

AASW

Code of Ethics

1999



AUSTRALIAN ASSOCIATION OF SOCIAL WORKERS
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AASW Code of Ethics

1 PURPOSE OF SOCIAL WORK

1.1 Commitment and aims

The social work profession is committed to the pursuit and maintenance of human well-being. Social work aims to maximise the development of human potential and the fulfilment of human needs, through an equal commitment to:

- working with and enabling people to achieve the best possible levels of personal and social well-being
- working to achieve social justice through social development and social change.

This involves:

- upholding people's interests and rights
- working with individuals, groups and communities in the pursuit and achievement of equitable access to social, economic and political resources
- providing assistance to improve the well-being of clients. *Clients*¹ are individuals, families, groups, communities, organisations and societies, especially those who are neglected, vulnerable, disadvantaged or have exceptional needs
- raising awareness of structural inequities
- promoting policies and practices that achieve a fair allocation of social resources
- acting to bring about social change to reduce social barriers, inequality and injustice.

To accomplish its aims, the social work profession pursues:

- the development and application of knowledge, theory and skills regarding human behaviour, social processes and social structures
- the development and redistribution of resources to meet the needs of individuals and communities.

The social work profession subscribes to the principles and aspirations of the *United Nations Universal Declaration of Human Rights* and other international conventions derived from that Declaration.²

The Australian Association of Social Workers and its members adhere to the International Federation of Social Workers' *Ethics of Social Work—Principles and Standards (1994)*. In developing this Australian *Code of Ethics* direct reference has been made to the latter document.

1.2 Social work

Social work operates at the interface between people and their environments. Social workers are qualified professionals who practise their profession in a broad range of government and non-government settings.

Social workers practise in a variety of ways, including:

- engaging in interpersonal practice,³ groupwork, advocacy,⁴ community work and social action to address both personal difficulties and public issues
- undertaking research, social policy development, administration, management, consultancy, education, training, supervision and evaluation to further human well-being and social development.

The social work profession recognises its responsibility to contribute to the international social work community. The profession supports human welfare projects at local, state, national and international levels.

1 See Glossary—Client

2 See Appendix 1: Human Rights Treaties to which Australia is a party

3 See Glossary—Interpersonal practice

4 See Glossary—Advocacy



1.3 Australian Association of Social Workers

The Australian Association of Social Workers (AASW) is a professional body with collective responsibilities. In the context of the *AASW Code of Ethics*, the Association aims to:

- demonstrate and model ethical values, decision-making and action
- set ethical standards and be available for reference on ethical matters
- carry out its corporate duties in an ethical and accountable manner
- seek discussion on issues of social injustice and act as a reliable vehicle for the collective response of members to such issues
- ensure that members are afforded their full professional rights as understood by the specifications of this Code
- ensure that its members are aware of their ethical responsibilities
- provide support to members to enable them to uphold these responsibilities
- hold its members accountable for practising in accordance with these responsibilities
- advocate on behalf of social workers for adequate resources to enable them to fulfil the professional obligations of this Code
- monitor the profession's self-regulation requirements and work towards strengthening regulatory measures for the profession.

2 NATURE AND PURPOSE OF THE CODE

The *Code of Ethics*⁵ of the Australian Association of Social Workers expresses the values and principles which are integral to, and characterise, the social work profession. It is intended to assist social workers, collectively and individually, to act in ethically accountable ways in the pursuit of the profession's aims.

In their professional capacity, members of the AASW are required to abide by this Code.

As an embodiment of the shared ethical understanding of the members of the AASW, the Code remains open to revision in the light of experience and changed circumstances. The Code is formally reviewed as specified in the *Constitution of the AASW*.

The purpose of the Code is to:

- identify the values and principles which underpin ethical social work practice
- provide a guide and standard for ethical social work conduct and accountable service
- provide a foundation for ethical reflection and decision-making
- guide social workers when determining what demands they may legitimately make on their employers, colleagues and the AASW
- provide clarification of social workers' actions in the context of industrial or legal disputes
- act as a basis for investigation and adjudication of formal complaints about unethical conduct.

The values, principles and practice responsibilities outlined in the Code will assist the social work profession, the social worker, clients, employers and other interested parties to:

- identify the ideals and purpose of the social work profession
- identify the professional obligations of social workers
- identify what constitutes ethical social work behaviour.

Clarification of these issues will assist in the preparation of formal complaints about unethical conduct.

5 See Glossary—Code of ethics; Ethics



3 VALUES and PRINCIPLES

In the determination and pursuit of its aims, social work is committed to five basic values:

- **Human dignity and worth**
- **Social justice**
- **Service to humanity**
- **Integrity**
- **Competence**

In carrying out their professional tasks and duties, social workers strive to act in ways that give equal priority to respect for **human dignity and worth** and the pursuit of **social justice**. This commitment is demonstrated through **service to humanity, integrity** and **competence**, which characterise professional social work practice.

Social work principles are derived from the values; together, they underpin ethical social work practice.

3.1 Value: Human dignity and worth

The social work profession holds that:

- every human being has a unique worth
- each person has a right to well-being, self-fulfilment and self-determination, consistent with the rights of others.

3.1.1 Principles

- a) Social workers respect the inherent dignity and worth of every person.
- b) Social workers respect the basic human rights of individuals and groups as expressed in *The United Nations Universal Declaration of Human Rights* and other international conventions derived from that Declaration.⁶
- c) Social workers foster individual well-being, autonomy and personal/social responsibility, with due consideration for the rights of others.
- d) Social workers recognise and respect group identity and interdependence and the collective needs of particular communities.

3.2 Value: Social justice

The social work profession holds that each society has an obligation to pursue social justice, to provide maximum benefit for all its members and to afford them protection from harm.

The profession understands social justice to encompass:

- the satisfaction of basic human needs
- the equitable distribution of resources to meet these needs
- fair access to public services and benefits to achieve human potential
- recognition of individual and community rights and duties
- equal treatment and protection under the law
- social development and environmental management in the interests of human welfare.

3.2.1 Principles

- a) Social workers promote distributive justice and social fairness, acting to reduce barriers and expand choice and potential for all persons, with special regard for those who are disadvantaged, vulnerable, oppressed, or have exceptional needs.
- b) Social workers act to change social structures that preserve inequalities and injustice.
- c) Social workers meet their responsibilities to society by engaging in action to: promote societal well-being, advocate for equitable distribution of resources; and effect positive social change in the interests of social justice.
- d) Social workers espouse the cause of human rights, affirming that civil and political rights must be accompanied by economic, social and cultural rights.
- e) Social workers oppose and work to eliminate all violations of human rights.

