

# **Code of Professional Conduct and Ethical Practice**

Version 2

For implementation 1 January 2014

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**EXERCISE & SPORTS  
SCIENCE AUSTRALIA**

.....  
PH 07 3862 4122  
F 07 3862 3588  
E [info@essa.org.au](mailto:info@essa.org.au)  
A Locked Bag 102,  
Albion DC, 4010

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## **Preface**

The Code of Professional Conduct and Ethical Practice, has four main purposes:

1. to unify the practices of Exercise & Sports Science Australia (ESSA) Exercise and Sports Science Professionals,
2. to provide guidelines for ESSA Exercise and Sports Science Professionals,
3. to formalise a set of guidelines, which inform the Australian public of the professional standards of ESSA Exercise and Sports Science Professionals; and
4. to lead to best practice of Exercise and Sports Science Professionals.

Membership of and/or accreditation with ESSA constitutes acceptance of and agreement to be bound by this ESSA Code of Professional Conduct and Ethical Practice. This Code establishes a standard against which professional behaviour of Exercise and Sports Science Professionals may be evaluated. Behaviour contrary to the terms of the Code amounts to behaviour against the best advice of ESSA and may lead to disciplinary action.

The Code will be used by the Ethics Committee and Review Panel of ESSA and by the Executive Officer itself in establishing ESSA work protocols, making decisions and in determining appropriate courses of action regarding complaints concerning the professional conduct and ethical behaviour of ESSA Exercise and Sports Science Professionals.

The Code is comprised of a series of principles, which are applicable to the involvement of ESSA Exercise and Sports Science Professionals with the public, Clients, supervisees, students, employees, research participants, colleagues and other professionals.

Each section of the Code comprises of an initial statement of the general principle followed by specific examples of its applications.

## Definitions

- Association** means Exercise & Sports Science Australia - a formal organisation of practitioners or groups of practitioners of the exercise and sports science profession.
- Board** means the board of directors of Exercise & Sports Science Australia.
- By-Law** means a subordinate law adopted by the Association to regulate the rights and duties of its officers and Exercise and Sports Science Professionals. In the absence of law to the contrary, under the common law, the power to make by-laws resides in the constituent body of Exercise and Sports Science Professionals.
- Client** means a direct recipient of exercise and sports science Services. Clients may be individuals, couples, families, groups of people, organisations, communities, facilitators, sponsors or those commissioning or paying for the professional activity.
- Code** means the ESSA Code of Professional Conduct and Ethical Practice (2013) as amended from time to time.
- Constitution** means the Constitution of Exercise & Sports Science Australia which prescribes the nature, functions, rules and limits of the Association.
- Continuing Professional Development** means a program of mandatory Continuing Professional Development points required to be undertaken each year, as determined by the Board, from time to time.
- ESSA** means Exercise & Sports Science Australia
- Exercise and Sports Science Professional** means an accredited/qualified Exercise and Sports Science Professional and/or a member of ESSA.
- Executive Officer** means the Executive Officer of Exercise & Sports Science Australia.

<b>Member</b>	<i>means a financial member of Exercise &amp; Sports Science Australia whether admitted as a student member, full member, accredited member, fellow, associate member, academic member or honorary member.</i>
<b>Practice</b>	<i>means any activity considered to be within the accepted scope of an Exercise and Sports Science Professional, and/or the accepted Scope of the Practice of the individual's current accreditation (e.g. exercise physiology and/or sports science).</i>
<b>Profession</b>	<i>means an occupation that requires specialised tertiary training, knowledge and skills, and which intrinsically carries with them implied obligations to community, society and individuals with a set of standards and ethics by which these duties will be discharged.</i>
<b>Regulatory Body</b>	<i>means any organisation and/or government bodies with whom Exercise and Sports Science Professionals may engage (e.g. Australian Sports Anti-Doping Authority, Medicare Australia, Department of Veterans' Affairs, Workers Compensation and health insurance agencies).</i>
<b>Research</b>	<i>means any scientific study (usually in the form of an experiment, survey, or evaluation, and which may be qualitative or quantitative or mixed-method in nature) and the empirical data collected in the pursuit of such scientific endeavour.</i>
<b>Scope of Practice</b>	<i>means the range of professional Services/activities an Exercise and Sports Science Professional can provide, as determined by the Association, from time to time.</i>
<b>Service</b>	<i>means any professional service provided by an Exercise and Sports Science Professional that is accepted to be within Scope of Practice for the individual's current accreditation (e.g. exercise physiology and/or sports science).</i>

## Principles

### 1. Fundamental duties of an Exercise and Sports Science Professional

Exercise and sports science professionals are integral to the health, welfare and performance of Australians and residents of Australia.

