

SOCIAL WORKERS
REGISTRATION BOARD

CODE OF CONDUCT



Social Workers
Registration Board
Kāhui Whakamana Tauwhiro

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Code of Conduct

Preamble

This Code of Conduct (Code) sets out the minimum professional standards of integrity and conduct that apply to Registered Social Workers and to the social work profession in general. This Code also lets clients and the public know the standards of conduct they can expect from social workers.

The Social Workers Registration Board (SWRB) issues this Code in accordance with Section 105 of the Social Workers Registration Act 2003 (the Act). The SWRB is responsible for administering this Act. The main purpose of the Act is to protect the safety of the public by making sure social workers are competent to practise and are accountable for the way they practise.

This Code complements the legal obligations social workers have under the Act as well as other relevant applicable laws, practice standards, and guidelines. They include but are not limited to:

- the Code of Ethics – published by the Aotearoa New Zealand Association of Social Workers (ANZASW)
- competence standards (issued by the SWRB) and practice standards (issued by ANZASW)
- the Code of Health and Disability Services Consumer's Rights (HDC Code)
- employer codes of conduct
- the Health Information Privacy Code 1994
- relevant legislation, including the Privacy Act 1993, the Protection of Personal and Property Rights (PPPR) Act 1988, and the Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996.

The Code operates in the broader context in Aotearoa / New Zealand, which recognises Te Tiriti o Waitangi (Te Tiriti) as a founding constitutional document. The principles of Te Tiriti are integral to providing appropriate and professional social work services to Māori.

This is not a code of ethics. A code of ethics is a guide of the desired values and standards to use when making decisions or taking action (for example, 'try to work for social justice'), whereas a Code of Conduct is more specific about what actions are appropriate and inappropriate (for example, 'never discriminate').

This Code is not exhaustive, as the SWRB recognises that we can't list all behaviours expected of professional social workers. If an unsatisfactory behaviour or action is not specifically listed, that doesn't mean it won't be in breach of the Code. Social workers are expected to uphold exemplary standards of conduct in their role. Because they are in positions of trust and confidence they must also have high standards in their personal lives. We expect that every social worker will understand and adhere to this Code.

Broad language is used in this Code. The guides for each principle should help explain more about what behaviour is expected. The Code should be interpreted in the context of individual circumstance. 'Client' may refer to an individual adult or child; a student; a family, whanau, or aiga; a group; an organisation; or part of an organisation.

Application of this Code

For the purposes of the Social Workers Registration Act 2003, a Registered Social Worker can only be considered to be guilty of professional misconduct for any breach of this Code. 'Registered Social Workers' include those who have provisional, temporary or full registration.

However, this Code also applies to social workers who are not registered, as Section 105(1)(b) of the Act states that this Code not only applies to Registered Social Workers but also 'should apply generally in the social work profession.' Some individual employer codes of conduct require employees to comply with relevant professional codes of ethics or practice and if so, this Code will apply to **all** social work employees regardless of their registration status.

Right 4(2) of the HDC Code states that healthcare providers have a legal responsibility to comply with legal, professional, ethical, and other relevant standards. That includes complying with this Code for social workers who have provided a health or disability service, regardless of their professional status.

This Code may be updated by the Board from time to time.

A handwritten signature in black ink, appearing to read 'Shayne Walker', with a long horizontal line extending to the right.

Signed – Shayne Walker
Chairperson of the Board
14 March 2016

The Code consists of a framework of 11 overarching principles, which are a general guide to professional conduct. Each principle has statements describing the standards of professional conduct and practice required of social workers.

Principle 1

Act with integrity and honesty

You are expected to:

- 1.1 act honestly and ethically in all personal and professional behaviour
- 1.2 comply with all legal, professional, and ethical obligations and any other relevant standards, including those in the Social Workers Registration Act 2003
- 1.3 be responsible for your own actions and decisions
- 1.4 be reliable, dependable, and trustworthy
- 1.5 communicate in an appropriate, open, accurate, and straightforward way
- 1.6 decline any request to be a legal representative or power of attorney for a client
 - if they are a former client, you should not be their legal representative or power of attorney if you gain, or looks like you gain, personal benefit from this relationship
 - talk with your supervisor, employer, professional organisation, the SWRB, or seek legal advice in this situation.
- 1.7 not work in a situation where there is a conflict of interest:
 - discuss potential or actual conflicts of interest (both professional and personal) with your client and take all reasonable steps to protect their interests as much as possible
 - tell a supervisor or employer about any potential or actual conflicts of interest and if they cannot be resolved then end the relationship and refer your client appropriately.

Act with integrity and honesty – Guide

Complying with legal, professional, and ethical obligations

Under the Social Workers Registration Act 2003, a Registered Social Worker must have a valid Annual Practising Certificate (APC) if they are practising social work. It is an offence to continue practising social work if an APC has expired.¹ Social workers need to comply with all other obligations under the Act such as keeping home and/or work addresses up to date² and completing a competence assessment every five years.³

You should let the Registrar at the Board know if you become aware of someone saying incorrectly that they are a Registered Social Worker.

You also need to be aware of the content of the ANZASW Code of Ethics and of the principles and/or provisions of any other legislation you work under.

Acting as a representative or holding a power of attorney for clients

Property – Acting as a client’s representative or holding a power of attorney for finances and property is never appropriate for a social worker and must be avoided.

Welfare – Acting as a client’s representative or holding a power of attorney for decisions about health and welfare may put you in a conflict-of-interest situation and so is never appropriate.

Acting as a representative or holding a power of attorney for former clients

New Zealand is a very small country, so people are often interconnected with only one or two degrees of separation. Many people live and work in small and rural communities where people are dependent on each other. It is important that as a social worker, you keep a professional distance from clients and that there is no, or no appearance of any, advantage taken of a client.

There may be occasions where a former client asks you to hold their power of attorney. Err on the side of caution of not taking any advantage or benefit from any relationship with a former client, no matter how tenuous the professional connection has been. If a question arises, that question should be thoroughly and comprehensively addressed by those who can answer it – that is, seek advice from a supervisor, manager, or the SWRB. While accepting the legal position of holding a former client’s power of attorney may be motivated by the best of intentions, you need to be fully aware of the risks associated with accepting the role.⁴

¹ Social Workers Registration Act 2003, Section 82(2).

