

# Australian Association of Social Workers Code of Ethics **2020**

This Code of Ethics 2020 is informed by professional competencies as outlined in the AASW Practice Standards, including the AASW Supervision Standards, and should be read in conjunction.

The AASW Code of Ethics (the Code) was presented at the Australian Association of Social Workers' Annual General Meeting on 06 November 2020. An error was identified after release of the Code. The National Ethics Committee of the Board of Directors approved a correction to the Code at its February 2021 meeting. The amendments affected section 1.1 only of the Code.

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# Declaration

Social workers acknowledge the Aboriginal and Torres Strait Islander peoples, their families and communities, the First Australians, whose lands, winds and waters we all now share, and pay respect to their unique values, and their continuing and enduring cultures that deepen and enrich the life of our nation and communities.

Social workers commit to acknowledge and understand the historical and contemporary disadvantage experienced by Aboriginal and Torres Strait Islander peoples. We work together in solidarity with them.

The AASW's vision is to increase understanding across the Australian social work profession about the histories and culture of the First Australians, to celebrate their achievements and resilience, and to develop meaningful relationships founded on mutual respect.

# 1 Code of Ethics

## Ethics and the social work profession

### 1.1 Who we are

Informed by principles of the inherent dignity of humanity, human rights, and social justice, social workers work with, and on behalf of, individuals, families, groups and communities to:

- enhance their individual and collective wellbeing and social development
- resolve personal and interpersonal problems
- improve and to facilitate engagement with the broader society
- address systemic barriers to full recognition and participation
- protect the vulnerable from oppression and abuse.

This *Code of Ethics* (the *Code*) of the Australian Association of Social Workers (AASW) expresses the principles and responsibilities that are integral to, and characterise, the social work profession. It is intended to assist all social workers, and social work students currently enrolled in an accredited social work program collectively and individually, to act in ethically accountable ways in the pursuit of the profession's aims.

The democratic values and principles embraced by the AASW as stated in the Constitution of the AASW (2008) (Constitution) underpin the *Code of Ethics*. Under the Constitution, the AASW will maintain a *Code of Ethics* that contains a set of principles agreed to by all members.

The social work profession in Australia adheres to the definition of social work jointly agreed to by the International Federation of Social Workers and International Association of Schools of Social Work in 2014.

*Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing.<sup>1</sup>*

The profession subscribes to the principles and aspirations of the United Nations Universal Declaration of Human Rights<sup>2</sup>, other international conventions derived from that Declaration, as well as treaties to which Australia is a signatory<sup>3,4</sup> and other human rights documents.

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<sup>1</sup> <http://ifsw.org/get-involved/global-definition-of-social-work/>

<sup>2</sup> <https://www.un.org/en/universal-declaration-human-rights>

<sup>3</sup> <https://www.dfat.gov.au/international-relations/treaties/australian-treaties-database>

<sup>4</sup> <https://www.dfat.gov.au/international-relations/themes/human-rights/Pages/human-rights>

Social workers recognise, acknowledge and celebrate the diversity within and among cultures in Australian society. They value a deep understanding of the cultural contexts in which ethical decision making occurs and the importance of taking into account individual, family, group, and community needs and differences. Social workers respect others' beliefs, religious or spiritual world views, values, culture, goals, needs and desires, as well as kinship and communal bonds, within a framework of social justice and human rights.

When engaged in service provision, education, administration, policy and advocacy; research and other recognised social work roles, social workers commit to promoting awareness of cultural and cross-cultural issues, and culturally safe practice, seeking to prevent and eliminate negative discrimination and oppression.

## 1.2 What we do

Social workers operate at the interface between people and their social, cultural and physical environments. In all contexts, social workers maintain a dual focus on assisting human functioning and identifying the systemic issues that create inequity and injustice.

Our service users are individuals, families and other kinship arrangements, groups, partnerships communities, organisations and societies. We focus especially on those who are neglected, marginalised, vulnerable, excluded, disadvantaged, alienated or have exceptional needs.

Social work practice includes:

- action to address the personal difficulties of service users through casework, counselling, clinical intervention, work with individuals, families, partnerships, communities and groups
- research, social policy development, administration, management, consultancy, education, training, supervision and evaluation undertaken to further human wellbeing and social development.

Social work action embraces advocacy and policy reform initiatives to achieve equitable access to social, economic, environmental and political resources focused in particular on:

- raising awareness of structural and systemic inequities
- promoting policies and practices that achieve a fair allocation of social resources
- acting to bring about social or systemic change to reduce social barriers, inequality and injustice.

## 1.3 Working alongside Australian First Nations people

Social workers acknowledge the learnings, strengths, capacities, abilities and contributions that Aboriginal and Torres Strait Islander peoples make to wider society as an integral part of social work knowledge and practice. We commit to working alongside First Nations Peoples recognising and supporting their rights and aspirations for self-determination. This commitment includes valuing the knowledge and lived experiences of Aboriginal and Torres Strait Islander social workers as they share and strengthen their practice and to be guided by them.

We value the unique cultural knowledge and skills, knowledge systems, history, lived experience and community relationships of Aboriginal and Torres Strait Islander peoples, and strive to prioritise these in work with First Nations people. We actively seek guidance regarding service development and delivery from community members, mentors, advisors and recognised Elders and Aboriginal and Torres Strait Islander communities.

In particular we acknowledge and understand the impact of colonisation and the ongoing oppression and intergenerational trauma suffered by First Nations people. We commit to acting in partnership as agents of change and healing with education and training to develop appropriate skills and understandings. We acknowledge the diversity of experience of Aboriginal and Torres Strait Islander cultures throughout Australia and value local knowledge of Indigenous nations. We emphasise that all parts of the *Code of Ethics* are relevant to working with Aboriginal and Torres Strait Islander peoples.