⁶ See Appendix 1

- f) Social workers oppose prejudice and negative discrimination⁷ against any person or group of persons, on any grounds. Social workers challenge views and actions that vilify or stereotype particular persons or groups.
- g) Social workers recognise Aboriginal and Torres Strait Islander people as the indigenous people of Australia. They acknowledge the historical disadvantage suffered by indigenous people and the implications of this for social work practice.
- h) Social workers recognise and respect the racial and cultural diversity of Australian society, taking into account the further diversity that exists among the individuals, families, groups and communities within indigenous and other cultures.⁸
- i) Social workers reject the abuse of power for exploitation or suppression. They support anti-oppressive policies and practices that aim to empower clients.
- j) Social workers contribute disciplined knowledge and skill to aid individuals, groups, communities and societies in their development and in the management of conflicts and their consequences.
- k) Social workers promote public participation in societal processes and decisions and in the development and implementation of social policies and services.

3.3 Value: Service to humanity

The social work profession holds service in the interests of human well-being and social justice as a primary objective. The fundamental goals of social work service are:

- to meet personal and social needs
- to enable people to develop their potential.

3.3.1 Principles

- a) In their practice, social workers place the objective of service before personal aims, views or advantage.
- b) Social workers work with, on behalf of, or in the interests of people to enable them to deal with personal and social difficulties and to obtain essential resources and services. This work may include, but is not limited to, interpersonal practice, groupwork, community work, social development, social action, policy development and research.
- c) In providing service, social workers apply their knowledge and skill in ways that maximise the benefit of their involvement.
- d) Social workers recognise and respect individual and collective goals, responsibilities and differences.
- e) Social workers are responsible for using their power and authority in ways that serve humanity.
- f) Social workers make ethically accountable professional decisions based on their national and international codes of ethics.

3.4 Value: Integrity

The social work profession values honesty, reliability and impartiality in social work practice.

3.4.1 Principles

- a) Social workers uphold and promote the aims, values, principles, knowledge and practice standards of the social work profession.
- b) Social workers maintain a high quality of professional conduct and behave with dignity and responsibility.
- c) Social workers strive for impartiality in their professional practice, refraining from imposing their personal values, views and preferences on clients.

⁷ See Glossary—Discrimination

⁸ See Glossary—Culture

3.5 Value: Competence

The social work profession values proficiency in social work practice.

3.5.1 Principles

- a) Social workers identify, expand, develop, use and disseminate knowledge, theory and skill for social work practice.
- b) Social workers improve their practice by engaging in activities such as continuing professional education, supervision and personal development.
- c) Social workers analyse the basis and nature of social needs and social problems and encourage innovative strategies and techniques to meet both new and existing needs.
- d) Social workers contribute professional expertise to the development and implementation of human welfare policies and programmes.
- e) Social workers ensure ongoing professional competence by contributing to the education, training and supervision of social work colleagues and students.
- f) Social workers are responsible for the standard of service that they, or social work students under their direct supervision, provide.

4 ETHICAL PRACTICE

This section sets out the ethical behaviours which are expected of social workers in carrying out their practice responsibilities. Given the complexity of issues that social workers deal with in various settings, the extent of discretion in relation to these duties may vary in certain circumstances, relying on the informed professional and ethical judgment of the particular social worker. In carrying out their professional practice responsibilities, social workers are entitled to reciprocal rights, which include:

- the right to exercise professional discretion and professional judgment
- the right to re-direct or refuse service on justifiable grounds⁹
- the right to safety in professional practice
- the right to freedom from discrimination in the workplace
- the right to reasonable working conditions, continuing professional education and training
- the right to support from the profession when acting in an ethically obligatory or permissible way.

The following practice responsibilities are divided into six main categories: *General Ethical Responsibilities*, *Responsibilities to Clients*, *Responsibilities to Colleagues*, *Responsibilities in the Workplace*, *Responsibilities in Particular Settings* and *Responsibilities to the Profession*.

These responsibilities are based on, and apply, the values and principles. They represent desirable goals as well as ethical duties to be carried out in the course of social work practice.

The responsibilities establish minimum standards for professional social work conduct and are a guide to best practice. They can also be used as:

- 1) a guide and checklist for educative and supervisory purposes
- 2) a benchmark for the assessment of professional behaviour
- 3) the basis for determinations regarding reported breaches of the Code.

4.1 General ethical responsibilities

4.1.1 Respect for human dignity and worth

- a) Social workers will demonstrate respect for clients and seek to preserve and promote their dignity, individuality, rights, responsibilities and cultural affiliation.
- b) Social workers will have regard for individual beliefs, values, culture, goals, needs and desires, as well as kinship and communal bonds. They will respect people's right to have views that differ from their own or from those that are generally held.
- c) Social workers will respect the right of individuals to make informed decisions about their well-being and about service and resource alternatives.
- d) Social workers will ensure that clients or their authorised representatives participate in decision-making processes.

4.1.2 Commitment to social justice

- a) Social workers will promote policies, practices and social conditions that uphold human rights and that seek to ensure access, equity and participation for all.
- b) Social workers will act without prejudice, seeking to prevent and eliminate *negative* discrimination¹⁰ based on grounds such as: national origin, race, culture,¹¹ appearance, language, gender, sexual preference, ability, age, place of residence, belief, religion, political affiliation and social, economic, health or marital status. In circumstances where individual/group differences affect clients' needs, *positive* discrimination¹² may be ethically justifiable.

9 See Guideline—Conscientious objection

10 See Glossary—Discrimination

11 See Glossary—Culture

12 See Glossary—Discrimination

- c) Social workers will aim to empower individuals, families, groups, communities and societies in the pursuit and achievement of equitable access to social, economic and political resources and in attaining self-determination, self-management and social well-being.
- d) Social workers will acknowledge the racial and cultural diversity within Australian society and will promote policies, procedures and practices that respect this diversity.
- e) Social workers will promote public participation in the development and implementation of social policies and services.
- f) Where clients are not satisfied with the level of service or service provision, social workers will advise clients regarding their right to complain, the appropriate avenues to take and the procedures to follow in making a complaint.
- g) Social workers will preserve the commitment to autonomy and social justice when engaging in social action and community development with client groups and communities.
- h) Social workers will promote the ethical principles and standards of the profession when undertaking broader types of service such as administration, policy development, education, research.
- i) Social workers will seek input and feedback from clients in the evaluation of service provision.