² Social Workers Registration Act 2003, Section 125.

³ Social Workers Registration Act 2003, Section 44; see also Sections 30(4) and 34(2)(b).

⁴ See for example the case of *PPC v Schlotjes* HPDT 446/OT11/187P where an occupational therapist was found guilty of professional misconduct for accepting the power of attorney for a former client.

In considering whether to accept a power of attorney from a former client, consider:

- whether you will gain personally from the relationship or if there will be an appearance of personal gain by you
- how long the professional relationship lasted
- the nature of the relationship in terms of whether there was (and possibly still is) a power imbalance
- the vulnerability of the client at the time of your professional relationship and whether they are still vulnerable – including the client's psychological, physical, and character traits
- whether you may be exploiting the knowledge you have about the client because of the previous professional relationship
- whether you may be the social worker for the client and/or their family/whānau in the future
- whether you have information that could compromise the client if used out of a professional setting, or if the client was previously a mental health consumer, or has an intellectual disability (in these situations, being their power of attorney may be never be appropriate).

There may be instances where, for example, in a small organisation, a social worker has a client who needs a Welfare Guardian (appointed by the Court under Section 12 of the Protection of Personal and Property Rights Act 1988). In this instance, another social worker in that organisation may be able to do this as long as that social worker is not and has not been in a professional relationship with the client.

Conflict of interest

You need to be aware of and avoid any conflicts of interest that mean you can't be totally professional and impartial. When providing services to two or more people who have a relationship with each other (for example, couples, or family/whānau members) make it clear to everyone who is a client and what your professional obligations are to those who are receiving services.

Areas of potential risk for conflict of interest include:

- 1 working in two distinct social work roles simultaneously in which the same client could be a party
- 2 having a second occupation that involves your clients as a social worker
- 3 working with two or more clients whose best interests diverge (family/whānau, relationship, or marital conflict)
- 4 linking clients with other services that could benefit you, your relatives, or your friends
- 5 exploiting the relationship of trust and confidence that exists between a social worker and a client for your personal benefit (for example, material gain, personal relationships, politics, or research)
- 6 using your position to benefit yourself, your family/whānau, or your friends in a way that is unfair to clients or others (for example, jumping the queue to access services)
- 7 changing to a new role where your previous knowledge of clients could prejudice clients' fair treatment or access to services (for example, a former child-protection social worker becoming a family/whānau court counsellor)
- 8 accepting a client you have prior knowledge of or experience, where that experience could negatively affect the client and compromise professional boundaries
- 9 holding a personal philosophy, or religious or spiritual beliefs, that could result in your client being unfairly treated or exploited.

Principle 2

Respect the status of Māori as tangata whenua

You are expected to:

- 2.1 work in partnership with Māori clients and their family/whānau
- 2.2 work in a culturally appropriate manner while recognising the diversity within the Māori population
- 2.3 have an understanding of Te Ao Māori and be able to state and use bicultural practice models
- 2.4 promote the rights of Māori to use Māori social work and/or bicultural models of practice to protect the integrity of Māori as tangata whenua
- 2.5 promote access to services that meet the needs of Māori clients
- 2.6 as a supervisor, endeavour to ensure supervision is culturally relevant if the supervisee is Māori
- 2.7 as a supervisor, endeavour to ensure supervision is culturally relevant, safe, and responsive to Māori clients.

Respect the status of Māori as tangata whenua – Guide

Recognising our bicultural heritage, Te Tiriti o Waitangi (Te Tiriti), and Te Tiriti's core principles and articles is an integral part of social work knowledge and practice.

Section 6(c)(i) of the Social Workers Registration Act 2003 requires social workers to be competent to practise social work with Māori. The first competence standard of the eleven standards issued by the SWRB reflects this requirement.

Section 100 of the Act sets out the obligations of the Board in relation to Māori. Section 100(1) states that the Board 'must ensure that the aims and aspirations of Māori as tangata whenua, and the need for the appropriate involvement of Māori as tangata whenua, are integral and ongoing priorities.' Under Section 100(2) the Board is also required to 'maintain mechanisms (for example, appointing advisory committees or forming separate caucuses) to ensure that there are at all times readily accessible to it the views of Māori as tangata whenua.'

The ANZASW Code of Ethics recognises the articles of Te Tiriti and the importance of Te Tiriti as a founding document in the constitution of Aotearoa New Zealand. Part 1 outlines the ethical requirements for social workers in terms of their responsibility for a Tiriti-based society.

Working in partnership means that your client is provided with enough information in a form, manner, and language that helps them to understand that information. Clients can then fully participate in the professional relationship. Their voices and preferences are heard and valued, and the professional relationship is one of collaboration and empowerment.

You need to understand Te Ao Māori, be able to state and use bicultural models of practice, and appreciate and support the use of Māori practice frameworks and tikanga Māori when working alongside Māori. This helps to ensure safe and accountable social work practice with tangata whenua and to make sure that social work practice is within the parameters of the principles of Te Tiriti.

It is important to understand that the Māori population is very diverse. For example, don't assume that all Māori clients will want to be spoken to in te reo Māori or that all Māori clients are conversant with tikanga Māori. You need to be able to respectfully ask which ethnic group or culture tangata whenua clients identify with before making any assumptions. You also need to respect differing tangata whenua perspectives and avoid imposing monocultural values and concepts.

Cultural advisors

Working with cultural advisors or cultural support workers is similar to working with any kind of specialist. They can provide knowledge, skills, and wisdom that can help provide a safe and appropriate context for clients and their families/whānau to fully express themselves. It may not be easy to build up trust without demonstrating openness and respect for their beliefs and values, and a cultural advisor can help you understand these.

