



STATUTORY INSTRUMENTS.

S.I. No. 143 of 2011



CODE OF PROFESSIONAL CONDUCT AND ETHICS FOR SOCIAL
WORKERS BYE-LAW 2011

(Prn. A11/0496)

CODE OF PROFESSIONAL CONDUCT AND ETHICS FOR SOCIAL
WORKERS BYE-LAW 2011

The Social Workers Registration Board, in exercise of the powers conferred on it by section 31 of the Health and Social Care Professionals Act 2005, with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

1. This bye-law may be cited as the Code of Professional Conduct and Ethics for Social Workers bye-law 2011.
2. The Social Workers Registration Board hereby adopts the Code of Professional Conduct and Ethics for Social Workers contained in the Schedule to this bye-law.
3. The Code of Professional Conduct and Ethics for Social Workers forms part of this bye-law.
4. This bye-law comes into operation on 29 March 2011 and both the bye-law and Code of Professional Conduct and Ethics for Social Workers remain effective until revised by further bye-law of the Social Workers Registration Board.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 8th April, 2011.*

SCHEDULE

Social Workers Registration Board

Code of Professional Conduct and Ethics for Social Workers

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Foreword

I am pleased to present the Code of Professional Conduct and Ethics for Social Workers devised by the Social Workers Registration Board (SWRB) at CORU. The code specifies the standards of ethics, conduct and performance expected of registered social workers.

Many of the standards of ethics, conduct and performance expected of social workers are common to the 12 health and social care professions to be regulated by CORU. In the first instance, the Health and Social Care Professionals Council at CORU developed a framework code detailing these common standards. The SWRB has now built on that framework code by including additional requirements which are particular to social workers.

Social Work is a profession based on principles of human rights and social justice that work to empower individuals, groups and communities to develop their full potential and wellbeing. The focus of intervention in social work is the relationship between the individual and their immediate and wider social environment. Particular emphasis is placed on meeting the needs of vulnerable and marginalised individuals and groups. These key social work themes are reflected in this code.

The SWRB's goal is to protect the public by fostering high standards of professional conduct and professional education, training and competence among registered social workers. Adopting this Code is a key part in this process and, as the profession develops, the SWRB is committed to reviewing these standards on an on-going basis to ensure that they remain both relevant and comprehensive.

It is important that all registered social workers read, understand and meet the standards set out in this code. Failure to do so could result in a complaint of professional misconduct being made about the registrant. Under the Health and Social Care Professionals Act 2005, professional misconduct is defined as any act, omission or pattern of conduct of the registrant which is a breach of the code.

In this Code the SWRB has aimed to set out the standards of ethics, conduct and performance expected of registered social workers in a clear and accessible manner. We expect that all social workers will comply with these standards and that the consistent application of these standards will benefit service users. We look forward to working with social workers, their employers and service users in the new environment of statutory regulation.

Suzanne Quin
Chairperson.

March 2011.

OVERVIEW OF THE CODE

This Code specifies the standards of ethics, conduct and performance expected of registered social workers. You have a duty to always protect the health and well-being of people who use your services. To protect the public, you must comply with this *Code of Professional Conduct and Ethics*.

The social work values informing this code are:

- Respect for the inherent dignity and worth of persons
- Pursuit of social justice
- Integrity of professional practice
- Confidentiality in professional practice
- Competence in professional practice

Note: The term “service user” is used throughout this document. It includes all those who access social work services, whether they are adults, children and patients in hospital or attending services voluntarily or involuntarily.

Your particular duties are listed below:

1. Uphold human rights in your practice;
2. Respect the rights and dignity of people;
3. Respect service users’ relationships;
4. Promote social justice;
5. Comply with the laws and regulations governing your practice;
6. Carry out your duties professionally and ethically;
7. Demonstrate ethical awareness;
8. Demonstrate professional accountability;
9. Act in the best interest of service users;
10. Communicate with service users, carers and professionals;
11. Seek informed consent;
12. Keep accurate records;
13. Deal appropriately with health and safety risks;
14. Delegate and manage appropriately;
15. Teach and assess students fairly;
16. Undertake research ethically;
17. Make sure your advertising is truthful and accurate, does not mislead and complies with legislation;
18. Maintain high standards of personal conduct;
19. Address health issues in regard to fitness to practise;
20. Provide information about your conduct and competence;
21. Treat information about service users as confidential;
22. Act within the limits of professional knowledge, skills and experience;
23. Keep professional knowledge and skills up to date.