4.1.3 Social work service

- a) Social workers will provide a competent and humane service to clients, mindful of fulfilling their duty of care¹³ and observing the principles of natural justice.¹⁴
- b) Social workers will provide assistance to clients in an objective, equitable and just manner, facilitating their access to resources, services, rights and opportunities that contribute to their well being.
- c) Social workers will engage in participative, open and empowering processes to enable clients to further their desires and interests as far as is possible, taking into account the relevant interests of others. This includes undertaking advocacy with and on behalf of clients.
- d) Social workers will seek to ensure that services are offered and delivered in a culturally appropriate manner.
- e) When making referrals, social workers will aim to refer clients to competent and reputable service providers.

4.1.4 Professional integrity

- a) Social workers will carry out professional duties with integrity, refraining from any behaviour which contravenes professional principles and standards or which damages the profession's integrity.
- b) Social workers will represent their professional qualifications, competence, experience, achievements and affiliations with honesty and accuracy.
- c) Social workers' private conduct will not compromise the fulfilment of professional responsibilities.
- d) When making public statements or performing public actions social workers will clarify whether they are acting as private individuals, or as representatives of the social work profession, an organisation or group. When representing the profession or an organisation, social workers will correctly reflect policies, procedures and services and distinguish between personal and official views or positions.

13 See Glossary—Duty of care

14 See Glossary—Natural justice

- e) Social workers will ensure that professional relationships are not exploited to gain personal, material or financial advantage.
- f) Social workers will avoid any form of physical contact which 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 clients and others may interpret physical contact, with particular reference to cultural and gender differences.
- g) Recognising that conflicts of interest¹⁵ can arise from engaging in dual or multiple relationships¹⁶ with clients, former clients, research participants, students, supervisees or colleagues, social workers will set and enforce explicit, appropriate professional boundaries to minimise the risk of conflict, exploitation or harm. (Practitioners are called upon to defend their behaviour in the event of complaint or investigation regarding professional misconduct).
- h) Social workers will not engage in any form of sexual conduct¹⁷ with clients, students, supervisees, research participants or others directly involved in a professional relationship which invites trust and confidence in the practitioner's role and/or involves an unequal distribution of power or authority in the social worker's favour.
- i) Where the potential for exploitation or harm exists, social workers will not enter into an intimate or sexual relationship with a former client. In circumstances where any such relationship is considered, professional consultation is essential.

4.1.5 Practice competence

- a) Social workers will act to maintain and expand their levels of current knowledge, theory and skill in order to provide quality service and accountable practice.
- b) Social workers will undertake practice only within their areas of competence or where training/supervision pertinent to their work role is available or accessible.
- c) Social workers will, throughout their professional lifetime, utilise available supervision and consultation, or take active steps to ensure that they receive appropriate supervision, as a means of maintaining and extending practice competence.
- d) Social workers will appraise new approaches and methodologies to extend their professional expertise.
- e) Social workers will participate in developing and implementing culturally appropriate knowledge and practice, in order to ensure competence in the provision of culturally sensitive service¹⁸
- f) Social workers will advance the knowledge base of social work by facilitating and contributing to evaluation and research and sharing research knowledge and practice wisdom with colleagues.
- g) Social workers will take appropriate action if ill-health, impairment or any other factor is likely to interfere with their professional judgment 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 well-being both in their own interests and in the interests of competent service.

15 See 4.2.2 & Guideline—Conflicts of interest

16 See Glossary—Dual and multiple relationships

17 See Glossary—Sexual conduct; Sexual harassment

18 See Glossary—Culturally sensitive practice

4.2 Responsibilities to clients

4.2.1 Priority of clients' interest

- a) Social workers will maintain the best interests of clients as a priority, with due regard to the respective interests of others.
- b) In exceptional circumstances, the priority of clients' interests may be outweighed by the interests of others, or by legal requirements and conditions. In such situations clients should be made aware that their interests, or those of others, may be jeopardised.
- c) Social workers will seek to safeguard the rights and interests of clients 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 client.
- d) Social workers will collaborate with other professionals and service providers in the interests of clients, maintaining their privacy, and with clients' knowledge and consent whenever possible. Social workers will recognise the right of client determination in this regard and where feasible, include clients in such consultations.
- e) Social workers will identify and promote the legitimate interests of involuntary clients,¹⁹ taking into account any conditions that apply to their situation.

4.2.2 Conflicts of interest

- a) Social workers will remain aware of the potential for conflicts of interest²⁰ which may affect their ability to exercise professional discretion and unbiased judgment. These interests may derive from personal, emotional, conscientious, sexual, familial, social, religious, financial, business, political, professional or organisational factors.

Where such a situation is foreseeable, social workers should declare their interest to the employing authority and negotiate a solution. If already involved in a professional relationship when the conflict of interest arises, social workers should declare it and take appropriate action, such as consulting with a senior person and, where relevant, the client or clients. This may result in renegotiating the professional relationship, or terminating it and referring appropriately.

4.2.3 Client self-determination

- a) Social workers will promote the self-determination and autonomy of clients, actively seeking to enable them to make informed decisions on their own behalf.
- b) Social workers will discuss with clients 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 clients are voluntary clients)
 - their rights of access to records and to avenues of complaint.
- c) Social workers will act to reduce barriers to self-determination for those who are unable to act for themselves, because of factors such as vulnerability, disability, dependence.

¹⁹ See Glossary—Involuntary clients

²⁰ See Guideline—Conflicts of interest

d) Social workers will endeavour to minimise the use of legal or other compulsion. Any action which violates or diminishes the civil or legal rights of clients must be ethically, professionally and legally justifiable. Action of this kind should be taken only after careful evaluation of the situation and, if possible, in collaboration with clients and other professionals.

4.2.3(1) Informed consent

- a) Social workers will ensure that clients understand informed consent²¹ and the circumstances in which it may be required.
- b) Where clients have limited capacity to comprehend or grant informed consent, social workers will provide information in accordance with clients' level of understanding, restricting their freedom of decision and action as little as possible.
- c) When informed consent is required and the client cannot grant informed consent, social workers will, with the client's permission if applicable, obtain informed consent from a party empowered in accordance with relevant State legislation to provide consent on the client's behalf.²²
- d) Depending on their maturity and level of understanding, children should be given the opportunity to indicate their assent or otherwise to services/treatment when consent is required from their parents or guardians.

