from the practice of supervision, if their competence and capacity to supervise is impaired; and
  - Maintain an active current practice in ABA and clinical supervision.
- Competence regarding online supervision
  - Supervisors will follow the ethical principles and values set out in the Code whether working online, electronically, face-to-face or using any other methods of communication.
  - Supervisors must be aware of potential risks and take precautions to protect and safeguard the online supervisory process.

## Standard 8: Ethical and Responsible Research

**Description:** All research should be undertaken with rigorous attentiveness to the quality and integrity both of the research itself and of the dissemination of results of the research.

### Component 8.1: Conducting Research

**Description:** Behaviour analysts consider how best to balance the goals of the study, participants' needs, and ethical guidelines that apply in the particular jurisdiction.



### **Performance Criteria:**

- Behaviour analysts conducting research should monitor and evaluate their practices to be consistent with the National Statement on Ethical Conduct in Research involving Humans, published by the National Health and Medical Research Council, the Australian Research Council, Universities Australia and the Code for best research practice.
- Behaviour analytic research must be conducted by a researcher with suitable experience, qualifications and competence in the use of any method or technique being used in the research.
- Behaviour analysts must seek approval from relevant ethics boards/committees prior to conducting research
- All research must include voluntary participation, informed consent, the right to withdraw consent, sufficient debriefing and meet all the following criteria:
  - Behaviour analysts should obtain voluntary and written informed consent from participants, when appropriate, without any implied or actual deprivation or penalty for refusal to participate; without undue inducement to participate; and with due regard for participants' well-being, privacy, and dignity.
  - Informed consent should include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits of participation in the research.
  - Signed consent forms agreeing to participation in research must be obtained from the participant whenever they have sufficient competence to make this decision; b) the parents or guardian, or c) any organisation or person in accordance with the law.
  - Behaviour analysts respect a participant's decision to refuse to participate in a research project. Participants are allowed to withdraw from a research project at any time. The researcher must give an assurance to the participant that refusal to participate in, or a decision to withdraw from the research, will not result in any discrimination, reduction in the level of care, or any other penalty.
- Behaviour analysts report evaluation and research findings accurately. When publishing and presenting research results, behaviour analysts present findings in a manner that does not distort or mislead and should take steps to correct any errors later found in published data using standard publication methods.
- Behaviour analysts give credit to all who have contributed in proportion to their contribution, acknowledging unpublished as well as published material that has directly influenced the current research and subsequent publication.
- Behaviour analysts should educate themselves, their students, and their colleagues about responsible research practices.



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