**STANDARDS OF ETHICS, CONDUCT AND PERFORMANCE
EXPECTED OF REGISTERED SOCIAL WORKERS**

Respect for the inherent dignity and worth of persons

1. Upholding human rights in your practice

You should uphold human rights in your practice, by:

- respecting the right to self-determination;
- promoting the right to participation;
- treating each person in a caring and respectful fashion.

2. Respecting the rights and dignity of people

You must show through your practice and conduct, a respect for the rights and dignity of people regardless of:

- gender;
- family status;
- marital status;
- age;
- disability;
- sexual orientation;
- religion;
- race;
- membership of the Traveller community,

as identified under the Equal Status Acts, 2000-2008.

3. Respecting service users' relationships

In your practice, you should respect service users' relationships with their families and other caring relationships. You should also show respect for colleagues and others working to help service users.

Pursuit of social justice

4. Promoting social justice

You should promote social justice in your practice, through:

- challenging negative discrimination and unjust policies and practices;

- recognising and respecting diversity;
- demonstrating cultural competence;
- advocating for the fair distribution of resources based on identified levels of risk/need;
- working towards social inclusion.

Integrity of professional practice

5. Complying with the laws and regulations governing your practice

You must be familiar with and work within the laws and regulations governing your practice and keep up with any changes in legislation or regulation.

6. Carrying out your duties professionally and ethically

- a) To protect the public you must:
 - carry out your duties and responsibilities in a professional and ethical way;
 - always behave with integrity and honesty.
- b) Your practice should benefit and not harm others. Often difficult decisions must be made that may be perceived as harmful by a service user. If there is a conflict of interests between the service user and the safeguarding of children or other vulnerable people, safeguarding should take precedence.

7. Demonstrating ethical awareness

- a) You must make sure you read and understand this Code of Professional Conduct and Ethics.
- b) You must not enter into any agreement or contract or accept any gift that might cause you to act against the terms of this Code of Professional Conduct and Ethics.
- c) You must take particular care when ethical issues arise. Please see Appendix A for a suggested way of dealing with ethical dilemmas.
- d) If there is a conflict between this Code of Professional Conduct and Ethics and a registrant's work environment, the registrant's obligation is to the Code.
- e) Subject to your duty to act in the best interests of your service users, you have a responsibility to engage and advocate with the relevant authorities to promote the provision of appropriate resources and facilities.

- f) You have a duty to assist in the efficient and effective use of resources and to give advice on their appropriate allocation. While balancing a duty of care to the individual service user, you should be aware of the wider need to use limited resources efficiently and responsibly. Such awareness should inform decision making in your practice.
- g) Written records of advocacy on behalf of services or service users should be kept on file, demonstrating the registrant's efforts to address concerns.

8. Demonstrating Professional accountability

You must be prepared to explain and account for your actions and decisions.

9. Acting in the best interests of service users

- a) You are responsible for acting in the best interests of service users.
- b) You must:
 - treat service users as individuals;
 - respect diversity, different cultures and values and not condone, facilitate or collaborate with any form of discrimination;
 - respect and, where appropriate, promote or advocate the views and wishes of service users and carers;
 - support service users' rights to take part in all aspects of the service and to make informed choices about the service they receive;
 - help service users to reach informed decisions about their lives and promote their autonomy. Any action which diminishes service users' civil or legal rights must be ethically, professionally and legally justifiable;
 - do nothing, and as far as practicable allow nothing to be done, that you believe would risk the health or safety of service users;
 - make service users aware that their interests may be overridden in circumstances where the service user's interest is outweighed by the need to protect others;
 - when working in a team, be responsible for your professional conduct, for any service or professional advice you provide and for your failure to act;
 - protect service users if you believe that they are threatened by a colleague's conduct, performance or health. The safety of service users must always come before any personal and professional loyalties;
 - discuss the matter with an appropriate professional colleague if you become aware of any situation that puts a service user at risk;

- work in line with the principles of human rights and social justice. You may be required to support service users to take risks to allow them to reach their full potential and well-being. You should be mindful of the effect these risks may have on the service user and on others, particularly children and vulnerable adults;
 - avoid conflicts of interest.
- c) You must not:
- transfer public service users to your private practice for commercial gain;
 - knowingly work with a service user with whom you have or have had a personal relationship that may compromise your professional practice.

10. Communicating with service users, carers and professionals

- a) You must make sure that you communicate properly and effectively with service users, their carers and their family.
- b) You must also co-operate, communicate effectively and share your knowledge and expertise with other professionals and with students for the benefit of service users.