Principle 3

Respect the cultural needs and values of the client

You are expected to:

- 3.1 respect the diversity between and within different cultures, including diversity of ethnicity, disability, economic status, age, sexuality, gender, faiths, and beliefs
- 3.2 understand as much as possible and support your client's cultural identity, recognising the significance of cultural identification and beliefs
- 3.3 consider and work with any social work service(s) that may help in providing culturally appropriate service make sure that your client understands the language being used and use a competent interpreter where practical if they do not understand
- 3.4 be aware of any personal or religious beliefs or moral positions you have and make sure these do not override a client's right to self-determination and to receive quality social work service
- 3.5 maintain professional objectivity and if this is not possible, discuss this with your client and if necessary refer them to an appropriate person or service.

Respect the cultural needs and values of the client – Guide

Respecting the cultural needs and values of clients is a fundamental and inherent part of professional social work practice.

Section 6(c)(ii) of the Social Workers Registration Act 2003 requires social workers to be competent to practise social work with different ethnic and cultural groups in New Zealand. This is reflected in the second competence standard issued by the SWRB.

Section 101 of the Act requires that the Board has easy access to the views of Pacific people and from time to time sets in place mechanisms to ensure it has access to the views of other ethnic and cultural groups in New Zealand.

Part 3, Number 3.2 of the ANZASW Code of Ethics states that:

Members respect the worth and dignity of clients, and work in non-discriminatory ways that acknowledge the age, beliefs, culture, gender, marital, legal or family status, intellectual, psychological and physical abilities, race, religion, sexual orientation, and social and economic status of clients.

‘Culture’ can be defined as ‘the ideas, customs, and social behaviour of a particular people or society’.⁵ It also includes the attitudes of a particular social group.

Safe cultural practice or kawa whakaruruhau⁶ is key to being effective as a practitioner. Cultural safety is more centred on the experiences of the client, while cultural competence is what the social worker aims to possess.⁷ Unsafe cultural practice undermines any social work intervention. It can demean, disempower, or diminish the cultural identity of a person or group and can make any social work practice ineffective, or worse, abusive.

The HDC Code also addresses cultural safety. Right 1 includes the statement that ‘services should take into account your cultural, religious, social and ethnic needs, values and beliefs.’ Right 2 states that consumers should be free from discrimination. Right 5 states that information should be given in a form, language, and manner that you can understand, and that a competent interpreter should be used if practicable.

Interpreters

You should avoid using family/whānau members as interpreters, as this may not be appropriate or ethical. It can compromise neutrality, confidentiality, and accuracy. In most circumstances it’s best to use an independent, qualified interpreter.

⁵ Oxford online dictionary.

⁶ Kawa whakaruruhau, or cultural safety, was a term introduced by Irihapeti Ramsden (a registered nurse, educator and doctor of philosophy) and has been adopted by many other professions.

⁷ Wepa D (2nd ed). 2005. *Cultural safety in Aotearoa New Zealand*, Auckland, Pearson Education New Zealand.

Comprehensive advice on hiring and working with trained interpreters is available on the Office of Ethnic Communities website (see www.ethniccommunities.govt.nz). The website outlines a range of situations where there is a formal statutory or administrative requirement to use translators. Examples include specific obligations on anyone taking action under the Children, Young Persons, and Their Families Act 1989, providers covered by the HDC Code, courts (when considering either criminal or Child, Youth and Family cases) and the New Zealand Police.

Cultural advisors

Working with cultural advisors or cultural support workers is similar to working with any kind of specialist. They can provide knowledge, skills, and wisdom that can help provide a safe and appropriate context for clients and their families/whānau to express themselves fully. It may not be easy to build up trust without demonstrating openness and respect for their beliefs and values and a cultural advisor can help you understand these.

Principle 4

Be competent and responsible for your professional development

You are expected to:

- 4.1 meet relevant standards of practice, which includes being competent in bicultural practice
- 4.2 work in accordance with the law
- 4.3 work in a safe way
- 4.4 provide good-quality, effective client service
- 4.5 be accountable for the quality of your work
- 4.6 provide the client with details of the extent and nature of the services to be provided by you and your agency
- 4.7 maintain and improve your knowledge and skills, including those required for using any form of technology
- 4.8 know and work within the limits of your own practice and seek supervision and guidance where necessary
- 4.9 use a recognised ethical code or framework to assist in ethical decision-making⁸ (for example, the ANZASW Code of Ethics)
- 4.10 actively participate in supervision and critically reflect on practice
- 4.11 be responsible for, and engage in, continuing professional development
- 4.12 take responsibility for your own emotional, mental, and physical health, and practise appropriate self-care – seeking help if your performance, practice, or judgement is affected by health concerns
- 4.13 effectively supervise tasks that you have asked others to carry out
- 4.14 have the necessary skills, experience, and competence if teaching or doing research
- 4.15 make sure that your students understand the relationship of this Code of Conduct, the Code of Ethics, and other relevant standards of practice to their present or future social work practice.

⁸ Wording used is similar to the Nursing Council of New Zealand Code of Conduct, Number 6.10.

Be competent and responsible for your professional development – Guide

A competent social worker should be able to demonstrate that they meet the SWRB's 10 core competence standards (see the Board's website www.swrb.govt.nz) or the ANZASW practice standards (see the ANZASW website anzasw.org.nz).

Supervision

Supervision is a fundamental part of being a competent social worker. It lets you (amongst other things) reflect on your current practice and offers opportunities for learning and development. It helps you apply social work ethics, including Māori values and ethics, and provides a context for ongoing clarification of values and the exploration of ethical dilemmas and cultural issues.

Both the SWRB and ANZASW have policies about supervision. These can be found on the relevant websites. Both the SWRB and the ANZASW expect you to have regular and appropriate supervision. The SWRB requires that you take part in supervision at least monthly. The ANZASW policy specifies that members should participate in supervision for a minimum of an hour per month. You must take an active part in supervision, be responsible for bringing issues to supervision, and be open and honest with your supervisor.

The SWRB policy on supervision requires that a Registered Social Worker should be able to provide evidence of supervision and a contract for supervision when undertaking competence requirements or when renewing their Annual Practising Certificate.