1.1 An Exercise and Sports Science Professional must:

- 1.1.1 act in the best interest of the individual Client;
- 1.1.2 deliver Services competently, diligently and ethically; and
- 1.1.3 comply with the Code of Professional Conduct and Ethical Practice.

1.2 An Exercise and Sports Science Professional must not:

- 1.2.1 engage in conduct which is contrary to the Code;
- 1.2.2 engage in disreputable conduct, whether in Practice or otherwise, that reflects adversely on their own ability to practice as an Exercise and Sports Science Professional;
- 1.2.3 engage in disreputable conduct, whether in Practice or otherwise, that reflects negatively on the Profession; or
- 1.2.4 engage in the delivery of Services with individuals who are not registered or accredited with the appropriate professional body.

### 2. Best practice

An Exercise and Sports Science Professional shall maintain high professional standards of Client Service and professional relations.

2.1 An Exercise and Sports Science Professional shall:

- 2.1.1 deliver Services based upon the best scientific information and professional practice currently available;
- 2.1.2 be involved in furthering their knowledge, skills and competencies through meeting the Association's continuing professional development standard;
- 2.1.3 ensure appropriate relations are maintained among all professionals;
- 2.1.4 respect the collaborative nature of comprehensive health and sports medicine and respect the opinions, perspective and expertise of other health care professionals and athlete management;

- 2.1.5 in delivery of the Services provide Clients with appropriate levels and frequency of treatments, and
- 2.1.6 deliver Services in accordance with the rules and guidelines of any relevant Regulatory Body.

### **3. Compliance with Law**

- 3.1 An Exercise and Sports Science Professional shall at all times comply with all relevant Laws and regulations governing the Conduct of Practice, Profession and business, including but not limited to:
  - 3.1.1 Anti-discrimination Laws;
  - 3.1.2 Criminal Laws;
  - 3.1.3 Consumer Laws;
  - 3.1.4 Business Laws;
  - 3.1.5 Child Safety/Protection Laws;
  - 3.1.6 Intellectual property Laws;
  - 3.1.7 Laws pertaining to the use of illegal substances and drugs in sport;
  - 3.1.8 Privacy Laws;
  - 3.1.9 Work Health and Safety Laws; and
  - 3.1.10 Workplace and employment Laws.

### **4. Professional Responsibility**

An Exercise and Sports Science Professional is expected to maintain professional objectivity and integrity and to apply professional knowledge and skills to all Services delivered and undertaken.

- 4.1 An Exercise and Sports Science Professional shall:
  - 4.1.1 regard the health and welfare of the individual Client to be of primary importance, and take precedence over self-interest, and the interests of any club/team of which the client is a member;
  - 4.1.2 take all reasonable steps to prevent harm occurring as a result of the delivery of their Services and conduct;
  - 4.1.3 provide a Service only for the period when those Services are necessary to the Client;

- 4.1.4 take reasonable steps to ensure that their Services and products are used appropriately and responsibly;
- 4.1.5 provide Services in compliance with the requirements of relevant Regulatory Bodies;
- 4.1.6 upon becoming aware of misconduct by a professional colleague, refer their concerns to the Executive Officer of the Association who may take such steps that are necessary in the interest of the Client and integrity of the Profession; and
- 4.1.7 co-operate with duly constituted committees of the Board, particularly those charged with the duty of investigating any complaints against an Exercise and Sports Science Professional. Co-operation means responding to any inquiries promptly, accurately and completely and provides such information and documentation as may be requested and otherwise adhering fully to any procedures established by the Board for such investigations.

## **5. Competency and accountability**

An Exercise and Sports Science Professional must recognise the boundaries of their own competence and provide only Services for which are defined in their Scope of Practice and for which they are qualified by their training and experience. They should refer matters outside their areas of competence and Scope of Practice to appropriately qualified persons.