## 1.4 Structure and purpose of the *Code*

The *Code of Ethics* of the AASW, expresses the principles and responsibilities that are integral to and characterise the social work profession. It is intended to assist all social workers and students, collectively and individually, to act in ethically accountable ways, in the pursuit of the profession's aims.

The *Code* has three parts:

1. statement of ethical principles focused on three core principles of respect for persons, social justice and professional integrity, and what they mean for social workers
2. standards of ethical conduct that state in broad terms what the profession expects of its members with respect to their behaviour and conduct across all personal and professional activities
3. complaints and sanctions to guide AASW in deciding whether action is needed to protect the public in the event of allegations of ethical misconduct.

In conjunction with the AASW *Practice Standards* these three parts of the *Code* identify what is required of AASW members for effective, professional and accountable social work practice in all social work contexts.

The purpose of the *Code* is to:

- identify the principles that underpin ethical social work practice and the professional identities of social workers
- provide a guide and standard for ethical social work conduct and service delivery
- provide a foundation for ethical reflection and decision making
- guide social workers when determining their reciprocal rights with employers, colleagues and the AASW
- provide clarification of social workers' actions in the context of industrial or legal disputes
- protect practitioners and public alike from malpractice
- hold members accountable for their ethical practice and act as a basis for investigation and adjudication of formal complaints about unethical conduct.

The *Code* also provides:

- a checklist for educative and supervisory purposes
- a benchmark for the assessment of professional behaviour
- the basis for determinations regarding reported breaches of the *Code*.

The ethical principles and standards outlined in the *Code* will assist the social work profession, the social worker, service users, employers and other interested parties in:

- demonstrating that the principles of social work are integral to their practice
- upholding their ethical responsibilities and act appropriately when faced with ethical problems, issues and dilemmas
- identifying the ideals and purpose of the social work profession
- recognising the professional obligations of social workers
- understanding what constitutes ethical social work behaviour.

## 1.5 Using the *Code*

Members will make themselves aware of the spirit and contents of this *Code* and understand that the Standards of Ethical Conduct (Part 2, p. 19) are not exhaustive. If a social worker's behaviour or action is not outlined in this *Code*, then the general intent and principles will apply.

The standards are benchmarks for the social work profession and any behaviour or action by AASW members that does not meet these responsibilities is considered unethical. If a member fails to comply with this *Code*, a complaint may be made under the AASW ethics complaints management process as set out in Section 7.

By joining the AASW, members make a commitment to, and are required to abide by, this *Code*. AASW members, both practitioners and students, are called upon to account for their practice in the event of complaint or investigation regarding unethical conduct.

It is strongly recommended that social workers consult this *Code* to clarify expectations of the social work profession in relation to appropriate conduct. It will be noted that the list of Standards of Ethical Conduct identified in the *Code* is not exhaustive and members are advised to contact the AASW Ethics Consultation Service for clarification of any issues that arise.



## 2 Code of Ethics

# Ethical principles

Social workers are bound by three core principles:

- respect for persons
- social justice
- professional integrity.

### 2.1 Respect for persons

We hold that every human being has a unique and inherent equal worth and that each person has a right to wellbeing, self-fulfilment and self-determination, consistent with the rights and culture of others, and a sustainable environment. The social work profession:

- respects the inherent dignity, worth and autonomy of every person
- respects the human rights of individuals and groups
- provides humane service, mindful of fulfilling duty of care, and duty to avoid doing harm to others
- fosters individual wellbeing, autonomy, justice and personal and social responsibility, with due consideration for the rights of others
- recognises and respects group identity, interdependence, reciprocity and the collective needs of particular communities.

### 2.2 Social justice

The AASW holds that social justice is a core principle that its members are obliged to promote and uphold for society in general and for the people with whom they work. The social work profession:

- promotes policies, practices and social conditions that uphold human rights and that seek to ensure access, equity, participation and legal protection for all
- promotes justice and social fairness, by acting to reduce barriers and to expand choice and potential for all persons, with special regard for those who are disadvantaged, vulnerable, oppressed or have exceptional needs
- advocates change to social systems and structures that preserve inequalities and injustice
- opposes and works to eliminate all violations of human rights and affirms that civil and political rights will be accompanied by economic, social and cultural rights
- promotes the protection of the natural environment as inherent to social wellbeing
- promotes community participation, including service users, in the development and implementation of social policies and services.

## 2.3 Professional integrity

We are guided by principles of honesty, trustworthiness and good character in all aspects of professional conduct. The social work profession:

- prioritises the needs of others over personal gain
- advocates responsible use of power and authority in ways that serve humanity
- supports considered and reflective self-awareness in making and justifying decision making
- promotes propriety, transparency and accountability in professional judgements and actions
- promotes and facilitates lifelong learning, education, training and supervision to maintain professional competence and commitment to integrity
- ensures that any participation in research activities are governed by ethics regulations and guidelines from relevant governments, universities, research institutes, agencies and funding bodies.

## 3 Code of Ethics

# Ethical decision making

The social work profession acknowledges that ethical dilemmas may arise when a social worker will make a choice between alternative courses of action, each of which is supported by moral considerations and each of which may result in an outcome that is, in some way, undesirable. Noting that all ethical decision making occurs within the context of managing power relationships, ethical decision making is the systematic, reflective process by which such dilemmas can be resolved.

Ethical decision making can be complex. It requires time for critical reflection and will involve all those with an interest in the outcome of the decision. Social workers will be aware of their own worldview, moral, cultural, historical, political, religious, spiritual, societal and professional values and biases and the possible influence of these on their professional judgements.

There are a number of general principles that guide sound, rigorous and reflective decision making, including:

- having comprehensive and as relevant information as possible on the matter about which a decision is being made
- observing appropriate confidentiality and duty of care requirements
- identifying the risks and benefits to each of the parties affected by the decision
- documenting the issues considered and the decision-making process and outcomes.