4.2.3(2) Involuntary clients

- a) Social workers will recognise that in some cases their ability to promote self-determination is limited because clients may be involuntary clients or because clients' actions pose a serious threat to themselves or others.²³

- b) In all cases where clients' right to self-determination is limited by the social work role, duty of care, the law, or by other service providers or parties, social workers will assist clients to negotiate and attain as much autonomy as possible. In particular, involuntary clients should be made aware of any limitations that apply to their right to refuse services and should be advised how, and in what circumstances, information will be shared with other parties.
- c) Social workers will encourage involuntary clients to participate in decisions about the goals, alternatives and services available to them. Wherever possible or warranted, clients should be notified regarding decisions taken about them, except where there is evidence that this information may bring about, or exacerbate, serious harm to individuals or the public.
- d) 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. Social workers should advise clients about such authority and its scope and should ensure that any specific limitations are made explicit within the working relationship. Social workers should always remain aware of the potential impact of informal or coercive power on involuntary clients.

4.2.4 Cultural awareness

- a) Social workers will acknowledge the significance of culture²⁴ in their practice, recognising the impact their own racial and cultural identities, views and biases can have on their practice and on culturally different clients.
- b) Social workers will obtain a working knowledge and understanding of clients' racial and cultural affiliations, identities, values, beliefs and customs.

21 See Glossary—Informed consent

22 See Glossary—Adult guardianship

23 See Guideline—Involuntary clients

24 See Glossary—Culture; Culturally sensitive practice

- c) Social workers will recognise and acknowledge the diversity within and among cultures, taking into account individual, family, group and community needs and differences.
- d) Social workers will remain sensitive to, and seek to understand, particular perspectives and responses, recognising that these may not always be in accord either with the social worker's own, or with those of the general community.
- e) Social workers will ascertain and take into account the manner in which individual clients wish confidentiality to apply within their cultural context.
- f) Social workers will endeavour to provide services to clients in language they understand, using an independent, qualified interpreter and/or translator where feasible and appropriate.
- g) When engaged in education, administration, policy development and the like, social workers will promote awareness of cultural and cross-cultural issues and culturally sensitive practice.²⁵

4.2.5 Information privacy/ confidentiality

- a) Social workers will respect the right of clients to a relationship of trust, to privacy and confidentiality of their information²⁶ and to responsible use of information obtained in the course of professional service. This includes:
 - taking care not to intrude unnecessarily on clients' privacy when seeking information
 - obtaining informed consent from clients or their authorised representatives to use their information
 - determining *to whom* clients wish such information to be given or not to be given, and in what detail

- determining *from whom* information about clients may be requested
- treating information obtained from relatives or others about clients in the same confidential manner as clients' information.
- b) At the commencement of a professional relationship, social workers will inform clients or their authorised representatives regarding:
 - the limits of confidentiality in any given situation, explaining agency or legal requirements regarding the recording, computerising 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.
- c) Social workers will use confidential information only for the purpose for which it was acquired; or, with the consent of the client, for a directly related purpose; or with lawful excuse (e.g. court subpoena; statutory requirement).
- d) Social workers will communicate clients' confidences only to appropriate personnel, either in clients' presence or with their informed consent. When disclosing information, social workers will seek to protect clients' privacy, limiting content to that required for the specific purpose.
 - (i) Confidences may be revealed *without* clients' consent when compelling ethical or legal reasons prevail, for instance:
 - to fulfil legal or statutory requirements (e.g. child protection)²⁷
 - to protect clients, other individuals or the public where the practitioner becomes aware that there is a risk to the client's safety or that of others.²⁸

25 See Glossary—Culturally sensitive practice

26 See Glossary—Information privacy; Confidentiality

27 See Guideline—Conflicts of interest: Confidentiality

28 See Glossary—Duty to warn; Guideline—Conflicts of interest: Confidentiality

- (ii) Before taking action to disclose clients' confidences without consent, the level of perceived risk should be carefully assessed, preferably in consultation with other professionals. Clients should be notified when disclosure without consent is intended or has occurred, unless this is contraindicated by issues of potential harm or by legal provisions.
- e) Social workers will obtain informed consent of clients or their authorised representatives before clients' activities are mechanically or electronically recorded or observed by a third party.
- f) In situations where two or more people are involved, social workers will clarify the nature of confidentiality with participants. They will seek a commitment from members of groups to respect the privacy of shared information.
- g) Social workers will ensure clients' anonymity and remove identifying details when permitted to use confidential information for purposes such as case presentation, consultation, teaching, research or education (c.f. 4.2.6.b).
- b) Before using clients' records for any purpose that is not specifically authorised, social workers will obtain the informed consent of clients or their representatives and will remove or omit identifying information. Where it is not possible to remove or disguise clients' identities, their knowledge and consent are particularly necessary. In some circumstances, access to client records may be officially authorised or required by statute. Before releasing information, the authority of the person requesting access and the nature of that access should be checked to ensure that only relevant material is released. Where consent of clients has not been obtained, attempts should be made to notify them that such access has been granted.
- c) Social workers will ensure that clients 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 should advise clients of their right to request a review of the decision through organisational or legal channels (e.g. *Freedom of Information*).

4.2.6 Records

- a) Social workers will record information impartially and accurately, taking care to:
 - report only essential and relevant details
 - refrain from using emotive or derogatory language
 - acknowledge the basis of subjective opinions
 - protect clients' privacy and that of others involved in the situation.
- d) Social workers will take due care to protect the confidences of others when providing clients with access to records.
- e) If clients are not satisfied with their records or treatment, social workers will advise them regarding complaints mechanisms.
- f) Social workers will protect clients' records, store them securely and, where applicable, retain them for any required statutory period.
- g) When disposing of confidential records, paper files should be shredded or burned and mechanical or electronic records should be cleared.

Where records are shared across professions or agencies, information should be recorded only to the degree that it addresses clients' needs and meets the essential requirements of those to be notified. When transmitting confidential information through mechanical or electronic channels, particular attention should be given to protection of privacy.

