



# INFORMATION FOR COMPLAINANTS

## Ethics Complaints Management Process

This document provides information about the Australian Association of Social Workers Pty Ltd (AASW) response to complaints about its members. It is a summary document and includes information about the:

- AASW;
- *Code of Ethics* (1999 and 2010 editions) and the *By-Laws on Ethics* (2007);
- AASW Ethics Panel;
- Ethics Complaints Management Process; and
- How to make a complaint.

For a full understanding of the ethics process this document is best read along with the *AASW's Code of Ethics* (1999 or 2010 edition, whichever is relevant) and the *AASW By-Laws on Ethics* (2007).

### What is the Australian Association of Social Workers Pty Ltd?

The Australian Association of Social Workers Pty Ltd (AASW) is the professional association for qualified social workers. It is involved in professional education, accreditation of social work education programs, publication of an academic journal and other materials, and a range of other activities. One of the AASW's key activities is to ensure ethical conduct by its members.

In order to be a member of the AASW, social workers have to have completed an accredited Australian social work program or an equivalent program from another country. Not all people who call themselves social workers have social work qualifications that are recognised by the AASW. This means that they cannot be members and do not have to abide by the *AASW's Code of Ethics*.

Not all social workers are members of the AASW. Membership is voluntary, however many social workers join the Association because it provides them with a strong connection to their profession, a journal, professional indemnity insurance and opportunities for continuing professional education.

### What is ethical conduct?

Ethical conduct is the behaviour expected of social workers in their work, and the guidelines for ethical conduct is laid out in Section 4 (in 1999 edition, or Section 5 in 2010 edition) of the *Code of Ethics*. In brief, ethical conduct for social workers includes:

- respect for human dignity and worth;
- commitment to social justice;
- competent and humane social work service;
- professional integrity;
- practice competence; and
- responsibilities to clients, colleagues, the workplace and the profession.

Ethical misconduct occurs when a social worker acts outside of these guidelines.

### What happens when a social worker behaves unethically?

If the social worker is a member of the AASW the matter will be handled by the AASW Ethics Officer who works closely with the AASW Ethics Panel to find the correct response to the complaint.

### What is the AASW Ethics Panel?

The AASW Ethics Panel is a group of three people who are qualified social workers with extensive experience in ethical practice. The Panel is appointed by the AASW Board of Directors and meets regularly to respond to complaints.

### Who can make a complaint?

Anybody is entitled to make a complaint about the conduct of a social worker who is a member of the AASW. However, the Ethics Panel normally will not accept a complaint unless it is made by the person to whom the alleged misconduct has been directed. The exceptions here are if the person who has been the subject of misconduct is unable to make the complaint themselves, and the person writing the complaint is authorised to act for them. The Ethics Complaints Management Process (ECMP) is not a legal one. Complainants and respondents (the person about whom the complaint is made) are not able to have lawyers act for them in this process.



## What happens when a complaint is lodged with the AASW?

When a complaint is lodged with the AASW the respondent will be sent a copy of the complaint and will be asked to respond to it. The Ethics Officer and Ethics Panel will then work closely together to decide if there is a complaint to be answered and whether a Hearing Panel should be set up. The Hearing Panel can request an investigation into the matter. The investigator will be someone who is highly trained in investigative work, and who understands social work.

Appendix 1 at the end of this document has a flowchart that provides a summary of how the process works.

## Will the Ethics Panel always respond?

The Ethics Panel will always respond to your complaint. However, the Ethics Panel may not be able to set up a Hearing Panel if the matter is already being investigated by another party, such as the Police.

## Will the social worker know that I have complained?

Yes, the social worker will be told about the complaint and be asked to respond to it. The AASW is not able to investigate complaints that are made anonymously. If you believe you might be at risk if you make a complaint, you might consider taking your complaint to the police.

## Do I have to see the social worker?

It is likely that the Ethics Panel will set up a Hearing Panel. It is usual that the person who makes the complaint is there to explain why they have made the complaint and what harm it has caused them.