In pursuing ethical outcomes social workers will be able to:

- articulate their decision-making process
- demonstrate clearly the factors considered
- provide justifications to make themselves accountable for their decisions.

Tensions may occasionally arise between observing the *Code* and complying with legal or organisational requirements. Social workers will act in accordance with the law and within organisational requirements. If the law or organisational directives conflict with perceived moral obligations, a social worker will seek guidance from competent professionals, including the AASW Ethics Consultation Service.

When making decisions that raise ethical questions, social workers are advised to consult this *Code* and discuss the issues with others such as colleagues, supervisors, the AASW Ethics Consultation Service, other competent professionals, including cultural consultants. Such consultation is essential when the situation is outside the social worker's experience or expertise.

## 4 Code of Ethics

# General ethical responsibilities

This section sets out six areas of ethical responsibilities, principles and attributes of particular significance for social workers in their professional lives or as students. Ethical responsibility in all cases is centred on the ways in which social workers interact with service users, colleagues and the broader community. These interactions reflect the core principles of respect for others, social justice and integrity.

### 4.1 Cultural safety and sensitivity

In all aspects of their professional conduct social workers are responsible for ensuring that working with service users is clearly characterised by culturally safe and sensitive approaches in all activities.

Social workers have a responsibility to:

- acknowledge the significance of culture in their practice, recognising the impact their own social locations, views and biases can have on their practice and on culturally different service users and colleagues
- respect others' beliefs, religious or spiritual world views, values, culture, goals, needs and desires, as well as kinship and communal bonds, within a framework of social justice and human rights
- recognise and acknowledge the diversity within and among cultures, taking into account individual, family, group and community needs and differences
- possess a working knowledge and understanding of service users' racial and cultural affiliations, identities, values, beliefs and customs, including consultation with cultural consultants and professional development to improve cultural responsiveness
- when engaged in social work interventions that are influenced by their spiritual or religious world views, social workers will ensure that they do so in a competent, transparent and accountable manner, in accordance with the ethical standards outlined in this *Code*.

### 4.2 Commitment to social justice and human rights

Working to achieve social justice and human rights is central to the professional identity of social workers. It embraces all aspects of their professional lives.

Social workers have a responsibility to:

- demonstrate respect and fairness in their interactions with others and particularly their dealings with service users
- contribute their professional expertise to the development and implementation of human welfare policies and programs
- seek to prevent and eliminate negative discrimination and oppression against people on the basis of personal, social or background characteristics
- recognise and challenge racism and other forms of oppression experienced by a range of culturally and linguistically diverse groups

- support positive discrimination in circumstances where service users are denied access to resources necessary for their wellbeing
- seek to empower individuals, families, groups, communities and societies in the pursuit and achievement of equitable access to social, economic, environmental and political resources
- engage in social action and community development with service user groups and communities to achieve self-determination, self-management, and social and emotional wellbeing
- promote inclusive community participation in the development, implementation and evaluation of social policies and services
- be aware of the potential impact of informal or coercive power on service users who are receiving services involuntarily and facilitate access to advocacy services where appropriate
- engage in participative, collaborative, open and empowering processes
- recognise the impact of the environment on the physical and mental health and wellbeing of people and its fundamental importance to the future of human society
- ensure that any animal engaged as part of social work practice is protected<sup>2</sup>
- apply their professional knowledge and skills to sustain and improve the natural environment.

### 4.3 Social work service and propriety

Social workers have a responsibility to carry out their professional duties and activities with integrity, honesty, openness and reliability. They will act in ways that support the principles of the *Code* and the good standing of the profession and recognise that their professional integrity rests on their reputation for propriety in all aspects of their work.

Social workers have a responsibility to:

- demonstrate trustworthiness in all their dealings with service users, colleagues and authorities
- ensure the wellbeing and interest of service users is given priority and has precedence
- maintain clear and appropriate professional boundaries for the protection of service users
- be accountable for their actions
- act in accordance with the law
- work within their professional areas of competence
- seek input and feedback from service users in the development, implementation and evaluation of service provision
- represent their professional qualifications, competence, experience, achievements and affiliations with honesty and accuracy
- ensure that professional relationships are not exploited to gain personal, material or financial advantage.

### 4.4 Professional competence

Social workers have an obligation to engage in ongoing professional development throughout their careers in order to provide quality service and accountable, evidence-informed and transparent practice.

Social workers have a responsibility to:

- inform their practice from a recognised and contemporary social work knowledge base
- maintain and expand their levels of contemporary knowledge, theory and skill
- utilise available supervision as well as other specialist consultation, such as mentoring, coaching and supervision
- take active steps to ensure that they receive appropriate supervision as a means of maintaining and extending practice competence
- be proficient in the technological skills and tools required for competent and ethical practice and seek appropriate training and consultation to stay current with emerging relevant technologies.<sup>3</sup>

## 4.5 Conflicts of interest

There is considerable potential for conflicts of interest across the range of activities and contexts that may affect the ability of social workers to exercise professional discretion and unbiased judgment.

Social workers have a responsibility to:

- ensure that service users' interests remain a priority at all times, with due consideration for the respective interests and rights of others
- refer cases where it is not possible to manage the conflicts of interest
- be mindful that conflicts of interest can also arise in relation to services users receiving a service involuntarily, multiple service users or confidentiality issues
- declare their interest to the relevant parties and seek to negotiate a solution
- take appropriate action to resolve a conflict of interest, such as consulting with a senior person and, where relevant, the service user
- carefully consider ethical issues surrounding the giving and accepting of gifts in a professional context.

Social workers who practise in rural or small communities, or with specific cultural groups, will be aware of the increased potential for conflicts of interest, and will declare such interests to an appropriate person, and where possible, refer to another professional.