11. Seeking informed consent

- a) You must explain to the service user the assessment or intervention that you plan to carry out, the implications involved and any other possible interventions. You must also take account of the service user's capacity to understand the information and to give their consent.
- b) Every effort must be made to seek the service user's informed consent for any intervention before it is carried out. In the event that a service user cannot give informed consent, every effort must be made to ensure that any actions taken are in the service user's best interests.
- c) You must record the service user's views with regard to any proposed intervention. The decisions they make with regard to their cooperation or opposition to any such proposed intervention must be shared as appropriate with members of the health or social care team involved in the service user's care.
- d) In emergencies, you may not be able to explain assessments or interventions, get consent or pass on information to other members of the team. You should at all times act in the best interests of the service user.
- e) If a service user refuses assessment or intervention and you believe it is necessary for their wellbeing, you must make reasonable efforts to persuade the service user, particularly if there is a significant or immediate risk to their life.

- f) If you are working with people under a legal mandate, you must respectfully and clearly state your legal responsibilities and the consequence of non-cooperation. You must also clarify those matters which are open to negotiation and agreement.
- g) You must follow your employer's procedures on consent and you must also be aware of any guidance issued by appropriate authorities.

12. Keeping accurate records

- a) You must keep clear and accurate records according to the policies and procedures in your workplace.
- b) You must keep records for each person who asks for or receives advice or services.
- c) All records must be:
 - complete;
 - legible (if handwritten);
 - identifiable as being made by you;
 - dated;
 - prepared as soon as practicable following intervention;
 - clear and factual.
- d) If you supervise students, you must review each student's entries in the records and record that you have done so.
- e) When records are reviewed, you must update them and should note any arrangements for the service user's continuing care.
- f) You must make every effort to protect information in records against loss or damage and against access or use by anyone who does not have permission to access or use the records.
- g) When you update records, you must not erase information that was previously there or make that information difficult to read. Instead, mark the old information in some way.
- h) Social work records should be based on professional assessment which is regularly reviewed and updated.
- i) You must hold and use records according to relevant legislation.
- j) You have a duty to maintain accurate and up to date service users' records either in manual or electronic form. You are expected to be aware of your obligation under the Data Protection Acts in relation to secure storage

and eventual disposal of such records as well as relevant published Codes of Practice.

13. Health and safety

- a) You must follow risk assessment policies and procedures to assess potential risks in the workplace and area of practice.
- b) If you identify a risk, you must take the necessary steps to minimise, reduce or eliminate the risk in line with relevant legislation such as the Safety, Health and Welfare at Work Act 2005 and your employer's policies, for example, Policy, Procedure, Protocol and Guidelines (PPPGs).
- c) You must tell relevant colleagues and agencies about the outcomes and implications of risk assessments.

14. Delegation and management

People have the right to assume that the person who provides a service to them has the knowledge and skills to do so.

- a) When you delegate tasks to someone else, you must be sure that they have the knowledge, skills and experience to carry out the tasks safely and competently.
- b) You must not ask another person to perform any task that is outside their knowledge, skills and experience unless they are under the direct supervision of an experienced practitioner.
- c) You are accountable for any task you delegate to another practitioner and responsible for any task you delegate to students or others.
- d) If a person is unwilling to carry out a task because they do not think they are capable of doing so safely and competently, you must not force them to carry out the task. If their refusal raises a disciplinary or training issue, you must deal with this separately. The service user must not be put at risk.

15. Teaching and assessing students

If you are responsible for teaching and assessing social work students you must do so fairly and respectfully and on the basis of agreed criteria.

16. Undertaking research ethically

You must undertake research ethically. Please see Appendix B for a suggested way of dealing with research projects.

17. Truthful advertising

You must make sure that any advertising you do is accurate, does not mislead and complies with relevant legislation.

18. Maintaining high standards of personal conduct

a) You must not:

- abuse, harm or neglect service users, carers or colleagues;
- exploit or discriminate unlawfully or unjustifiably against service users, carers or colleagues;
- form inappropriate personal relationships with service users;
- condone unlawful or unjustifiable discrimination by service users, carers or colleagues;
- put yourself or other people at unnecessary risk;
- behave in a way that would call into question your suitability to work in health and social care professional services; or
- engage in conduct that is likely to damage the public's confidence in you or in your profession.

b) You must:

- work openly and co-operatively with colleagues in the workplace;
- recognise and respect the roles and expertise of practitioners from other agencies or professions and work in partnership with them.

19. Addressing health issues in regard to fitness to practise

You must take action if health issues are harming your fitness to practise. For example, you may need to limit your work or stop practising if health issues are affecting your conduct, performance or judgement.

20. Providing information about your conduct and competence

- a) You must raise concerns with the appropriate authority if policies, systems, working conditions or the actions, professional performance or health of you or of others compromise service user care or public safety.
- b) You must co-operate with any investigation or formal inquiry into your professional conduct.

