

Terms of Reference

AASW Ethics Council

Purpose

The purpose of the Ethics Council is to exercise the functions conferred upon it under the AASW By-Laws on Ethics 2025 and to oversee the fair, consistent and procedurally fair administration of:

- the Ethics Complaints Management Process (ECMP), and
- the Declaration Assessment Process (DAP).

The Ethics Council supports the AASW's commitment to:

- protecting the public,
- upholding the AASW Code of Ethics 2020 and Practice Standards,
- ensuring procedural fairness, and
- maintaining confidence in the social work profession.

Authority

The Ethics Council is established by the AASW Board under the AASW Constitution and By-Laws on Ethics 2025. The Ethics Council:

- exercises functions and powers delegated to it under the By-Laws on Ethics 2025,
- oversees the administration and operation of the ECMP and DAP,
- considers and determines matters referred to it by the Ethics Office,
- appoints Hearing and Appeal Panels from approved panel pools,
- receives and considers Hearing and Appeal Panel recommendations, and
- makes determinations within its delegated authority.

Guiding Principles

In carrying out its functions, Council members will:

- act impartially and without bias,
- uphold procedural fairness,
- maintain independence in decision-making,
- act consistently with the AASW Code of Ethics 2025 and Practice Standards,
- ensure decisions are evidence-based and proportionate,
- maintain confidentiality of ethics matters,
- promote public protection and confidence in the profession,

- identify and manage actual, potential and perceived conflicts of interest, and
- act in accordance with principles of good governance, integrity and accountability.

Composition

The Ethics Council comprises three (3) members appointed by the AASW Board. Membership should collectively provide expertise across:

- social work ethics and professional standards,
- complaints and disciplinary processes,
- evidence assessment and decision-making,
- governance and risk management,
- procedural fairness and administrative justice,
- regulatory or professional standards environments, and
- areas of specialist social work practice relevant to matters before the Council.

Chair

The Board will appoint the Chair of the Ethics Council. The Chair is responsible for:

- providing leadership to the Ethics Council;
- facilitating meetings and decision-making processes;
- ensuring the proper discharge of the Ethics Council's responsibilities;
- liaising with the Board, CEO and Ethics Office on matters within the Ethics Council's remit;
- ensuring conflicts of interest are appropriately managed; and
- endorsing Ethics Council recommendations, reports and decisions.

Conflict of Interest

Ethics Council members must:

- disclose any actual, potential or perceived conflict of interest as soon as practicable;
- disclose any prior involvement with a matter under consideration;
- absent themselves from consideration of matters where a conflict exists or could reasonably be perceived to exist; and
- comply with any Board-approved conflict of interest policies and procedures.

An Ethics Council member who has participated in a matter at an earlier stage of the Ethics Complaint Management Process must not participate in the determination of that matter where independence could reasonably be questioned.

Confidentiality

Ethics Council members must:

- sign a confidentiality agreement upon appointment,
- maintain strict confidentiality regarding ethics matters,
- use information solely for the purpose of performing Ethics Council functions,
- protect the privacy of complainants, respondents, applicants and witnesses,
- comply with applicable privacy and information management requirements, and
- securely destroy or return confidential materials when required.

Tenure

Ethics Council members will be appointed for a term determined by the Board and may be eligible for reappointment in accordance with Board policies and any applicable governance requirements.

Functions

Case Reviewer Reports

The Ethics Council will:

- review Case Reviewer recommendations,
- consider complaint materials and recommendations provided by the Ethics Office,
- determine whether a complaint will proceed through dismissal, mediation, conciliation or hearing, and
- ensure decisions are made in accordance with the By-Laws on Ethics 2025.

Declaration Assessment Process (DAP)

The Ethics Council will:

- review declaration assessments and recommendations,
- determine how declarations will be managed through the DAP, and
- refer matters to a Hearing Panel where required by the By-Laws on Ethics 2025.

Hearing Panels

The Ethics Council will:

- appoint Hearing Panel members in accordance with the By-Laws on Ethics 2025,
- ensure Panel members do not have actual, potential or perceived conflicts of interest,

- receive and review Hearing Panel reports, and
- oversee compliance with the By-Laws on Ethics 20205 and procedural fairness requirements.

Appeals

The Ethics Council will:

- determine whether matters meet the grounds for appeal where required by the By-Laws on Ethics 2025;
- appoint Appeal Panels,
- receive and review Appeal Panel reports and recommendations, and
- oversee compliance with the By-Laws on Ethics 2025 and procedural fairness requirements.

Oversight

The Ethics Council will:

- provide oversight to the ECMP and DAP to ensure proper practice and procedures have been followed,
- monitor the application of the By-Laws on Ethics 2025 in matters before it, and
- consult with the Ethics Office regarding implementation of Hearing and Appeal Panel outcomes.

Meetings

The Ethics Council will meet as required to effectively discharge its responsibilities.

A quorum will consist of a majority of appointed Council members.

Ethics Council decisions should, where practicable, be reached by consensus. Where consensus cannot be achieved, decisions will be made by majority vote of members present and entitled to vote.

The Chair will have a casting vote in the event of a tied vote.

Reporting and Accountability

The Ethics Council will:

- provide reports and recommendations to the Board as required,
- monitor ethics-related risks and emerging issues,
- advise the Board on trends arising from complaints, declarations and appeals,
- support organisational learning and quality improvement, and
- provide an annual report on ethics activities and outcomes.

Administrative Support

The Ethics Office will provide secretariat and operational support to the Ethics Council, including:

- preparation of agendas and meeting papers,

- coordination of meetings,
- recording of decisions and actions,
- management of correspondence,
- maintenance of records and registers, and
- implementation of Council directions.

Review

These Terms of Reference should be reviewed every two years, or sooner where amendments to the AASW By-Laws on Ethics 2025 require revision.

Terms of Reference Status

Terms of Reference Name	Approved by the CEO
Ethics Complaint Management Process _Ethics Council Terms of Reference	Kerryn Pennell 03 September 2026
Prepared/Updated	Scheduled Review Date
AASW Ethics Office	02 September 2028