Continuing professional development (CPD)

The SWRB has a policy on CPD and this can be found on their website. The SWRB requires every Registered Social Worker to:

- engage in CPD
- keep a log of their activities
- complete a minimum of 20 hours CPD per learning year
- reflect on their learning, and
- use a minimum of two different learning activities when undertaking their annual CPD.

All Registered Social Workers should become familiar with the SWRB policy on CPD.

Health

The SWRB is responsible for protecting the safety of the public under the Act. Anyone who considers that a Registered Social Worker may be unable to perform their social work practice satisfactorily may give the Registrar notice of the circumstances.⁹

Like anyone else, social workers can have health problems. It is important that you are responsible for your own health and well-being. If there is a problem that either could affect your practice or is affecting the quality of your work, it's your responsibility to ask for help.

⁹ Section 51(1) Social Workers Registration Act 2003.

Principle 5

Protect the rights and promote the interests of clients

You are expected to:

- 5.1 advocate for the human, legal, and civil rights of your client while also making sure that their behaviour does not harm themselves or others
- 5.2 support the client's right to self-determination – if their capacity and/or circumstances limit the possibility of self-determination, you must where possible protect your client's rights and welfare
- 5.3 facilitate fair access to services, resources, and other professionals where it is in the interests of your client and make appropriate referrals where possible
- 5.4 recognise and use responsibly the power that comes from any social work role, keeping the dignity of the client front of mind
- 5.6 never engage in or become a party to any discriminatory behaviour, harassment, coercion, or sexual or financial exploitation of clients
- 5.7 never abuse, neglect, harm, or exploit clients in any way
- 5.8 maintain personal and professional boundaries and not form inappropriate relationships with clients or those close to them
- 5.9 abstain from sexual relationships or any form of sexual interaction with clients or with those close to them – including any behaviours or comments which might reasonably be interpreted as being a sexual advance or sexually demeaning
- 5.10 not form a sexual relationship or have any form of sexual interaction with former clients or those close to them, where you have (or it could appear that you have), used any power imbalance, knowledge, or influence obtained while you were their social worker to exploit, coerce, or manipulate, intentionally or unintentionally, the person with whom the sexual relationship or interaction occurs
- 5.11 report any dangerous, abusive, exploitative, or discriminatory practice of any other social worker to the appropriate authority
- 5.12 advise clients of how to make a complaint if they are unhappy with the service provided
- 5.13 end the relationship with the client if it is clear a continued relationship would not benefit them and provide for alternative professional help if necessary.

Protect the rights and promote the interests of clients – Guide

Boundaries

The overwhelming majority of social workers maintain clear and professional boundaries with clients. However, like all professionals, you need to be vigilant in your efforts to avoid inappropriate dual relationships. Within the professional relationship there is almost always an imbalance of power due to your authority, specialised knowledge, ability to access privileged information, and influence as a social worker. You may also have a professional relationship with the client's family/whānau and others close to the client that may increase their vulnerability.

The power imbalance is increased when the client's knowledge is limited or they are particularly vulnerable because of age, character trait(s), or a particular set of circumstances. Take care to ensure that your own personal, sexual, or financial needs are not influencing interactions between yourself and the client. Also recognise that clients may read more into the professional relationship with the social worker and try to have their personal or sexual needs met. When this happens you have to maintain the professional boundary.

You should politely decline 'friend' requests from clients on Facebook and other social-media networking sites.

Sexual boundaries

Clients and people close to them

Sexual relationships or any form of sexual interaction with clients and people close to them are prohibited because:

- sexual relationships can cause significant and enduring harm to clients
- there is a power imbalance between the client and you as a social worker and that will always mean there is the potential for abuse of your position and harm to the client
- it is difficult for the client to give informed consent to sexual contact because of that imbalance of power
- the client has put their trust in you as a professional and the betrayal of that trust can have devastating consequences
- you have a responsibility to protect the interests of your client and not serve your own needs
- a sexual relationship with a client can impair professional judgment
- a sexual relationship with a client can cause damage to public trust in the social work profession.

This list is not exhaustive and there are other reasons why behaviour of this kind is unacceptable.

Occasionally you may be attracted to clients, especially considering the intimate nature of the clinical work you do together. One hallmark of ethical practice is your ability to identify and properly manage these feelings. Sexual relationships, sexual contact, or any other form of sexual interaction between a social worker and a client is never a valid form of therapy.

Sexual relationships or behaviour, or sexual interaction with any person in your client's social system, is also unacceptable because of the potential to cause harm to both the client and the other person. A sexual relationship between you and a person in the client's social system could significantly undermine the trust and confidence between you and your client.

Relationships with former clients or people close to them

Sexual relationships with former clients may be inappropriate no matter how long ago the professional relationship ceased. There is no arbitrary time limit that makes it safe for a social worker to have an intimate or sexual relationship with a former client. The sexual relationship may be influenced by the previous therapeutic relationship where there was a clear imbalance of power.

In considering whether a relationship could be appropriate, you must consider:

- how long the professional relationship lasted
- the nature of the relationship in terms of whether there was a significant power imbalance
- the vulnerability of the client at the time of the professional relationship and whether they are still vulnerable – including the client's psychological, physical, and character traits
- whether you may be exploiting the knowledge you have about the client because of your previous professional relationship
- whether you may be involved as a social worker for the client and/or their family/whānau in the future
- whether you know information that could compromise the client if used out of a professional setting, or if the client was previously a mental health consumer, has an intellectual disability, or has been sexually abused in the past (in these situations a sexual relationship may never be appropriate).

The same considerations apply to relationships with any person in the former client's system. Seek advice from your professional organisation, supervisor, manager, employer, or the SWRB if necessary.

Ending the professional relationship with a client

You may have to end a relationship with a client for either personal or professional reasons (for example, discovery of a conflict of interest, inability to provide services that meet their needs, or as the result of client complaint).

If you have to end a relationship with a client, you must do your best to protect their interests and needs by referring them to an appropriate professional or service provider. In these circumstances you must advise your client that you're no longer going to work with them and the reasons why, and wherever possible you must give them options for the transfer of services.

Individual organisations should have policies in place to support and guide their social workers through this process.