## 4.6 Responsibilities to the profession

In carrying out their responsibilities social workers will endeavour at all times to uphold the principles, integrity, standards, and good standing of the profession.

Social workers have a responsibility to:

- strive for and promote excellence in the social work profession
- contribute towards the advancement of the profession
- engage in discussion about, and critical reflection of the profession, its theories, methods and practices
- promote the ethical principles and standards of the profession when undertaking all components of social work practice, inclusive of direct service, administration, policy and advocacy, education and research.

# 5 Standards of ethical conduct

## Working with service users

### 5.1 Priority of service users' interests

- 5.1.1 Social workers will maintain the best interests of service users as a priority with due regard to the respective interests and rights of others.
- 5.1.2 In exceptional circumstances, the priority of service users' interests may be outweighed by the interests of others, or by legal requirements and conditions. In such situations, service users will be made aware that their interests or those of others may be jeopardised.
- 5.1.3 Social workers will seek to safeguard the rights, interests and safety of service users who have limited or impaired decision-making capacity when acting on their behalf, or when another person, whether legally authorised or not, is acting for the service user.
- 5.1.4 Social workers will promote policies, practices and social conditions that uphold human rights and seek to ensure access, equity, participation and legal protection for all.
- 5.1.5 Social workers will collaborate with other professionals with the service user's knowledge and consent wherever possible. Social workers will recognise the right of service user self-determination in this regard and, wherever possible, include service users in such consultations.
- 5.1.6 When making referrals, social workers will refer service users to competent and reputable service providers.
- 5.1.7 Social workers will provide accessible services to service users and advocate for these services in situations where there are barriers to access. Ensuring information is available in accessible language and modalities to assist understanding, including using an independent, qualified interpreter or translator wherever possible and appropriate.

### 5.2 Service user self-determination

- 5.2.1 Social workers will promote the self-determination and autonomy of service users, actively seeking to enable them to make informed decisions on their own behalf.
- 5.2.2 Social workers will discuss with service users their rights and responsibilities and provide them with honest and accurate available information regarding:
  - the nature of the social work service being offered
  - the recording of information and who will have access to such information
  - the purpose, nature, extent and known implications of the options open to them
  - the foreseeable potential risks and benefits of proposed courses of action
  - their right to obtain a second opinion or to refuse or cease service (where service users are voluntary service users)
  - their rights of access to records and to avenues of complaint.

- 5.2.3 Social workers will ensure that service users or their authorised representatives have access to the necessary information and resources to participate in decision-making processes.
- 5.2.4 Social workers will endeavour to minimise the use of legal or other compulsion. Any action that violates or diminishes the civil or legal rights of service users will be ethically, professionally and legally justifiable. Action of this kind will be taken only after careful evaluation of the situation and if possible, in collaboration with service users and other professionals.
- 5.2.5 Social workers will identify and promote the legitimate interests of service users receiving a service involuntarily, taking into account any conditions that apply to their situation.
- 5.2.6 Social workers will recognise that in some cases their ability to promote self-determination is limited because service users may be receiving services involuntarily or because service users' actions pose a threat to themselves or others.
- 5.2.7 Social workers will assist service users to negotiate and attain as much autonomy as possible in all cases where the service users' rights to self-determination is limited by the social work role, duty of care, the law or by other service providers or parties. In particular service users receiving a service involuntarily will be made aware of any limitations that apply to their right to refuse services and will be advised how, and in what circumstances, information will be shared with other parties.
- 5.2.8 Social workers will encourage service users receiving a service involuntarily to participate in decisions about the goals, alternatives and services available to them.
- 5.2.9 Service users will be notified regarding decisions taken about them, except where there is evidence that this information may bring about, or exacerbate, harm to individuals or the public.
- 5.2.10 When a decision is made to withhold information from a service user, the social worker will seek specific supervision and advice about that decision and will document appropriately.
- 5.2.11 Social workers engaged in statutory practice will acknowledge the nature and responsibility of any legally mandated authority they carry and ensure that the principles of natural justice are applied in all cases.
- 5.2.12 Social workers will advise service users of any legally mandated authority and its scope and will ensure that any specific limitations are made explicit within the working relationship.

### **5.3 Informed consent**

- 5.3.1 Social workers will ensure, as far as possible, that service users understand the principle of informed consent and the circumstances in which it may be required.
- 5.3.2 Where service users have limited capacity to comprehend or grant informed consent, social workers will provide information in accordance with the service user's level of understanding and restrict their freedom of decision and action as little as possible.
- 5.3.3 When informed consent is required and the service user cannot grant informed consent, social workers will, with the service user's permission if applicable, obtain informed consent from a party empowered in accordance with relevant State or Territory legislation to provide consent on the service user's behalf.



- 5.3.4 Social workers who are providing services to children or young people will abide by any relevant legislative requirements in relation to informed consent.
- 5.3.5 Social workers who are providing services to children or young people will assess their ability to give informed consent to enter into a therapeutic relationship. In order for a child or young person to give informed consent they will demonstrate their understanding of the risks, benefits and alternatives to clinical services.
- 5.3.6 Social workers will obtain lawful consent from the child or young person's parent or guardian if they are deemed unable to give informed consent. A child or young person who is able to give informed consent will be considered entitled to access social work services without informing their parents or guardians. However, where appropriate, the issue of the child or young person informing their parent or guardian will be discussed.
- 5.3.7 Social workers will provide children or young people who are able to give informed consent with the same rights of confidentiality as adult service users, in compliance with the law, including the right to refuse social work services.