5.1 An Exercise and Sports Science Professional must:

- 5.1.1 work within the limits of their education, training, supervised experiences and appropriate professional experience;
- 5.1.2 provide only those Services to their Clients for which they are trained and qualified based on the established knowledge of the profession of exercise and sports science;
- 5.1.3 where appropriate, refer the Client to another appropriate qualified healthcare or medical professional; and
- 5.1.4 maintain appropriate levels of professional competence, seek professional supervision or consult as required.

## **6. Client care**

Clients must not be subjected to undue risk prior to, during and following testing procedures, exercise or treatments prescribed by an Exercise and Sports Science Professional.

6.1 An Exercise and Sports Science Professional shall:

- 6.1.1 ensure that the Client is made aware, in plain language, of the aims, benefits, procedures, risks and safeguards with exercise through the process of informed consent; and made aware of their right to withdraw from such interaction without penalty (at any time);
- 6.1.2 provide instruction and education that minimises the risk of injury, illnesses or side effects and maximises the benefits from their interaction. Exercise and sports science professionals shall ensure interventions are appropriate to the Client's needs, interests and capabilities; and
- 6.1.3 ensure that, in the case of injury, treatment and appropriate care are available to Clients.

## **7. Record keeping**

The maintenance of complete and accurate records is essential to the proper and professional conduct of the practice of an Exercise and Sports Science Professional.

7.1 An Exercise and Sports Science Professional shall:

- 7.1.1 make and keep complete and accurate Client records including: medical records, dates and interventions administered;
- 7.1.2 keep such records secured at all times;
- 7.1.3 not disclose such records to any persons without the consent of the Client, save for any lawful requests made by any Regulatory Bodies, investigating authorities, or any other party entitled to the records;
- 7.1.4 keep client records for a minimum of seven years since the last Client contact, unless legal or their organisational requirements specify otherwise; and
- 7.1.5 make provision for protecting Client confidentiality in the disposal of Client records.

## **8. Description of Services**

An Exercise and Sports Science Professional must provide clear and accurate information about their professional qualifications and descriptions of Services they are qualified to offer, to help the public to make informed and appropriate choices of the quality, type and expected duration of Services provided by the professional.

- 8.1 An Exercise and Sports Science Professional must not:
  - 8.1.1 falsely describe their own professional qualifications;
  - 8.1.2 falsely describe the Services or products they provide; and
  - 8.1.3 falsely describe the benefits of any Services or products they provide.

## 9. Confidentiality

The relationship between an Exercise and Sports Science Professional and client should be one based upon confidentiality and trust.

An Exercise and Sports Science Professional must not, save as required by Law, and otherwise as set out hereunder, disclose Client information obtained professionally to any third party without the informed and written consent of the Client. There are certain exceptions to, and limitations of, that principle.

- 9.1 An Exercise and Sports Science Professional may disclose confidential information in the following circumstances:
  - 9.1.1 incapacity: where the Client is judged incapable of giving consent to disclosure, consent must be sought from his or her legal guardian;
  - 9.1.2 emergency: where it is impossible or impracticable to seek consent to disclosure in time to prevent harm or injury to the Client or some other person. In this event, it is expected that the Exercise and Sports Science Professional should normally report to the Client or person's guardian, as soon as practicable, any information disclosed to a third party;
  - 9.1.3 Law: where legislation and Courts of Law may compel disclosure of information given by a Client, or where a regulatory body such as WorkCover or a healthcare insurer requires reporting, An Exercise and Sports Science Professional should inform the Client in advance, of such limitations of confidentiality;
  - 9.1.4 public and Client safety: where nondisclosure may immediately endanger the health or wellbeing of a Client or any other person, but the client denies permission to disclose. In such instances, the Exercise and Sports Science Professional should exercise professional judgment, and if necessary seek consultation with the Executive Officer or senior colleagues, in deciding whether to breach confidentiality or not.
  - 9.1.5 in disclosing any confidential information an Exercise and Sports Science Professional should provide only that information which meets any lawful obligation.

- 9.1.6 the use of Client names in training, case study, testimonials, publications or presentations (either verbal, visual or written), shall only be used when informed consent has been obtained, and by doing so shall not directly or by implication reveal the names of any other Clients.
- 9.1.7 where information is gathered by an Exercise and Sports Science Professional for use by a third party, the informed consent of those to whom the information refers must be obtained by the Exercise and Sports Science Professional. In addition, the recipient must be informed by an Exercise and Sports Science Professional of the need to protect confidentiality.

