



All parties involved in the AASW Ethics Complaints Management Process (ECMP) are required to maintain strict standards regarding confidentiality. In this Agreement, the term Confidential Information means all information in any form or medium relating to a Complainant or a Respondent, their family, support persons, witnesses, or workplace, and pertains to all materials and proceedings, including the Respondent's written response, the Hearing, the Hearing Panel Report, appeals, discussions, correspondence, and outcomes.

In order to participate in the AASW ECMP, all parties are required to agree to this Confidentiality Agreement.

## Statement of understanding

All parties to the ECMP:

- Will not use confidential information outside their role as a participant in this matter
- Will only disclose confidential information relating to the complaint to relevant parties who need to receive that information for the ECMP, and then only to the extent needed for each such person
- Will not copy or distribute, to any person or organisation, any documents, materials, media, etc., that records, contains, or refers to confidential information
- Understand these obligations set out in this agreement continue beyond their role in the AASW ECMP

### These restrictions do not apply to:

- A party's right to confer with legal counsel, or other reasonable support person.
- A party's right to submit the same complaint to another complaint system or organisation. If you wish to submit the same (or similar) complaint to another body, you are permitted to use the content/information you already had about the matter, but you are not permitted to use any information relating to the AASW's investigation and determination of the complaint.
- Information that is in the public domain, other than as a result of a breach of the contents of this agreement.

## Alleged breaches of confidentiality

Either party to a complaint may inform the AASW that they believe information is being revealed unnecessarily. The AASW may then take appropriate action to remedy the concern. This may include, but is not limited to, letters of warning, a new complaint filed against the Respondent under relevant sections of the AASW Code of Ethics 2020, a termination of proceedings, or the voiding of the process. A decision to terminate proceedings may be appealed by either participant.

## Exceptions

**Disclosure of the Respondent's involvement in the ECMP and ECMP conclusions.** Respondents may acknowledge their involvement in ECMP and disclose any outcomes from the ECMP, when required to do so by employers, insurers, and others who have a legitimate need to know in order to make decisions that can affect the Respondent's ability to practice. Under such circumstances, the Respondent shall provide no more than the minimal necessary information which may include acknowledgment of the existence of an ethics complaint, a summary of the allegations, an explanation of the status of the proceedings. All information regarding parties, sources of evidence, and witnesses must be de-identified.

**Applicable state or federal law.** Information regarding AASW ECMP proceedings may be released when disclosure is required by state or federal law or regulation. For example, where the Ethics Council assesses that compelling ethical or legal reasons prevail, such as issues of harm to self or others, or if issues arise which, under law, must be disclosed. If you are concerned about something of this nature, for example, an issue of harm to yourself or someone else, you should raise this with the Ethics Office immediately.

## Use of confidential information

- Any confidential documents submitted as evidence must be accompanied by a signed release of information.
- The Complainant's complaint represents permission for the AASW ECMP to request, receive and consider pertinent confidential records.