## 5.4 Information privacy and confidentiality

- 5.4.1 Social workers will respect the rights of service users to a relationship of trust, to privacy and confidentiality of their information and to responsible use of information obtained in the course of professional service. This includes:
- taking into account the manner in which confidentiality and self-determination applies within diverse cultural and practice contexts
  - taking care not to intrude unnecessarily on service users' privacy when seeking information
  - obtaining informed consent from service users or their authorised representatives to collect and use this information, even if the information is legally required
  - determining to whom service users wish such information to be given or not to be given, in what detail and in what circumstances
  - determining from whom information about service users may be requested
  - treating information obtained from relatives or others about service users in the same confidential manner as information provided by the service users themselves.
- 5.4.2 Social workers will inform service users, or their authorised representatives, at the commencement of a professional relationship of:
- the limits of confidentiality in any given situation, by explaining agency or legal requirements regarding the recording, storing or sharing of information
  - the purposes for which information is obtained
  - to whom the information may be made available
  - how the information may be used
  - the right to view or review their records
  - any other matters that may be required to be disclosed by law (including, for example, the matters set out in Australian Privacy Principle 5.2 under the Privacy Act 1988 (Cth) where applicable).
- 5.4.3 Social workers will inform service users before commencing interviews if the information obtained will be used for assessment or any other purpose and will be provided to third parties for legal or other reasons.

- 5.4.4 Social workers will use confidential information only for the purpose for which it was acquired; or, with the written consent of the service user, for another purpose; or in accordance with clause 5.4.5.
- 5.4.5 Social workers will only reveal confidential information in the circumstances outlined above or in any one or more of the following situations, provided it is permitted by law:
- if seeking advice from or conferring with other professionals or colleagues, or if in a supervisory or training capacity, then in all cases the social worker will maintain the service user's confidentiality and privacy or obtain prior written informed consent from the service user to release the information; in which case all third parties will agree to protect the service user's confidentiality and privacy
  - if by revealing information to relevant third parties an actual, identifiable risk of harm to a specific person or persons can be prevented
  - where disclosure is required by law (e.g. court subpoena or statutory requirement).
- 5.4.6 Before taking action to disclose service users' confidences without consent, the level of perceived risk will be carefully assessed, preferably in consultation with other professionals, including referring professionals and with reference to relevant policy and law. Service users will be notified when disclosure without consent is intended or has occurred unless this is contraindicated by issues of potential harm or by legal obligations.
- 5.4.7 Social workers will obtain informed consent of service users or their authorised representatives before service users' activities are mechanically or electronically recorded or observed by a third party.
- 5.4.8 Social workers will clarify the nature of confidentiality with participants in situations where two or more people are involved. They will seek a commitment from members of groups to respect the privacy of shared information and will clarify that social workers cannot guarantee that all participants will honour this agreement.
- 5.4.9 Social workers will ensure service users' anonymity and remove identifying details when permitted to use confidential information for purposes such as case presentation, consultation, teaching, research or education.
- 5.4.10 Social workers will protect the confidentiality of deceased service users consistent with the relevant provisions of this *Code*.
- 5.4.11 Social workers will use appropriate technologies to address e-practice demands for confidentiality, security of communications, and record keeping. All electronic record keeping will comply with standards for confidentiality and record management that follow below in Clause 5.5.

## 5.5 Record management

- 5.5.1 Social workers will record complete and accurate records of their work as soon as possible after the relevant activity, taking care to:
- report only essential and relevant details, and do so in an objective manner
  - ensure the records are reliable and provide authentic evidence of their activities
  - refrain from using emotive or derogatory language
  - acknowledge the basis of professional opinions
  - comply with relevant legislation
  - protect service users' privacy and that of others involved in the situation.
- 5.5.2 When conveying confidential information, whether verbally, in writing or electronically, particular attention will be given to protection of privacy in compliance with Australian Commonwealth, State and Territory privacy laws.
- 5.5.3 Social workers will address the identifiable risks, benefits and limitations of social work services provided through the electronic medium chosen when obtaining consent to provide services electronically.<sup>4</sup>
- 5.5.4 Before using service users' records for any purpose that has not been specifically authorised:
- Social workers must obtain the informed consent of service users or their representatives and remove or omit identifying information, if possible
  - Where it is not possible or appropriate to remove or omit service users' identities, the social worker must inform the relevant service user of the intended use of such information on an identifiable basis and obtain their informed consent for such use
  - Social workers should be aware that even if a service user's name and other information are removed or omitted, it may still be possible to identify a particular service user from other details remaining in the record (such as rare characteristics or combinations of distinctive characteristics) and privacy laws may still apply to the information. Care should be taken to ensure that no service user could be re-identified from the information remaining in the record, especially if that information is to be released to a third party (e.g. for research purposes)
  - The restrictions in this clause 5.5.4 do not apply to restrict or prevent the use or disclosure of service users' records where authorised or required by law.
- 5.5.5 Before releasing identifiable information, the authority of the person requesting access and the nature of that access will be checked to ensure that the release of information is permitted, only relevant material is released and that it will be used only by the recipient for the purpose for which it is required and treated confidentially. Where it is not possible to obtain consent of service users, attempts will be made to notify them that such access has been granted.
- 5.5.6 Social workers will ensure all prepared reports, whether for legal purposes or any other purpose, include separation of fact and opinion, that no relevant facts are deliberately omitted and that the conclusions reached are based on thorough assessment and appropriate evidence.
- 5.5.7 Social workers will ensure that service users have reasonable access to official social work records concerning them. However, if there are compelling professional, ethical or legal reasons for refusing access, social workers will advise service users of their right to request a review of the decision through organisational or legal channels.