## **10. Professional relations with other health care professionals**

A good relationship between an Exercise and Sports Science Professional and other health and medical professionals enhances Client care.

Good Client care is enhanced when there is mutual respect and clear communication between all health care professionals involved in the care of the Client.

10.1 Good Practice involves an Exercise and Sports Science Professional:

- 10.1.1 communicating clearly, effectively, respectfully and promptly with medical practitioners, doctors and other health care professionals caring for the Client; and
- 10.1.2 acknowledging and respecting the contribution of all health care professionals involved in the care of the Client.

## **11. Professional and Client relations**

An Exercise and Sports Science Professional shall not unfairly exploit their professional relationships with Clients.

11.1 An Exercise and Sports Science Professional:

- 11.1.1 has a responsibility to obtain the informed consent of their Clients with respect to all aspects of interventions and assessments, including procedures, benefits, risks and safeguards. Informed consent means full and proper disclosure in respect of such procedures, benefits, risks and safeguards, including but not limited to whether alternative treatment, procedures or assessments are available; and

11.1.2 must ensure they do not exploit relationships with Clients for their own emotional, sexual or financial gain.

## **12. Working within the health care system**

Exercise and Sports Science Professionals have a responsibility to respect and contribute to the effectiveness and efficiency of the Australian health care system.

12.1 An Exercise and Sports Science Professional must:

- 12.1.1 ensure that the Services provided are necessary and likely to benefit the Client;
- 12.1.2 uphold the Client's right to gain access to the necessary level of health care and, whenever possible, help them to do so;
- 12.1.3 support the transparent and equitable allocation of health care resources; and
- 12.1.4 understand that their use of resources can affect the access other patients have to health care resources.

## **13. Client assessments**

An Exercise and Sports Science Professional has the prime responsibility for conducting Client assessment, including interviews, observations, standardised tests, questionnaires and psycho-physiological measures, and they shall ensure that these are used and interpreted only by competent persons.

13.1 An Exercise and Sports Science Professional shall:

- 13.1.1 adequately protect the physical security of assessment instruments, the data they generate and the reports based on them;
- 13.1.2 guard against any misuse or bias in selection, administration, scoring and interpretation of assessment procedures;
- 13.1.3 be prepared to justify, in terms of current scientific literature, their use and interpretation of any assessment procedure;
- 13.1.4 avoid using procedures that are obsolete or of dubious scientific status;
- 13.1.5 in reporting assessment findings to a Client or participants and to other professionals, endeavour to ensure that appropriate explanations of the findings and their interpretations are provided and that they are not misused. Any reservations concerning the validity or reliability of an assessment procedure, should be made explicit in the report;

- 13.1.6 strive to prevent misuse of outdated assessment results;
- 13.1.7 not release uninterpreted data from assessments to persons who are not specifically trained in the use and interpretation of the procedures concerned;
- 13.1.8 accept responsibility for ensuring adequate supervision of assessment procedures administered, scored or interpreted by others under their direction unless such persons are themselves properly trained in their use; and
- 13.1.9 abide by such guidelines as the standard of training required for accreditation of a testing centre, as may be adopted from time to time by the Board.

## **14. Delegation of professional tasks**

An Exercise and Sports Science Professional carries the primary responsibility for care of Clients who engage them to provide Services.

- 14.1 An Exercise and Sports Science Professional who delegates tasks to an assistant, employees, junior colleagues or supervisees that involve the provision of Services shall:
  - 14.1.1 ensure that the delegate is aware of the Code;
  - 14.1.2 ensure that the delegate's conduct does not place the Client of the Service at risk of harm;
  - 14.1.3 ensure that the delegate is competent to undertake the tasks assigned to them;
  - 14.1.4 properly and personally supervise and oversee the delegation of the specific tasks, to ensure they can perform the tasks in a competent manner; and
  - 14.1.5 record such Services that have been provided by such delegate.

## **15. Research ethical considerations**

An Exercise and Sports Science Professional involved in the design, organisation, conduct or reporting of health research involving humans has particular responsibilities.