## Can I appeal a decision of a Hearing Panel?

It is possible to appeal to the Ethics Panel if you do not agree with the decision of a Hearing Panel. If the Ethics Panel agrees that the decision should be re-looked at it can set up an Appeal Panel. The decision of the Appeal Panel is binding. Please be aware that the Appeals process is limited to a review of: the procedures that were used; the misuse of natural justice; or inappropriateness of the penalty. You will not be able to introduce new information at this stage. Any relevant information you have that you wish to be considered by the Ethics Panel and Hearing Panel must be included in your initial complaint. New information cannot be brought into an Appeal.

## What happens to a social worker if the complaint is proven?

There are a number of different responses that can occur if a complaint is proven. These responses range from there being no penalty awarded, through to the social worker being ineligible for membership of the AASW. This could mean that they are no longer able to stay in their job. Other penalties include specialised supervision and fines.

## Can I do something else rather than make a formal complaint?

Yes, there are other options to a formal complaint and these may be better and easier. Other options include: contacting the social worker's supervisor or employer; contacting the Ombudsman; seeing your local member of parliament; or contacting your state's health commission service. The Ethics Officer can provide you with details of how to contact these organisations. However, if behaviour of the social worker appears to be a serious breach of ethical behaviour you should consider making a formal complaint. If the complaint is about criminal behaviour, you should see the police.

## How long do I have to make a complaint?

Complaints about a social worker must normally be made within two years of the misconduct having occurred. If there is some reason why the AASW should consider a complaint that is older than two years, please call and discuss it with the Ethics Officer (contact details at the end of this document).

## How long will it take?

The Ethics Panel tries to respond to complaints quickly, and the By-Laws and associated policy set out specific deadlines for the Ethics Panel, Hearing Panels, investigators and Appeal Panels to meet. However, there are a number of things that may make the time involved longer – such as: waiting for reports from investigations, waiting for responses from complainants and respondents, difficulty in setting Hearing Dates, if appeals are made, and so on. It is possible that a case may take up to eight months to be finalised.

### How do I make a complaint?

There is a particular way for complaints to be made so that all the information that is needed is provided. The complaint must be in writing and say very clearly what the misconduct is and to what part of Section 4 (in 1999 edition or Section 5 in 2010 edition) of the *Code of Ethics* the complaint relates. You should provide all the information that you have about the complaint, including other documents and reports.

Some reports, such as those in relation to the Family Law Court, or Children’s and Youth Courts, are confidential. It is possible that these may be used in the Hearing, however this will first need to be checked by the Chair of the Hearing Panels with the appropriate Court.

The Complaints Form is for you to fill in. This can be done online on our website ([www.aasw.asn.au](http://www.aasw.asn.au)) and emailed to the Ethics Officer at [ethicscomplaint@aasw.asn.au](mailto:ethicscomplaint@aasw.asn.au). Complaints Forms can also be posted to you by contacting the Ethics Officer on the phone numbers provided.

The complaint should:

- contain the facts and be objective;
- say who the complaint is about;
- say when and where the misconduct occurred and
- include any other documents that may be relevant.

### Is this a confidential process?

Yes, this is a confidential process. The ECMP is set up to ensure that only relevant parties have access to complaint materials. Relevant parties include the AASW Ethics staff, National Ethics Panel, and the Hearing Panel members (if applicable). All complaint materials (both paper and electronic) are stored securely and in accordance with the National Privacy Principles.

All parties involved in the ECMP are required to maintain strict standards regarding confidentiality. All parties are required to sign the Confidentiality Agreement prior to engaging in the ECMP.

### Can I get help to make a complaint?

Yes, you may get help to make a complaint. The best assistance is from people that know you and are close to you. This could be a friend, relative or a counsellor. If you do not have anyone to help you, and you need it, the AASW Ethics Officer may have some suggestions for you.

### Where do I send the complaint?

Your complaint (written on the proper form) should be sent to:

Ethics Officer  
 AASW Pty Ltd  
 PO Box 13087  
 LAW COURTS VIC 8010

The envelope should be marked ‘Confidential’.

### Who can I telephone about this complaint?

The best person to call if you want to discuss the complaint, or get copies of the Complaints Form, *Code of Ethics* (1999 or 2010 edition) or the *By-Laws* is the Ethics Officer at the National Office of the AASW (Melbourne). Please phone 03 9642 2967 or 0431 214 409, or messages can be forwarded to the Ethics Officer via free call number 1800 630 124.