Principle 6

Strive to establish and maintain the trust and confidence of clients

You are expected to:

- 6.1 treat clients with respect and dignity
- 6.2 behave in a professional manner
- 6.3 never abuse the client's trust
- 6.4 never encourage or ask clients or former clients to give, lend, or bequeath money or gifts that will benefit yourself or those close to you – decline gifts or benefits that will place you under any obligation or perceived influence and do not put pressure on clients or former clients or their families/whānau to make donations to other people or organisations – receiving small token gifts (for example, chocolates or flowers) for sharing with colleagues may be acceptable, but cash gifts or items of larger value should never be accepted¹⁰
- 6.5 honour work commitments, agreements, and arrangements and when it is not possible to do so, explain to clients why this is not possible
- 6.6 recognise, understand, and honour a client's right to make informed choices and give informed consent to any service or treatment they receive, except where any enactment or the common law provides otherwise¹¹
- 6.7 if a client cannot give informed consent because they are unable to fully understand and/or communicate their decision, make sure you take reasonable steps to find out their views and seek consent from a person legally empowered to do this on your client's behalf (where such a person exists)
- 6.8 ask to see any relevant legal documents, such as an enduring power of attorney and its activation document if someone other than the client is trying to make decisions on the client's behalf
- 6.9 take complaints seriously and respond to them in an appropriate, professional, and constructive way.

¹⁰ Wording used is similar to the Nursing Council of New Zealand Code of Conduct, Number 7.6.

¹¹ See Right 7, HDC Code.

Strive to establish and maintain the trust and confidence of clients – Guide

Trust is fundamental to the social worker/client relationship. If this trust is broken it affects both that specific relationship and how the public perceives the social work profession as a whole. Maintaining trust is just as important as establishing it.

Gifting

While gift giving is generally well intentioned, accepting gifts of more than a token value or accepting favours or hospitality has the potential to compromise the professional relationship because:

- it could be seen as you gaining personal benefit from the professional relationship
- it may be interpreted as you taking advantage of a vulnerable client
- it may place you under an obligation of some sort and thereby put you in a conflict-of-interest situation
- it could be interpreted as an attempt by the client to gain preferential treatment
- it could be interpreted as a sign of a personal or emotional relationship between you and your client
- if you are a public servant (for example, work for a DHB or Child, Youth and Family Services) you are bound by the State Services Code of Conduct, which requires you to be impartial and accepting gifts may be a breach of that Code (see www.ssc.govt.nz/code to view that Code).

Generally speaking you should politely decline anything other than 'token' gifts from clients or their families/whānau. Token gifts are things such as chocolates or flowers, generally designed to be shared amongst a team.

Cash gifts or anything of large value should never be accepted.

There may be situations where refusing a gift may be difficult, impolite, or appear culturally insensitive. The giving of gifts may be an expectation under certain circumstances or within some cultures. If you're unclear about receiving a gift and your organisation does not have a gifting policy or that policy is unclear, discuss it with your manager, employer, supervisor, or professional organisation, or with the SWRB.

You should not give gifts to clients as they may feel obligated to give something in return or see the gift as an indicator of a personal relationship.

Informed consent

You have a responsibility to ensure that your clients understand that they have the right to make informed choices and to provide informed consent. These rights apply equally to decisions about the provision of services or treatments and the disclosure of information for teaching or research purposes.

This Code requires you to recognise the rights of clients as established under the HDC Code. The HDC Code applies in situations where a health or disability service has been provided. However, the principles in the HDC Code are equally applicable to much of the work undertaken by social workers and should be followed.

The issue of informed consent is covered in Right 6 and Right 7 of the HDC Code and is available on the HDC website (see www.hdc.org.nz).

Children, young people,

Carefully explain proceedings to children and young people in age-appropriate

and those with reduced capacity

language and seek their views and opinions in all matters that affect them.

Adults with diminished competence are protected under the provisions of the PPPR Act 1988. The purpose of the PPPR Act is to help people who have lost the ability to make or understand decisions about their own personal affairs or property, or who can't tell others what they have decided. The PPPR Act can apply to a wide range of people, including those who are mentally ill, have an intellectual disability, have severe head injuries, or are elderly and have become mentally incapacitated in some or all areas.

Every person is presumed competent unless there are reasonable grounds for believing that the person is not competent.¹² Determining competence requires a clinical assessment. If a person has diminished competence that person retains the right to make informed choices and give informed consent to the extent appropriate to their level of competence.¹³

Social workers should ask to see an enduring power of attorney (EPOA) document and evidence of its activation if a person (other than the client) is trying to make decisions on behalf of the client. An EPOA is not 'activated' unless there has been a clinical assessment of some form.

¹² Right 7(2) HDC Code.

¹³ Right 7(3) HDC Code.

Principle 7

Respect the client's privacy and confidentiality

You are expected to:

- 7.1 protect the privacy of the client's personal information
- 7.2 treat information gained in the course of the social worker/client relationship as confidential information and use it for professional purposes only
- 7.3 inform clients of the extent to which any other professionals or employees will be able to access client records
- 7.4 inform clients of the extent of confidentiality and the situations where the information may need to be disclosed and wherever possible advise your client of such a situation
- 7.5 store records securely and make sure these are only accessed or removed for social work or professional purposes
- 7.6 use technology with diligence and care to protect client privacy and take special precautions to protect client information in any electronic records, emails, documents, notes, or any other place where client information is held
- 7.7 maintain client confidentiality and privacy by not referring to any client or client-practice issue in public places including in social media,¹⁴ as even if identifying data such as names or place of residence are not included, the client may still be recognisable.

¹⁴ This applies to social-networking sites (for example, LinkedIn, Facebook, MySpace, blogs, emails, Twitter) and other electronic media.

Respect the client's privacy and confidentiality – Guide

Confidentiality and privacy are related but distinct concepts.

Confidential information is about the data gathered about clients. Clients have an expectation that such information will only be disclosed in certain circumstances. Sharing information within the social work or interdisciplinary teams is, at times, essential for best client management or where a child's or other people's safety is at risk. However, if that confidential information is disclosed without authorisation or justification, then we say that the person's privacy has been breached.