- 15.1 These responsibilities, drawn from the NHMRC guidelines, include:
  - 15.1.1 respect and protect the participants;
  - 15.1.2 act with honesty and integrity;

- 15.1.3 ensure that any protocol for human research has been approved by a human research ethics committee, in accordance with the *National Statement on Ethical Conduct in Human Research*;
- 15.1.4 disclose the sources and amounts of funding for research to the human research ethics committee;
- 15.1.5 disclose any potential or actual conflicts of interest to the human research ethics committee;
- 15.1.6 ensure that human participation is voluntary and based on an adequate understanding of the purpose, methods, demands, risks, safeguards and potential benefits of the research;
- 15.1.7 ensure that any dependent relationship between the Exercise and Sports Science Professional and their Client is taken into account in the recruitment of Clients as research participants;
- 15.1.8 seek advice when research involves children or adults who are not able to give informed consent, to ensure that there are appropriate safeguards in place. This includes ensuring that a person empowered to make decisions on the Client's behalf has given informed consent, or that there is other lawful authority to proceed;
- 15.1.9 adhere to the approved research protocol;
- 15.1.10 monitor the progress of the research and promptly report adverse events or unexpected outcomes;
- 15.1.11 respect the entitlement of research participants to withdraw from any research at any time and without giving reasons;
- 15.1.12 adhere to the guidelines for confidentiality and privacy;
- 15.1.13 adhere to the guidelines regarding publication of findings, authorship and peer review; and
- 15.1.14 report possible fraud or misconduct in research, as required under the *Australian Code for the Responsible Conduct of Research*.

## **16. Supervision and training**

An Exercise and Sports Science Professional shall ensure that the supervision and training of students and/or junior colleagues meets general scientific standards of competency (knowledge and practice) and are sensitive to the interests, welfare and dignity of the trainee.

#### 16.1 An Exercise and Sports Science Professional:

- 16.1.1 who supervises the work of students or junior colleagues has a responsibility to promote awareness of and adherence to the provisions of this Code;
- 16.1.2 who supervises the work of students or junior colleagues shall endeavour to attain the skills, attitudes and practice of an effective teacher and mentor;
- 16.1.3 shall maintain proper accurate records of all training and development of students engaged in practical training and upon request by the Association or the Executive Officer, provide copies of such records;
- 16.1.4 must provide support, assessment and feedback for any student engaged in practical training;
- 16.1.5 must not permit the student to engage in any work or activity beyond their level of competence or which infringes or takes advantage of the rules of Regulatory Bodies responsible for the payment of such Services;
- 16.1.6 must not unfairly exploit or use the student in the conduct of Services; and
- 16.1.7 must at all times comply with the obligations pursuant to any Placement Agreements.

## **17. Publication and public statements**

An Exercise and Sports Science Professional making any public statements should be aware that such statements may reflect upon the Association and profession. A public statement for the purposes of this Code means a statement likely to be reported in the media.

#### 17.1 An Exercise and Sports Science Professional must:

- 17.1.1 not make public comments or statements that will or may bring the Association and Profession into disrepute;
- 17.1.2 ensure that any public comments or statements must be accurate and objective in reporting of data or information and be made in a manner that encourages responsible discussion;
- 17.1.3 only make public comment on areas in which they have adequate knowledge and provide information based on evidence-based research findings; or
- 17.1.4 not state or imply that personal statements are made on behalf of another Exercise and Sports Science Professional, the Board, or any other organisations, unless such authority has been granted in advance.

## **18. Information to be lawfully provided**

An Exercise and Sports Science Professional may, from time to time, be required to provide advice and provide information under legislation to assist in an investigation or action.

18.1 When an Exercise and Sports Science Professional is lawfully required to provide any Client information to a third party, they should do so in a co-operative and transparent way in accordance with their responsibility to do so.

18.2 Where any doubt exists as to the existence or extent of any such responsibility, an Exercise and Sports Science Professional should seek guidance from the Executive Officer or seek their own legal advice.

## **19. Decisions of the Board**

The Board is charged with the responsibility for the due administration and control of professional standards of Exercise and Sports Science Professionals in Australia.

19.1 An Exercise and Sports Science Professional must abide by rulings and decisions that are made by the Board concerning ethical behaviour and standards of professional conduct.