- 5.5.8 Social workers will take due care to protect the confidences of others when providing service users access to records.
- 5.5.9 Social workers will advise service users of available complaints procedures if they are not satisfied with their records or treatment.
- 5.5.10 Social workers will protect service users' records, and store them using secure methods to prevent loss, unauthorised access or release, unauthorised alteration and unlawful destruction.
- 5.5.11 In the event of unauthorised access to service users' records or information, social workers have a duty to inform service users or their representatives of such breaches and take appropriate measures consistent with this Code and applicable laws.
- 5.5.12 Social workers must comply with all legal requirements in relation to record retention and destruction. When disposing of confidential records, paper files will be shredded or burned and electronic records will be cleared, in accordance with any relevant organisational or legal guidelines, and relevant legislative requirements.
- 5.5.13 Social workers will maintain up-to-date anti-virus, anti-spyware and firewall programs where these are not included in relevant organisational risk management procedures.
- 5.5.14 Social workers will ensure that they regularly back up their computer systems and protect the documents (including hard copy and electronic copies) against loss. Backups must also be stored securely.
- 5.5.15 Social workers will take appropriate precautions against third party risk when using, storing, sharing or hosting data online in compliance with Australian Commonwealth, State and Territory privacy laws and, where applicable, international regulations.

## **5.6 Termination or interruption of service**

- 5.6.1 Social workers will renegotiate or terminate professional relationships and services when these relationships and services no longer serve the interests or needs of service users. Whether the decision to renegotiate or terminate is that of service users or social workers, the reason for the decision will be considered and discussed. Social workers will also discuss with service users their needs, options and preferences before continuing or discontinuing services or offering to seek transfer or referral.
- 5.6.2 Social workers will respect the right of voluntary service users to discontinue service, engage another practitioner or seek a second opinion. Where possible, social workers will discuss the issues involved with service users, and if termination is a preferred option, offer assistance with the process.
- 5.6.3 When obliged to interrupt or terminate a professional relationship for personal or professional reasons, social workers will seek to advise service users regarding the discontinuation of service and if possible, provide advice regarding alternate services and where appropriate make referrals.
- 5.6.4 Social workers will notify relevant family members or carers of service users who have limited or no capacity if the current services are to be discontinued. Social workers will provide advice regarding alternate services and where appropriate make referrals.

## 5.7 Maintaining professional boundaries

- 5.7.1 Social workers will not engage in any form of sexualised conduct with a person with whom they are directly involved in a professional relationship, including current service users, service users' relatives or significant others, students, supervisees, research participants or others directly involved in a professional relationship.
- 5.7.2 Social workers will not engage in any sexualised conduct or enter into an intimate or sexual relationship with a service user or service user's relatives or significant others within two years after terminating the professional relationship with the former client. After two years, in circumstances where any such relationship is considered, it is essential that the social worker undertakes professional consultation and supervision in order to explore issues relating to power, the potential of exploitation or harm to the former service user, or risk to the reputation and standing of the profession.
- 5.7.3 Social workers, not their service users or former service users, are responsible for setting and maintaining clear and appropriate professional boundaries in all forms of communication, including face-to-face contact, written communication, telephone and online communications (including social networking, email, blogging and instant messaging).
- 5.7.4 Social workers will not provide clinical services to individuals with whom they have had a prior sexual relationship, as there is potential for the individual to be harmed and it is unlikely appropriate professional boundaries will be maintained.
- 5.7.5 Social workers will avoid any form of physical contact that may violate professional boundaries, result in unintentional psychological harm or damage the professional relationship. Social workers will remain sensitive to the variety of ways in which service users and others may interpret physical contact, with particular reference to cultural and gender differences.
- 5.7.6 Social workers will use self-disclosure with circumspection, and only when it is reasonably believed that it will benefit the service user. If unsure, social workers will seek professional consultation or supervision to review their intention to use self-disclosure.
- 5.7.7 Social workers will not engage in private conduct that might compromise the fulfilment of professional responsibilities.
- 5.7.8 Social workers will clarify whether they are acting as private individuals, or as representatives of the social work profession, an organisation, community or group when making public statements or performing public actions.
- 5.7.9 When representing the social work profession or an organisation, social workers will correctly reflect policies, procedures and services, and distinguish between personal and official views or positions.
- 5.7.10 Where dual or multiple relationships with service users, former service users, research participants, students, supervisees or colleagues exist, or are unavoidable, social workers will set and enforce explicit, appropriate professional boundaries to minimise the risk of conflict of interest, exploitation or harm.

- 5.7.11 Social workers who practise in rural or small communities, or within specific cultural groups, will be aware of the increased potential for conflicts of interest, and will declare such interests to an appropriate person, and where possible, refer to another professional. However, it may be necessary for social workers and service users to acknowledge and work with such conflicts within the situation. If no supervisor or professional colleague is available for consultation, members could contact the AASW Ethics Consultation Service.
- 5.7.12 Social workers who provide services to two or more people who have a relationship with each other (e.g. couples or family members) will clarify with all parties the nature of professional obligations to those who are receiving services.
- 5.7.13 Social workers who anticipate a conflict of interest among the service users receiving services, or who anticipate having to perform in potentially conflicting roles (e.g. testifying in court proceedings), will clarify their role with the parties involved and take appropriate action to minimise any conflict of interest.

## 6 Standards of ethical conduct

### Working with colleagues

- 6.1.1 Social workers will relate to other social work practitioners and colleagues from other disciplines with respect, integrity and courtesy, seeking to understand differences in viewpoints and practice.
- 6.1.2 Social workers will engage in respectful collaborative relationships with their colleagues from different ethnic, cultural, religious and other social locations.
- 6.1.3 Social workers will utilise the expertise of other team members and disciplines for the benefit of their service users when working in teams.
- 6.1.4 Social workers will cooperate and collaborate with other disciplines to promote and expand ideas, knowledge, theory and skills, experience and opportunities that improve professional expertise and service provision.
- 6.1.5 Social workers will ensure, before accepting as service users those who have been receiving services from colleagues or outside agencies, that the service users' written consent to communicate appropriately with those colleagues or agencies is obtained, if this is considered necessary.
- 6.1.6 Social workers will take appropriate action if ill health, impairment or any other factor is likely to interfere with their professional judgement or performance of duty. They will seek to ensure that their clients, colleagues and employers are not disadvantaged and will take steps towards ensuring their continuing wellbeing both in their own interests and in the interests of competent service.
- 6.1.7 Social workers will take appropriate action if they believe that a colleague's impairment is interfering with their professional judgement or performance of duty, and that the colleague has not taken or is unable to take adequate steps to address the impairment.
- 6.1.8 Social workers will address suspected or confirmed professional misconduct, incompetence, unethical behaviour or negligence by a colleague through the appropriate organisational, professional or legal channels.

