



Hear the Child Society Standards of Conduct Draft for discussion only August 23, 2017

Standards of Conduct: We're not there yet!

Fresh from the success of creation of the Practice Guidelines, the Board of Directors struck a committee to create standards of conduct for the members of the Hear the Child Roster. The topics we wanted to include were:

- 1. General**
 - 1.1. standards of conduct binding on child interviewers
 - 1.2. child interviewers belong to other professional organizations and are bound by their professional standards of conduct; the professional standards of conduct prevail.
- 2. Safety and Do No Harm**
 - 2.1. must terminate interview if completing will cause physical or emotional harm.
 - 2.2. must report all child protection concerns.
- 3. Child's Right to Self Determination**
 - 3.1. child's participation is voluntary; report only what the child agrees to share.
- 4. Proceeding with HTC Interview**
 - 4.1. must not proceed unless agreement or order.
 - 4.2. provide description of the child interviewer's role and the process.
 - 4.3. fair and transparent methodology.
- 5. Non-evaluative Interview**
 - 5.1. must not include recommendations, assessments or advice.
- 6. Neutrality**
 - 6.1. must not advocate the position of a child or parent.
 - 6.2. HTC Interviewer role is separate from other professional roles.
 - 6.3. must not provide concurrent service to the child or parties.
 - 6.4. may provide consecutive services if permitted by professional organization
- 7. Conflict of Interest**
 - 7.1. must refuse or terminate an assignment if there is a conflict of interests.
- 8. Training**
 - 8.1. must have and maintain specialized knowledge required for role.
- 9. Confidentiality**
 - 9.1. must maintain confidentiality of the child's views and the report except as provided in agreement, i.e., may share with parties, their lawyers, the court.
- 10. Breach**
 - 10.1.1. alleged breach of standards of conduct reported to board of directors or designated body.

10.1.2. alleged breach reviewed by the board of directors or designated body, and outcome may include remedial requirements, suspension or removal from the roster.

Pandora's Box

We asked for input from Lisa Fong, of Vancouver firm *Ng Ariss Fong*, who practices in the area of regulatory law, and she opened our eyes to the complexity of the project that we had undertaken. In designing a complaint and discipline system for Hear the Child Roster members, we now understand that we need to consider:

- what are the public interests to be addressed
 - what sort of issues would the regulatory system need to address
- whether such a system fits into a membership association (as opposed to professional regulator)
 - most Roster members are already subject to a professional code
 - can we, must we, should we add another layer of regulation
- if we can, must or should, how formal should the regulatory system be?

Basic components of a complaint and discipline system include:

1. Events that trigger the complaint system
2. Committee that administers the complaint process
3. Investigation process
4. Complaint resolution options
5. Citation for discipline hearing requirements
6. Committee that administers the discipline process
7. Discipline hearing procedures
8. Verdict options
9. Penalty options
10. Publication of outcomes

We are going to share our ideas and new information with our members, and decide how to proceed. We invite your thoughts and experiences, as we move forward with this project.