4.2.7 Termination/Interruption of Service

- a) Social workers will renegotiate or terminate professional relationships and services when these relationships and services no longer serve the interests or needs of clients.
Whether the decision to renegotiate or terminate is that of clients or social workers, the reason for the decision should be considered and discussed. Social workers should also discuss with clients their needs, options and preferences before continuing or discontinuing services or offering to seek transfer or referral.
- b) Social workers will respect the right of voluntary clients to discontinue service, engage another practitioner or seek a second opinion. Social workers should discuss with clients the issues involved, and, if termination is an option, offer assistance with the process.
- c) When obliged to interrupt or terminate a professional relationship for personal or professional reasons, social workers will seek to advise clients regarding the discontinuation of service and if possible, ensure their referral to another professional person.

4.3 Responsibilities to colleagues

- a) Social workers will relate to both social work colleagues and colleagues from other disciplines with respect, integrity and courtesy, seeking to understand differences in viewpoints and practice.
- b) When working in teams, social workers will utilise the expertise of other team members and disciplines for the benefit of their clients.
- c) Social workers will co-operate with other disciplines to promote and expand ideas, knowledge, theory and skills, experience and opportunities that improve professional expertise and service provision.
- d) Before accepting as clients those who have been receiving services from colleagues or outside agencies, social workers will obtain clients' consent to communicate appropriately with those colleagues or agencies if this is considered necessary.
- e) Social workers will consider carefully the potential for professional conflicts of interest where close personal relationships, social, business or sexual relationships with colleagues are contemplated or existing.
- f) Social workers will remain open to constructive comment on their practice or behaviour. Any criticism of colleagues' practice or behaviour must be defensible and must be dealt with in a professional manner.
- g) Social workers will address suspected or confirmed professional misconduct, incompetence, unethical behaviour or negligence²⁹ by a colleague through the appropriate organisational, professional or legal channels. Social workers should familiarise themselves with the complaints processes of their workplace and with the AASW procedures for complaints against members.³⁰

²⁹ See Glossary—Negligence; Malpractice

³⁰ See Glossary—Complaints procedures;
Appendix 2—Procedure for inquiries/complaints

4.4 Responsibilities in the workplace

4.4.1 Service provision

- a) Social workers will acknowledge and strive to carry out the stated aims and objectives of the employing organisation, agency or service contractor, consistent with the requirements of this Code.
- b) Social workers will work towards the best possible standards of service provision and will be accountable for their practice.
- c) Social workers will use the organisation's resources honestly and only for their intended purpose.
- d) Social workers should appropriately challenge, and work to improve, policies, procedures, practices and service provisions which:
 - are not in the best interests of clients
 - are inequitable
 - are in any way oppressive, disempowering or culturally inappropriate
 - demonstrate unfair discrimination.
- e) When policies or procedures of employing bodies contravene professional standards, social workers should endeavour to effect change through consultation, using appropriate organisational channels.
- f) Social workers should take all reasonable steps to ensure that employers are aware of the social work *Code of Ethics* and should advocate for conditions and policies that reflect its ethical position.
- g) 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 should be consistent with the values and principles of this Code.³¹
- h) Social workers engaging in action to improve services or working conditions will be guided by the ethics of the profession.

4.4.2 Management

In addition to the general provisions of the Code, social workers in *management* will undertake specific ethical responsibilities.

- a) Acquaint organisational administrators with the *AASW Code of Ethics* and its implications for social work practice. They should encourage employers to recognise the principles and objectives of the Code and to eliminate workplace factors which prohibit or obstruct adherence to its terms.
- b) Encourage non-discriminatory policies and practices and advocate for resources to meet clients' needs.
- c) Promote effective teamwork and communication and an efficient and accountable social work service.
- d) Seek to obtain/maintain adequate staff levels and acceptable working conditions for staff.
- e) Arrange for appropriate professional supervision for social work staff.
- f) Ensure that staff under their direction receive ongoing training and professional education and advocate for adequate resources to meet staff development needs.
- g) Provide or arrange debriefing, crisis and/or ongoing support for staff, especially when they experience difficult or traumatic circumstances.
- h) Use finances only for the purposes for which they are granted and account for their expenditure with accuracy.

31 See Guideline—Conflicts of interest: Workplace

4.5 Responsibilities in particular settings

4.5.1 Education, training, supervision and evaluation

In addition to the general provisions of the Code, social workers engaged in *education, training, supervision* or *evaluation* will undertake specific ethical responsibilities.

- a) Possess and maintain the necessary knowledge, skill and methodology to perform these tasks competently.
- b) Seek to ensure that their professional relationships in these areas are constructive and non-exploitative.
- c) Include the social work profession's ethical values and principles as a component of their instructions.
- d) Foster in social work students and supervisees a knowledge and understanding of both the social work profession and this Code, emphasising the relationship of these to their practice.
- e) Inform students regarding their ethical responsibilities to agencies, supervisors and clients.
- f) Seek to ensure that students are effectively supervised when on field placement.
- g) Take all reasonable steps to ensure that social work students and social workers under their supervision act in accordance with the principles of this Code.
- h) Adhere to the principles of privacy and confidentiality in the supervisory relationship, acknowledging any limitations that may apply in particular circumstances.
- i) 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 should be referred to another competent practitioner.
- j) Evaluate the performance of students and supervisees fairly and responsibly.

4.5.2 Research

In addition to the general provisions of the Code, social workers engaged in *research* will undertake specific ethical responsibilities.

- a) Observe the conventions of ethical scholarly inquiry when engaged in study and research.
- b) Utilise only appropriately qualified practitioners to carry out research that requires the application of specialised techniques.
- c) Place the interests of research participants above the social worker's personal interests or the interests of the research project.
- d) Consider carefully the possible consequences for individuals and society before participating in, or engaging in proposed research or evaluation, and also before publishing research results.
- e) Submit research proposals to an appropriate ethics or review body where applicable.
- f) Ascertain that due care has been taken to protect the privacy and dignity of research participants.
- g) Ensure that informed consent to participation has been obtained from either the potential participants or their representatives. In addition, children and others whose ability to provide consent is compromised for any reason, should be offered the opportunity to express their assent or objection to research procedures and their views should be given due regard.
- h) Consent must be given voluntarily, without coercion or inferred disadvantage for refusal to cooperate. Participants should be informed that they may withdraw from a programme at any time, taking into account stated conditions of entry and closure, and without compromising any treatment being received from a service.
- i) Strive to protect research participants from unwarranted physical, mental or emotional discomfort, distress, harm, danger or deprivation.