# 7 Standards of ethical conduct

## Working with service organisations

### 7.1 Service provision

- 7.1.1 Social workers will acknowledge and strive to carry out the stated aims and objectives of their employing organisation, agency or service contractor, consistent with the requirements of this *Code*.
- 7.1.2 Social workers will work towards the best possible standards of service provision and will be accountable for their practice.
- 7.1.3 In carrying out their professional practice responsibilities in service organisations, social workers must be afforded the professional rights necessary for the safeguarding and promotion of the rights of people who use social work services.
- 7.1.4 Social workers will appropriately challenge to improve policies, procedures, and service provisions that:
- are not in the best interests of service users
  - are inequitable or unsafe
  - are in any way oppressive, disempowering or culturally inappropriate
  - are not in the best interests of social workers or other colleagues
  - demonstrate unfair discrimination
  - demonstrate known or suspected incidents of improper or corrupt conduct.
- 7.1.5 Social workers will endeavour to effect change through consultation, using appropriate organisational channels, when policies or procedures of employing bodies contravene professional standards.
- 7.1.6 Social workers will take all reasonable steps to ensure that employers are aware of this *Code* and will advocate for conditions and policies that reflect its ethical position.
- 7.1.7 Social workers will uphold the ethical principles and responsibilities of this *Code*, even though employers' policies or official orders may not be compatible with its provisions. Attempts to resolve conflicts between ethical principles and organisational policies and practices will remain consistent with the principles and responsibilities outlined in this *Code*.
- 7.1.8 Social workers engaging in action to improve services or working conditions will be guided by the ethics of the profession.
- 7.1.9 Social workers who refuse to engage in work that offends against deeply held personal, moral, spiritual or cultural convictions must have justifiable grounds for refusing service. Conscientious objection must be based on reasoning that is consistent with the profession's aims, and the principles outlined in this *Code* and that includes a clear understanding of the social worker's role and duty.
- 7.1.10 Social workers will not use the 'conscientious objection' provision to avoid examining personal values, stereotypes or biases; avoid fulfilling work obligations; to discriminate against people or groups; or to deny service.



- 7.1.11 Social workers who foresee a possible conflict between such convictions and work duties will inform their current or prospective employers. In the event of such conflicts, they will notify colleagues or employers. This may mean redirecting service users to other practitioners or services to ensure that service users find appropriate support.
- 7.1.12 Social workers will refuse to accept cases where it is not possible to manage conflicts of interest or will refer to the appropriate line manager in accordance with the organisational policy and procedure.

## 7.2 Management and supervision roles

In addition to the general provisions of the *Code*, and within the Fair Work Act and other relevant legislation, social workers in management positions, whatever the title, are expected to meet standards of ethical conduct specific to their roles that reflect the three core principles of the profession.

- 7.2.1 Social workers will encourage employers to implement policies and procedures that enable and support social workers to practise ethically, as defined by this *Code*, and to not put at risk their ability to uphold such ethical standards.
- 7.2.2 Social workers will encourage non-discriminatory policies and practices and advocate for resources to meet service users' needs.
- 7.2.3 Social workers will not engage in, nor accept other staff engaging in, any form of discrimination, abuse, bullying or harassment.
- 7.2.4 Social workers will promote respectful teamwork and communication and an efficient and accountable social work service.
- 7.2.5 Social workers will ensure culturally safe and sensitive workplace practices.
- 7.2.6 Social workers will seek to have adequate staff levels and acceptable working conditions for staff.
- 7.2.7 Social workers will arrange professional supervision for social work staff, including culturally safe supervision, where appropriate.
- 7.2.8 Social workers will provide or advocate for staff to have a physical working environment that supports effective practice, including appropriate arrangements for confidential interviewing and storage of confidential records.
- 7.2.9 Social workers will ensure that staff under their direction receive ongoing training and professional education and advocate for adequate resources to meet staff development needs.
- 7.2.10 Social workers will ensure that staff are fit to practise, hold appropriate qualifications, provide references (including evidence that they are not a risk to service users) and that they understand their roles and responsibilities, including their ethical duties.
- 7.2.11 Social workers will provide or arrange appropriate crisis management, including debriefing, and appropriate ongoing support for staff, especially when they experience difficult or traumatic circumstances.
- 7.2.12 Social workers will evaluate the performance of staff and supervisees fairly and responsibly, ensuring that timely feedback is provided and that those evaluated are included in the process.