Privacy is more related to the person. People are entitled to a private life and to keep personal information to themselves. Privacy is related to the client's expectation to be treated with dignity and respect. The social worker/client relationship is built on trust and clients will be reluctant to disclose their most personal information if they fear it will be disseminated beyond those who have a legitimate need to know. Any breach of this trust, even inadvertent, damages the particular social worker/client relationship and general trustworthiness of the social work profession.

You need to be aware of the laws, codes, regulations, and policies that relate to privacy and confidentiality. They are found in places such as (but not limited to):

- the Privacy Act 1993
- the Health and Disability Commissioner's Code of Health and Disability Services Consumer Rights Regulations 1996
- the Health Information Privacy Code 1994
- employers' policies or guidelines.

These outline when you can disclose information about a client. You may be able to disclose information about a client, for example, to prevent or lessen a serious and imminent threat to public health, public safety, or to the life or health of a client or another person (see Health Information Privacy Code, Rule 11).

The decision not to advise a client of the disclosure of information requires careful consideration. This is likely to occur only in very exceptional circumstances, such as when notifying them about the disclosure would expose others to risk (for example, in some child-protection matters) or where there is a specific requirement that prohibits such a disclosure.

Consult with senior colleagues and other appropriate professionals (including seeking legal advice) before disclosing information without your client's consent.

See the websites of the Health and Disability Commissioner and the Office of the Privacy Commissioner for more detailed information.

Discussing clients or 'cases' in public or on social media

New Zealand is a very small country and you may not be aware of connections between clients, colleagues, and other people. Discussing client information in public, whether names are used or not, is not appropriate. People can still be identified.

The same standards of conduct are expected when you use social media and social networking sites such as Facebook, blogs, Twitter, and others. These are, in effect, all public spaces where you have little control over where the information goes. It is your responsibility to ensure your clients' information is kept confidential.

Principle 8

Work openly and respectfully with colleagues

You are expected to:

- 8.1 communicate with colleagues with courtesy, openness, and honesty
- 8.2 work cooperatively with colleagues when such cooperation serves the well-being and the best interests of clients
- 8.3 resolve any conflict with colleagues respectfully and constructively
- 8.4 never bully, harass, or discriminate against colleagues
- 8.5 abstain from sexual relationships or any form of sexual interaction with supervisees or social work students
- 8.6 respectfully challenge any discriminatory practices by colleagues
- 8.7 not discuss colleagues in public places or on social media
- 8.8 not undermine or damage the reputation and character of colleagues by making malicious or unfounded criticisms of them – this may undermine clients' trust in the social work (and other) services they may have received or may receive
- 8.9 share knowledge, experience, and ideas to promote further education and training
- 8.10 if confronted by a colleague's professional negligence, misconduct or unethical behaviour, address the matter through established organisational or legal channels. If it is unable to be resolved through discussion or the matter is serious, report it to the SWRB or the appropriate authority, especially if the matter is dangerous, discriminatory, abusive, or exploitative.

Work openly and respectfully with colleagues – Guide

It is important that social workers are able to have and maintain respectful professional relationships with both social work colleagues and colleagues from other disciplines. Unresolved conflict or poor working relationships between colleagues can adversely affect clients. Collaboration is an essential social work skill and free-flowing communication between social workers and colleagues lets people learn from each other. It also prevents double-up situations with colleagues from other disciplines. If people hesitate to ask for help or for clarification, or worse, avoid one another, collaboration and teamwork is compromised. This could have a negative impact on clients.

You and your colleagues come from a very diverse range of backgrounds, so you need to be culturally safe – that is, have respect for, and be open to, people different to you.

If confronted by professional misconduct, you have an ethical duty to report it to your manager, employer, to the SWRB, or to the appropriate authority.

If you are an employee or former employee of a public or private sector workplace and are aware of serious wrongdoing – that is, corrupt, unlawful, or gross negligent use of public money or resources, conduct posing a risk to public health and safety or the environment, or any criminal offence – you may be protected under the ‘whistle-blower’ legislation (the Protected Disclosures Act 2000). More information about this legislation is available on the Office of the Ombudsman’s website (see www.ombudsman.parliament.nz).

Sexual interaction with supervisees or students

There is also an obvious and direct power imbalance between a social work supervisor and supervisee. A social work student is also in a vulnerable position to a social worker. Consequently the profession considers that any sexual interaction, sexual behaviour, or sexual relationship with supervisees and/or students is unacceptable.

Principle 9

Maintain public trust and confidence in the social work profession

You are expected to:

- 9.1 maintain a high standard of professional and personal behaviour – avoid activities, work, or non-work that may in any way bring the social work profession into disrepute; the same standards of conduct are expected when using social media and electronic forms of communication
- 9.2 refrain from acting in ways that can be interpreted as, or actually result in you (or those close to you) gaining personal benefit from your social work position
- 9.3 provide accurate, factual information about your knowledge, skills, statutory status, training, qualifications, and experience
- 9.4 protect yourself and other people from unnecessary risk
- 9.5 never use or condone the use of violence
- 9.6 work cooperatively with, and be honest, open, and constructive in your dealings with managers, employers, the SWRB, and other authorities
- 9.7 cooperate fully with any formal inquiries or investigations of any kind
- 9.8 inform the SWRB, without delay, if anywhere in the world you have been charged with or found guilty of a criminal offence, have been dismissed or suspended from work, or have resigned for reasons relating to competence or conduct.

Maintain public trust and confidence in the social work profession – Guide

It is important that you avoid behaving in a way – both inside and outside of work – that may bring the social work profession into disrepute or call into question your suitability to be a social worker. The SWRB has from time to time received complaints about the behaviour of a social worker in their private or personal life. This shows that members of the public hold certain expectations about individual social workers.