- j) Seek to ensure the anonymity and/or confidentiality of research participants and data and discuss them only in limited circumstances for professional purposes. Any identifying information obtained from or about participants during the research process will be treated as confidential.
- k) Report research and evaluation results accurately and objectively, acknowledging the contributions of others and respecting copyright law. In research and scholarly endeavours, credit should be taken only for work actually performed.
- l) Where feasible, inform research participants or their representatives of research results that are relevant to them.
- m) Bring research results that indicate or demonstrate social inequalities or injustices to the attention of the relevant bodies.
- n) Store research material securely and for the required period.

4.5.3 Private practice

In addition to the general provisions of the Code, social workers in *private practice* will undertake specific ethical responsibilities.

- a) Advise clients regarding fee schedules and any costs before commencing professional service and charge only for hours and services contracted with them. When setting fees, reference to relevant AASW guidelines is recommended.
- b) Arrange appropriate temporary or substitute service for clients when unavailable or unable to continue practice.
- c) Inform clients and offer suitable referral when clients' needs fall outside the practitioner's area of expertise or ability to access services/resources.
- d) Not solicit the clients of either their colleagues or their place of employment for private practice.

- e) Maintain practice records in accordance with this Code.
- f) Maintain adequate professional indemnity and public liability insurance coverage as a protection for clients.

4.6 Responsibilities to the profession

- a) Social workers will uphold the dignity and integrity of the profession and will inform their practice from a recognised social work knowledge base.
- b) Social workers will strive for and promote excellence in the social work profession. They will engage in discussion about, and constructive criticism of the profession, its theories, methods and practices.
- c) Social workers will promote the profession of social work, its processes and outcomes and will defend the profession against unjust criticism.
- d) Social workers will take appropriate action where a breach of this *Code of Ethics* occurs.³²
- e) Social workers will cooperate with both AASW investigations into matters of complaint against themselves or other social workers and the requirements of any associated disciplinary hearings.
- f) Social workers will report to the AASW and/or relevant organisational body, persons who misrepresent their qualifications as a social worker, or their eligibility for, or membership of, the AASW.

³² See Glossary—Complaints procedures; Appendix 2—Procedures for inquiries/complaints

5 GUIDELINES FOR ETHICAL DECISION-MAKING

5.1 Ethical decision-making

This Code offers guidance in making decisions that are ethically justifiable, but it intentionally does not specify what to decide in particular situations.

Ethical decision-making is the process of critical reflection, evaluation and judgment through which a practitioner resolves *ethical issues, problems and dilemmas*.³³

These can occur in social work practice in diverse circumstances. Some examples are:

- when the interests of clients conflict with those of various other parties or with those of the social worker, organisation or wider system
- when conflict occurs between the care and control functions of the social worker
- when there is a discrepancy between the needs and interests of clients and either the availability and distribution of resources or demands for efficiency and utility
- when the social worker's ethical responsibilities conflict with the interests of other professionals, groups of professionals, agency policies/procedures or legislative requirements.

Ethical dilemmas arise when a practitioner must make a choice between alternative courses of action, each of which is supported by moral considerations and each of which will result in an outcome that is, in some way, undesirable.

Practitioners should reflect on ethical problems and dilemmas and make decisions about them in the light of the *values and principles* outlined in this Code. At the same time they should be aware of their own moral, cultural, political, religious, societal and professional values and biases and the possible influence of these on their judgments. Ethical reflection can resolve problems and can assist one to find one's way through dilemmas.

When ethical values and principles conflict, social workers have a responsibility to decide which will take priority. While it may be difficult to arbitrate between values and principles which, in

the circumstances, appear to be of equal importance, it is necessary to do so in order to come to a decision and achieve an ethically justifiable result.

On occasion, tensions may arise between observing the Code principles and complying with legal or other requirements. While social workers should generally act in accordance with the law and with organisational directives, neither the law nor the direction of others should be taken as disposing of moral issues, problems and dilemmas or as overriding moral obligations.

In evaluating morally complicated situations it is important to examine both the *nature* and *context* of the issues, as well as the potential *consequences* of the available courses of action. If at all possible, where the interests of clients are involved, clients should be included in the decision-making process.

In this ethical decision-making process, it is important for social workers to incorporate general principles of decision-making, including:

- having full and relevant information on the matter about which a decision is being made
- taking reasonable steps to ensure that their practice and decision-making is being undertaken in an ethical manner
- exercising a duty of care in relation to the matter and associated decision-making
- observing and implementing the principles of natural justice ('procedural fairness')³⁴
- being open in the decision-making process, within appropriate confidentiality requirements
- being accountable at all stages of their practice and the decision-making process.

In making ethical decisions consultation with colleagues, supervisors, and/or other competent professionals is advisable. Such consultation is essential when the situation is outside the social worker's experience or area of expertise. Social workers are often called upon to justify their decisions and should be able to demonstrate clearly the factors involved in arriving at these decisions.

33 See Glossary—Ethical issues, problems and dilemma

34 See Glossary—Natural justice

5.1.2 Conflicts of interest

Conflicts of interest may arise when relationships or circumstances result in, or may be perceived to result in, influencing, or having the potential to influence or affect, a social worker's capacity to work in an objective and impartial manner. When a conflict of interest is foreseeable, or occurs, the social worker must identify the conflict of interest, declare it to the relevant person or authority, and take appropriate action.

Where the public interest served by the profession clashes with the private interests of professionals, social workers must act in such a way that their judgment is neither impaired nor seen to be impaired. The social worker should refuse to accept, or should refer, cases where it is not possible to avoid such conflicts of interest.

This may be difficult when working in rural communities or with specific groups, or in situations where the social worker is a sole worker, because refusal or referral may be impossible. In these circumstances, the conflict should be declared to the appropriate senior person and a solution negotiated if possible. However, it may be necessary for the social worker and the client/s to acknowledge and work with such conflicts *within* the situation. If no supervisor or professional colleague is available for consultation, social workers could contact their AASW Branch Office or the AASW National Office for assistance in accessing a support person.