## 8 Standards of ethical conduct

### Working in fee-for-service settings

- 8.1.1 Social workers operating in a fee-for-service practice will advise service users of fee schedules and any costs before commencing professional service and charge only for hours and services contracted with them.
- 8.1.2 Social workers will provide service users with secure payment methods and will issue receipts promptly.
- 8.1.3 Social workers will arrange appropriate temporary or substitute service for service users when unavailable or unable to continue practice.
- 8.1.4 Social workers will inform service users and offer suitable referral when service users' needs fall outside the practitioner's area of expertise or ability to provide services or resources.
- 8.1.5 Social workers will not solicit the service users of either their colleagues or their place of employment for fee-for-service practice.
- 8.1.6 Social workers will maintain practice records in accordance with this Code and with all other relevant legal requirements.
- 8.1.7 Social workers will maintain adequate professional indemnity and public liability insurance coverage as a protection for service users.
- 8.1.8 Social workers will ensure that when providing services funded by third parties, they have a primary responsibility for the welfare of their service users. In negotiations to provide services to service users on behalf of an agency or funding source, social workers will ensure that the services they provide are ethically and professionally appropriate.
- 8.1.9 Social workers will discuss the nature and duration of their contact with service users, so that interactions can proceed with informed consent.
- 8.1.10 Prior to commencing professional service, social workers will inform, verbally and where possible in written form, service users of their role, the nature of their services, any agency requirements (if services are funded by a third party), any statutory obligations and the expected outcomes of their contact with the service user.
- 8.1.11 Social workers will ensure their practice venue offers privacy, confidentiality, suitable access and is safe and secure for service users and staff.
- 8.1.12 Social workers in fee-for-service practice will ensure that information used in marketing their services presents a fair and accurate description of their professional title, qualifications, experience and services offered.
- 8.1.13 Social workers will not solicit or receive a fee or other considerations to or from a third party for the referral of a service user.

- 8.1.14 Social workers will ensure that service users' confidentiality is protected in the event of the social worker's termination of practice, incapacitation or death.
- 8.1.15 Social workers providing services as sub-contractors will be accountable for meeting clinical governance requirements.
- 8.1.16 Social workers commencing as fee-for-service sole operators for the first time will ensure they have appropriate supervision and oversight.
- 8.1.17 Social workers in fee-for-service private practice will take active steps to ensure that they receive appropriate supervision as a means of maintaining and extending practice competence.

## 9 Standards of ethical conduct

# Working with students & social workers under supervision

- 9.1.1 Social workers will possess and maintain the necessary knowledge, skills and methodology to perform tasks competently.
- 9.1.2 Social workers will foster in social work students a knowledge and understanding of this *Code*, emphasising the relationship of these to their practice, teaching and research.
- 9.1.3 Social workers will ensure that social work students and social workers under their supervision act in accordance with the principles of this *Code*.
- 9.1.4 Social workers will provide appropriate training, supervision, mentoring, guidance and support for students.
- 9.1.5 Social workers will ensure that their professional relationships in these areas are constructive and non-exploitative.
- 9.1.6 Social workers will ensure that students access regular professional supervision.
- 9.1.7 Social workers will inform students of their ethical responsibilities to agencies, supervisors, research participants and service users.
- 9.1.8 Social workers will seek to ensure that students are effectively supervised when on field placement.
- 9.1.9 Social workers will adhere to the principles of privacy and confidentiality in the supervisory relationship, acknowledging any limitations that may apply in particular circumstances.
- 9.1.10 Social workers will recognise that the supervisor's role is intended to be educational, supportive, developmental and work-focused. In the event that supervisees request or require therapy, they will be referred to another competent practitioner.
- 9.1.11 Social workers will evaluate the performance of students and supervisees fairly and responsibly, ensuring that timely feedback is provided and that those evaluated are included in the process.
- 9.1.12 Social workers will ensure that supervision and training are culturally safe places for social workers with diverse ethnic and cultural backgrounds, religions, sexual orientations, gender identities, disabilities and other identities.
- 9.1.13 Social workers will ensure that graduates and students are clearly ready to practice on completion of their qualification, training or supervised program.

# 10 Fitness to practise

## Ethics complaints and sanctions

### 10.1 Fitness to practise

The Standards of Ethical Conduct help AASW decide whether action is needed to protect the public. The Standards apply to all members of the AASW including students. Complaints may also arise from the failure of members to act in accordance with the general ethical responsibilities set out in Section 4 of the *Code*.

Members of the community and AASW members can use the AASW Ethics Complaints Management Process to make allegations of ethical professional misconduct by AASW members. The AASW's Ethics Complaints Management Process:

- protects the public (users of social work services) from harm by determining the minimum acceptable ethical practice standards of social workers (AASW members)
- addresses allegations of professional misconduct, with possible consequences of AASW membership ineligibility
- educates and supports member social workers to ensure that their practice meets, and where possible exceeds, the minimum standard
- ensures members who are the subject of complaints are clearly informed of the allegations in a timely manner and are treated fairly and respectfully throughout the complaints process.

'Fitness to practise' means that social work practitioners have the skills, knowledge, character and health they need to practise their profession safely and effectively. If AASW decides it needs to take any action against a member it will examine their behaviour against the Standards of Ethical Conduct.

### 10.2 Complaints process

Using the *Code of Ethics* as the point of reference, the AASW takes into consideration a range of factors when determining the level of seriousness of an allegation against an AASW member. A complaint can be received through the Ethics Complaints Management Process if the alleged conduct potentially meets the threshold for professional misconduct. On consideration of the alleged breach AASW may elect to take no action or to resolve complaints through a process of conciliation and mediation.

### 10.3 Sanctions

The primary function of any sanction is to protect the public including any risks the social worker might pose to those who use or need their services.

Sanctions may also apply where public confidence in the profession is likely to be undermined. The options for AASW action may include but are not limited to:

- cautioning a member
- setting conditions of practice
- suspension of membership
- termination of membership.

AASW is committed to procedural fairness in the complaints process. It acknowledges that termination of membership can result in loss of livelihood. It also recognises there may be mitigating factors and that the sanctions should be proportionate.

Multiple sanctions may include maintaining membership with restricted practice, monitored practice, and formal health assessment.

AASW also acknowledges the importance of providing the opportunity for remediation and redemption with a return to full membership, including those who have had their membership terminated and re-apply for membership.

# Acknowledgements

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Christine Craik

National President

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