For conduct outside of work to be sufficiently serious to warrant discipline, it has to have a direct relationship with your professional behaviour or there has to be a connection with your professional position to bring discredit on the profession.¹⁵ For example, if you work as an Alcohol and Drug Counsellor and a client with an alcohol and drug issue sees you very drunk at a restaurant, it could affect your professional relationship and inadvertently cause harm to the client, as it may be at odds with how the client perceives you in a professional capacity. While the SWRB does not wish to intrude into the personal lives of individual social workers, it does have a responsibility to ensure the safety of the public and also to ensure that Registered Social Workers do not behave in ways that reflect adversely on their fitness to practise, or affect clients, or bring the social work profession into disrepute.

Any Registered Social Worker convicted of an offence punishable by imprisonment for a term of three months or more will have to come before a Complaints Assessment Committee (see Part 4 of the Social Workers Registration Act 2003). Some convictions will obviously reflect adversely on the social work profession (for example, violence or sexual offences). Some convictions may be less clear-cut (for example, a one-off drink-driving offence).

Social media

You must carefully consider what you post or write on social media (such as Facebook, Twitter, blogs, and so on). Before posting anything, think about who could see it. Remember that anything posted online can potentially be seen by a wider audience than originally intended. Consider all online posts to be public and permanent. (See the guide for Principle 10 for further details.)

Cooperating with investigations

Being a professional means that working cooperatively with managers, employers, the SWRB, and other authorities is important. You are expected to cooperate with any formal enquiry and to provide honest and accurate information. You must not withhold relevant information from any formal investigation or try to contact or influence any complainants or witnesses except where directed by the relevant authority.

You do, however, have the right to not give evidence that may lead to criminal proceedings being taken against you. Seek legal advice if you think you need to be represented or are unsure of your rights and/or obligations.

¹⁵ *Collie v Nursing Council of New Zealand* [2001] NZAR 74; see also *The Complaints Assessment Committee v Whitwell* New Zealand Teachers Disciplinary Tribunal 2011/7.

Principle 10

Keep accurate records and use technology effectively and safely

You are expected to:

- 10.1 keep clear and accurate records
- 10.2 make these records at the same time the events being recorded or as soon as possible afterwards and clearly attribute them to yourself
- 10.3 not tamper with original records in any way
- 10.4 take special care to protect client privacy and client information when using technology and/or electronic records
- 10.5 be proficient in the skills required to use any technology when providing social work services and to seek appropriate training to stay current with emerging technologies to ensure competent and safe practice
- 10.6 be aware of the dynamics, advantages, and limitations of technology-based interactions and the ways in which technology-based social work practice can be safely and appropriately conducted – it's your responsibility to:
 - manage any associated risks when using technology – consider the destiny of data and be aware that all posts on social networking sites are public and permanent
 - set and maintain clear and appropriate personal and professional boundaries in all forms of communication, including face-to-face contact, written, telephone, and online communications¹⁶
- 10.7 act in accordance with the ANZASW Code of Ethics, this Code, and any other relevant regulations, policies, or laws when providing any service by electronic means, including the telephone
- 10.8 follow the standards that would be applied in a face-to-face supervisory relationship when using or providing supervision by technological means.

¹⁶ Online communication includes but is not limited to all social networking sites, emails, blogs, and instant messaging.

Keep accurate records and use technology effectively and safely – Guide

Records

Maintaining and managing accurate and objective records of your interactions with clients is a fundamental part of good social work practice. Accurate documentation of practice decisions and interventions provides a clear record of the nature of social work involvement with clients and progress in achieving established goals. These records also support the continuity of services to a client if they are transferred to another professional. This may be especially important in situations where you are operating as an individual private practitioner.

You also need to be aware of the part that accurate and contemporaneous record-keeping plays in any complaints procedure. Accurate recording not only protects clients, but also protects you as a social worker.

Using technology

The past two decades have witnessed an immense expansion of the use of technology in social work practice. Emailing, texting, posting online, and the commonplace sharing of information on social media are exciting and valuable tools for social workers. They allow for easier, more efficient, and more immediate ways of keeping in close contact with clients and colleagues. Handheld devices have sped this up even more over the past few years. However, they have also often reduced the time taken to consider whether a post, email, or text is appropriate and the consequences of that action. You should always use technology with caution and with the best interests of the client as the foremost consideration.

The following provides some guidelines as to what is appropriate use of technology, but it does not and cannot cover all forms of behaviour when using technology. In general, traditional expectations regarding the conduct of social workers still apply in this non-traditional context. Maintain all professional standards, including when using online social media. Always consider the destiny of the data sent or posted.

Social media

Once information has been posted online it can remain traceable even if it is later deleted. It can be almost impossible to remove and can quickly spread beyond a person's control. Consider all online posts to be public and permanent.

You may have a personal online profile. Clients may search for information on the internet about you, which may disclose considerable personal information and/or retrieve sites where disgruntled former clients post comments. Always be alert to the possibility that clients have a lot of prior knowledge about you, your family/whānau, your friends, and what you do in your leisure time. Make sure privacy settings are at the appropriate level of security.

Be very cautious about posting personal information if it is something you would prefer employers, employees, colleagues, allied health professionals, supervisees, or students not to know about you. You may unintentionally inform others of political, religious, or moral beliefs; social activities; details of family/whānau; and personal relationships. 'Employer surveys have found that between one-fifth and two-thirds of employers conduct internet searches, including social networking sites, and that some have turned down applicants as a result of their searches.'¹⁷

You also need to be aware that privacy settings are sometimes reset by the social

¹⁷ Parker, K (2010) and Paton, N. (2007) cited by Waikato DHB social media guidelines.

networking site to a default setting which is not necessarily as stringent as your personalised setting. Check your privacy settings regularly.

If a colleague is putting themselves at risk on social media and behaving inappropriately, consider letting them know (in a discreet way) and encourage them to withdraw that information.

Avoid using social media as a way of disclosing professional misconduct such as in a 'whistle-blowing' scenario. Use the established and appropriate channels instead. The Office of the Ombudsman or the SWRB may be able to provide guidance in a 'whistle-blowing' scenario. Where you are in an organisation that you believe puts you or your clients at risk you need to contact the SWRB or the ANZASW.