Conflicts of interest can occur in different circumstances. These are some examples:

5.1.2(1) Involuntary clients

Tensions frequently arise when the social work functions of care and control conflict with the interests of mandated or non-voluntary clients, or with the requirements of the law, third party contractors or other interested parties. When addressing such conflicts, consultation with other professionals is recommended. As far as is possible, social workers should be open with clients about such conflicts; should seek to involve clients in identifying and negotiating the best possible

outcomes; and should advocate on behalf of clients to gain reasonable rights and benefits in accordance with organisational and societal objectives. At all times clients' interests remain a priority, with due consideration for the respective interests of others.

5.1.2(2) Multiple clients

Where the interests of one client or group of clients are actually in conflict, or could come into conflict, with the interests of one or more others, the social worker should clarify with all parties whose interests will take precedence - for example, where the social worker has more than one member of a family, a business, or of some other organisation as clients; or where the prime mandate of the organisation/agency is clear, ie: hospitals to patients, child protection to the child, aged care teams to the aged person, and so on.

The social worker should also identify who among the parties will be considered the primary client or clients and should endeavour to minimise the potential for conflicts of interest which may arise from either the situation or associated obligations such as ethical considerations or legal requirements (as in child protection for example).

5.1.2(3) Confidentiality

When confidential disclosures by either adult clients or children imply that they, or other persons, are at risk of injury or harm, questions as to 'Who is the client?' and 'To whom do I owe primary allegiance?' create difficult dilemmas, particularly where mandatory reporting laws do not apply. In situations of threatened or actual domestic or other violence or child abuse, the vulnerable person and her/his protection are the principal concerns. Social workers have an ethical obligation to share appropriately information that will enhance such protection or that will inform relevant decision-making. Such disclosures may constitute a legitimate breach of confidentiality.

On the other hand, when required by law to report or divulge confidential information, tensions may arise between the legal demands and ethical

considerations. Following consultation, the practitioner, relying on the Code, may decide that maintaining confidentiality is ethically justified in the circumstances. However, reliance on the Code may not protect the practitioner from legal sanction. It is important to be aware of legislation relating to privacy of information (eg Commonwealth *Privacy Act 1988*); Australian Standard AS4400 *Personal Privacy Protection in Healthcare Information Systems*; and of the *Information Privacy Principles* endorsed by the various State Privacy Committees.

5.1.2(4) Workplace

Conflicts may arise between adhering to the *Code of Ethics* and carrying out employment demands that are inconsistent with its provisions. Tensions among ethical considerations, official orders, the interests of clients, contractual agreements and the need to remain employed may be very difficult to balance and resolve. In these circumstances, social workers should seek the support of social work colleagues, supervisors or managers, where available. When the employer's interests or instructions conflict with ethical practice considerations, social workers should make this clear to the employing authority and attempt to negotiate a solution, protecting the best interests of clients where these are involved.

If serious ethical conflicts continue, advice and support could be requested from the AASW, other pertinent groups or the wider community. Challenging employers on ethical grounds may expose practitioners to organisational or legal censure. Social workers should acknowledge and take account of this in developing strategies to address the situation.

5.1.3 Conscientious objection

In exceptional circumstances, conscientious objection may be a justifiable ground for redirecting service. Given the diversity of reasonable ethical views held by individuals within the social work profession, the AASW respects the rights of social workers to refuse to engage in work that offends against deeply held personal/moral/spiritual/cultural convictions. However, conscientious objection must be based on reasoning that is consistent with the profession's aims, values and principles and that includes a clear understanding of the social worker's role and duty.

Conscientious objection should not be confused with a social worker's unwillingness to confront certain issues or to work with particular clients because of their personal fears, difficulties or limitations. These are not generally ethical concerns, but matters for professional consultation and supervision.

The 'conscientious objection' provision should not be used:

- to avoid examining personal values, stereotypes or biases
- to avoid fulfilling work expectations
- to discriminate against clients
- to deny service to clients.

Social workers who foresee a possible conflict between such convictions and work duties should inform their current or prospective employers. In the event of such conflicts, they should notify colleagues and superiors in order to reach a solution which would not disadvantage clients, colleagues or employers. This may mean re-directing clients to other practitioners or services.

6 GLOSSARY OF TERMS

- Adult Guardian:** An Adult Guardian is a legally appointed substitute decision-maker for an adult who is not capable of making reasoned personal, medical or lifestyle decisions for themselves. *Office of the Public Advocate (1996)*
- Advocacy:** Action for and with an individual or group. The practice of directly representing or defending clients' interests and ensuring that clients' rights or entitlements are maintained. Advocacy includes action to empower clients or community groups; to enable self-determination and/or self-advocacy; to promote access to services, facilities or benefits; to achieve representation in decision-making processes. *Corey, Corey & Callanan (1998); AASW (1996)*
- Autonomy:** The ability to function independently without coercion, duress or undue influence. *Wylid; Rooney (1992)*
- Client (Social Work):** One term used by social workers to refer to recipients of their services. Other terms include 'consumers', 'customers' and 'service users'. In this document, *clients* are the individuals, groups, families, organisations or communities provided with social work services. *Clients* may be divided into *voluntary* clients and *involuntary* clients (see specific headings). *Banks (1995); Barker (1991); Rooney (1992)*
- Code of Ethics:** An explicit statement of the values, principles and rules of a profession, providing a guide to, and regulating, the conduct of its members. *Barker (1991)*
- Competence:** Fulfilling the educational requirements and having the capability to perform a specific task or duty. Competence in social work involves acquiring and continually developing the knowledge, skills, and experience to provide a professional, effective service which reflects the values expressed in the profession's *Code of Ethics*. *Competence* in the legal sense, refers to the capacity to comprehend and act rationally. *Barker (1991); Wylid; Compton & Galaway (1979)*
- Complaints Procedures:** Complaints against members of the AASW can be made by contacting an AASW Branch Office or by speaking to the Convenor of the local Branch Ethics Committee. The complaints mechanism is outlined in Appendix 2 of this document and the full procedure is contained in the *AASW By-Laws on Ethics*.
- Confidentiality:** The restriction of access to personal information to authorised persons, at authorised times, in an authorised manner. Social workers have an ethical responsibility to respect clients' confidences, disclosing information obtained in the course of their duties only with the consent or knowledge of clients or their endorsed representatives. In limited circumstances, such information may be revealed under legal or authorised directive, through civil duty or to prevent harm (cf *Duty to Warn*). *Privacy of Information Committee (1996); Bates et al (1985)*
- Culture:** Affects every aspect of our lives because it influences our view of social and psychological reality. Interpreted broadly, *culture* can be associated with a racial or ethnic group as well as with gender, religion, economic status, nationality, physical capacity or handicap, or affectional or sexual orientation. Pederson (1944) describes culture as including demographic variables such as age, gender and place of residence; status variables such as social, educational and economic background; formal and informal affiliations; and the ethnographic variables of nationality, ethnicity, language and religion. *(Corey, Corey & Callanan (1998))*