Confidentiality in professional practice

21. Treating information about service users as confidential

- a) You must treat information about service users as confidential and use it only for the purpose for which you obtained it unless to do so would put the service user or others at risk.

- b) You must not knowingly release any personal or confidential information to anyone who is not entitled to it except if the law or your professional practice obligations require you to do so. You must also check that people who ask for information are entitled to it.
- c) You must only use information about a service user to provide service to that person or if the service user has given specific permission to do so.
- d) You should consult service users about their preferences regarding the use of information about them.
- e) You must keep to the conditions of any relevant data protection legislation and follow best practice and relevant agency guidelines for handling confidential information relating to individuals at all times. Best practice is likely to change over time, and you must stay up to date with developments.

Disclosure of Information to other relevant Professionals

- f) Information may need to be shared with other relevant professionals to provide safe and effective care. If disclosure of a service user's information is necessary as part of their care, you should take reasonable steps to ensure that you make such a disclosure to an appropriate person who understands that the information must be kept confidential.

Competence in professional practice

22. Acting within the limits of your knowledge, skills and experience

- a) You must act within the limits of your knowledge, skills and experience.
- b) You should only practise in fields in which you have education, training and experience. When accepting a service user, you have a duty of care. This duty includes the obligation to refer the service user for further professional assessment or intervention if it becomes clear that the task is beyond your knowledge, skills or experience.
- c) A service user has the right to a referral for a second opinion for assessment or intervention at any time. If a service user asks for a second opinion/review, you must refer them promptly to another professional.
- d) If you receive a referral from another health or social care professional, you must make sure that you fully understand the request. You should only assess or intervene if you believe it is right to do so. If this is not the case, you must discuss the matter with the practitioner who made the referral and the service user before providing any service.
- e) You must meet relevant standards of practice and work lawfully, safely and competently.

Supervision Expectation for Social Workers

- f) You should seek and engage in supervision in professional practice on an on-going and regular basis.
- g) You must seek support and assistance from your employer if you do not feel competent to carry out any aspect of your work or if you are unsure about how to proceed in a work matter.

23. Keeping your professional knowledge and skills up to date

- a) You must make sure that your knowledge, skills and performance are of a high quality, are up to date and are relevant to your practice.
- b) You must:
 - Maintain and develop your professional competence by undertaking relevant education and training to improve your knowledge and skills;
 - Keep up to date with relevant knowledge, research methods and techniques so that your service, research activities and conclusions will help and not harm others. You can do this, for example, by reading relevant literature, consulting with peers and taking part in continuing education activities;
 - Take part in continuing professional development (CPD);
 - Keep clear and accurate records of CPD.

Appendix A: Suggested procedure for ethical decision making

1. Define carefully the issues and parties involved.
2. Read the *Code of Professional Conduct and Ethics* and identify all relevant clauses. Check if other professional guidelines (for example those of Government departments or the Health Service Executive) or relevant legislation apply. It is also a good idea to consult with your colleagues.
3. Evaluate the rights, responsibilities and welfare of all affected parties.
4. Come up with as many alternative decisions as possible — the more, the better.
5. Evaluate carefully the likely outcome of each decision.
6. Choose what, in your professional judgment, is the best decision, implement it and inform relevant parties.
7. Keep notes of deliberations at each stage of the process.
8. Finally, take responsibility for the consequences of the decision.

Appendix B: Suggested ethical procedure for undertaking research projects

- a) Before starting any research project, you must submit your research proposal to the appropriate Research Ethics Committee or other appropriate authority for approval. You may not, under any circumstances, start a research project without ethical approval.
- b) If you plan to use service users in the research project, you must get — and record — their informed consent before you begin. You must explain to potential participants:
 - the aims and methods of the proposed research;
 - any potential hazards or discomfort;
 - how their personal details will be used.
- c) If you cannot get consent from the service user, the Research Ethics Committee or other appropriate authority must at least approve the method you have used to obtain their consent.
- d) Your research must preserve participants' anonymity and keep their information confidential unless potential participants have given you permission to use their name.
- e) If a service user refuses to take part in the research, this must not in any way influence the care they receive.
- f) You must protect and destroy data in line with governing legislation.

Appendix C: References

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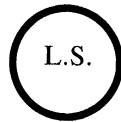
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GIVEN under the seal of the Social Workers Registration Board,
29 March 2011.

SUZANNE QUIN,
Chairperson, Social Workers Registration Board.

MONICA EGAN,
Member, Social Workers Registration Board.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This bye-law adopts the Code of Professional Conduct and Ethics for Social Workers agreed by the Social Workers Registration Board.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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