Confidentiality

The main risk around the use of social media is the disclosure of confidential information – that is, breaching a client's or a work colleague's privacy. There should be no reference to any client or personal disclosures about a colleague, manager, or an employer on a social website. Even if a client's identifying personal details are not included (such as their name or place of residence) their identity may be recognisable to others because of the information provided. Similarly the identity of an employer or manager may be deduced by inference.

Boundaries

Social media is informal and can encourage inadvertent and unintended boundary violations. Maintaining the boundary between you and your client is your responsibility.

Never make a 'friend request' to a client to become friends on a personal, non-work-related social-media site. It is strongly advised that you politely decline any requests from clients and former clients if they wish to be 'friends' on a personal, non-work-related site. Consider changing privacy settings so as it is not possible for clients to request this.

However, where social workers who have set up a work-related site to enable, for example, younger clients to connect and communicate with each other and/or their social worker and have a professional profile, the considerations may be very different. Guidance from a supervisor may be required.

Client privacy – online searches

Remember that you are bound by the principles in the Privacy Act 1993. These include that information collected should be connected to a function or activity of the agency and it is necessary to collect that information for that purpose.¹⁸ Personal information must not be collected by means that are unfair or intrude unreasonably on the personal affairs of the individual concerned.¹⁹

If you're doing an online search of a client without their consent, you may be breaching the Privacy Act and perhaps other ethical responsibilities. It could undermine the professional relationship, which is based on trust and confidence, as you hold the burden of the 'secret'. If you find yourself interested in investigating the online activities of your clients, question your reasons for this and if necessary, discuss the issue in professional supervision.

¹⁸ Privacy Principle, Number 1.

¹⁹ Privacy Principle, Number 4.

Sometimes searching for information about clients online is professionally justifiable, such as in emergency or crisis situations. The actions taken and the reasons for it should be fully recorded.

Privacy settings

As stated above, check your privacy settings regularly. In 2009 Facebook updated its privacy policy and settings and automatically defaulted a large number of people back to far more public settings. Your name, profile photo, friends list, gender, geographic locations, and networks to which you belong to are considered 'publicly available'. Make sure you read the privacy policies attached to social media sites.

If you still have questions contact the New Zealand Privacy Commission (see www.privacy.org.nz).

Using technology with clients

Any use of technology that does not involve personal contact with the client carries some risk. There is the risk that you could miss signs of attitude, emotional state, and distress without the visual or auditory cues.²⁰ It is always your responsibility to ensure that you provide services in a responsible manner and this may require personal contact. For example, if the professional relationship needs to be terminated, it may be more appropriate to write a client a letter instead of an email or text. Similarly, it may be more appropriate to discuss a sensitive issue with a client face to face rather than calling their mobile phone.

Agree with clients at the beginning of your professional relationship how you will communicate, what is an acceptable form of communication and for what situation(s), and any associated boundaries.

You need to be able to evaluate whether technology-based methods will provide the best assessments and interventions. It is your responsibility to stay up to date with emerging technologies and knowledge around using technology with clients.

Texting and emailing clients

Use texting sparingly, as mistakes can easily be made and messages can be misunderstood. Use more formal language, as using slang and more casual ways of communicating may confuse clients about the boundaries in the professional relationship. Texts can easily be accidentally sent to the wrong person. Sometimes they do not arrive and there is little way of checking this. They can also be read by someone else.

Email and texting are often seen as less formal ways of communicating and can create a perception that people are contactable and available at any time. Therefore you need to be aware that professional boundaries can become blurred when using these forms of communication. It is your responsibility to set clear boundaries around this. For example, you may want to agree with your client when text messages and or emails can be sent and when they will be answered.

If you text clients you don't need to transcribe all the texts and incorporate everything in the notes, but you should always record what is relevant to their ongoing care, any relevant information, decisions made about ongoing intervention or action, and any plans or advice given.²¹

²⁰ See HDC Case 09HDC01409, where a counsellor gave advice to a client by text and 11HDC00596 where a midwife gave advice to a pregnant woman by text message. In both cases there were tragic consequences, as key pieces of information were miscommunicated.

²¹ See HDC Case 09HDC01409.

Treat all emails like open postcards that can be pinned to public notice boards. Emails can be altered without your consent and can be forwarded to anybody without consent. Use the 'reply to all' function carefully and conservatively.

Making a mistake

If you accidentally disclose something you shouldn't have, tell someone who can help as soon as possible.

Principle 11

Be responsible in research and publications

You are expected to:

- 11.1 undertake any research or publish any material in an ethical way and in compliance with Part 8 of the ANZASW Code of Ethics
- 11.2 comply with all the obligations in this Code when engaging in teaching or research
- 11.3 gain informed consent from all participants to participate in the research
- 11.4 submit any research involving human participants to the appropriate ethics committee for approval
- 11.5 take all possible steps to protect participants from discomfort, harm, danger, or deception
- 11.6 accurately acknowledge all sources of information and ideas
- 11.7 not assert that personal statements made by you are made on behalf of other social workers, the SWRB, the ANZASW, or other organisations unless these parties are properly authorised in advance.

Be responsible in research and publications – Guide

This Code requires social workers undertaking research or publishing any material to comply with the principles described in Part 8 of the ANZASW Code of Ethics.

Many organisations and sectors have ethics committees that oversee researchers' access to information about their clients and related business activities and provide professional perspectives on ethical issues. Examples of such research ethics committees include the Department of Child, Youth and Family's Research Access Committee and the Justice Sector Committee. Tertiary education institutions also have their own ethics committees. The Ministry of Health has established seven Health and Disability Ethics Committees to provide ethical review of health and disability-related research in New Zealand. In broad terms, all health and disability-related research that involves human participants must be approved by one of the committees (see ethics.health.govt.nz).

The Health Research Council (HRC) has its own Ethics Committee. The Council has developed extensive guidelines on ethics in health research that include information on other relevant ethics committees (see www.hrc.govt.nz).

General advice for those conducting research, including best-practice guidelines on a range of subjects such as ethics, can be accessed from the Social Policy Evaluation and Research Committee (see www.spear.govt.nz). Association of Social Science Researchers (ASSR) and the Australasian Evaluation Society (AES) also have their own codes of ethics.