Culturally Sensitive Practice: Each racial group has philosophical, social, religious, political and cultural values, views and attitudes. To engage in ethical *culturally sensitive practice*, practitioners need to be aware of, and analyse, their own and the profession's cultural origins, values, biases and constructs. They need to: 1) become aware of and deal with the biases, stereotypes and assumptions about particular races and cultures that underpin their practice; 2) become aware of the values and worldviews of culturally different clients; 3) develop appropriate intervention strategies that take into account the racial, social, cultural, historical and environmental influences of culturally different clients. (Meemeduma (1993); (Corey, Corey & Callanan (1998)). Barker (1991) defines **Culturally Sensitive Practice** as: Professional social work that emphasises and values the special capabilities, distinctive cultural histories and particular needs of people of various indigenous and ethnic origins.

Discrimination: Ability in, and act of, perceiving differences and/or distinguishing between people or things. **Negative discrimination - discrimination against:** Prejudging and/or treating people unfavourably on the basis of discernible differences. **Positive discrimination - discrimination in favour of:** Policy of favouring particularly disadvantaged persons or groups when allocating resources. The term is sometimes used to describe the preferential treatment of a previously victimised person or minority group. (Wjld; Timms (1982); Barker (1991))

Dual/Multiple Relationships: Relationships with clients that are additional to the primary professional relationship are termed *dual* or *multiple relationships*. They may be professional, interpersonal, familial, social, sexual, financial or business. Such relationships may blur the boundaries of the professional/client relationship, resulting in the potential for impaired judgment, conflicts of interest and exploitation of the client. Dual or multiple relationships may occur together with, or

following, the primary professional relationship and may involve former clients. (Corey, Corey & Callanan (1998))

Duty of Care: The obligation to take reasonable care to avoid acts or omissions which one can reasonably foresee would be likely to injure another; also, the duty of people in particular circumstances and occupations to protect and control others. *Duty of Care* may be owed to persons in specific categories, such as by a doctor to a patient; a social worker to a client. The duty is breached if a person fails to act in accordance with the required *standard of care*. The *standard of care* which would be required of a social worker would be the standard of competence of a reasonable person possessing skills in the area of social work. Thus, if the worker departs, for example, from accepted professional practice (or if that practice itself is negligent) then breach of the legal *standard of care* might be regarded as having occurred (see *Negligence*). (Bates et al (1985); Nygh et al (1997))

Duty to Warn: The responsibility to report threats made by a client, if the social worker believes that the client will carry out such threats and that they will result in danger, harm or injury to the client or others. Where practitioners become aware, in the course of a professional relationship, that a risk to public safety exists, they will be excused from breaching confidentiality where they disclose information about the risk in order to protect the public. In this context, 'public safety' includes instances where the risk is to a particular individual. Some of these exemptions are established through statute, others through judicial interpretation of the law. Practitioners should be aware that the *duty to warn* is unlikely to arise in day to day case management and so disclosure on this basis will be a rare occurrence. In circumstances where social workers consider that a client represents a risk to the public, they should carefully assess the level of risk and, where possible, discuss the situation with colleagues or superiors before acting. (Rosen et al (1987); Privacy of Information Committee (1996); Bates et al (1985))

Empower: To give power to, as in giving a person capacity or enabling them to perform some physical or mental activity.

Empowerment (Social Work): the process of helping individuals, families, groups and communities increase their personal, interpersonal, socioeconomic and political strength and influence to improve their circumstances. *Wylde; Barker (1991)*

Ethical Issues/Problems/Dilemmas: *Ethical Issues* pervade the social work task (including what appear to be legal or technical matters) in that social work takes place in the context of the welfare state, premised on principles of social justice and public welfare, and the social worker has professional power in the relationship with the user (client). *Ethical Problems* arise when the social worker sees the situation as involving a difficult moral decision. *Ethical Dilemmas* occur when the social worker sees her/himself as faced with a choice between two equally unwelcome alternatives which may involve a conflict of moral principles, and it is not clear which choice will be the right one. *Banks (1995)*

Ethics: A system of beliefs held about what constitutes moral judgment and right conduct. Ethics are moral principles adopted by a culture, group, profession or an individual to provide rules for *ethical* conduct. *Corey, Corey & Callanan (1998)*

Information Privacy: The right of individuals to exercise appropriate control over the extent to which personal information about them is available to others. *Privacy of Information Committee (1996)*

Informed Consent: The law requires three main elements for consent to be valid - capacity, information and volition. The person must be mentally and legally competent to give consent. This requires an ability to understand and appreciate the nature and consequences of a procedure or an intervention. Sufficient information must be provided to the person to enable her/him to come to a reasoned decision, based on full disclosure of the facts.

Information should be provided clearly and comprehensibly and should include the purpose of the service; the risks and benefits, limits and options; and the person's rights. Consent must be freely given, without the imposition of undue influence and may be either implied or expressed orally or in writing. If a person is not legally competent, consent may be obtained from the legal guardian. In the event of legal action regarding consent, the onus is on the practitioner or the organisation to show that consent for intervention was obtained. *NSW Department of Health (1992)*

Interpersonal Practice: Includes, but is not limited to, casework, counselling, clinical intervention, work with individuals, couples and families, referral etc.

Involuntary Clients: Unwilling clients who include both *non-voluntary* clients - those who receive services under social duress (eg: individual, familial, organisational or situational pressure) and *mandated* clients - those who receive services as a result of a legal directive. *Barker (1991); Rooney (1992)*

Malpractice: Wilful or negligent behaviour by a professional person that violates the relevant Code of Ethics and professional standards of care, proving harmful to the client. *Barker (1991)*

Mediation: An intervention based on a cooperative problem-solving process which seeks to resolve disputes between parties. The process aims to clarify what is in dispute, reconcile differences, find compromises or reach mutually satisfactory agreements. *AASW (1996)*

Moral: Dealing with, or capable of distinguishing between, right and wrong.

Morals: Principles or standards with respect to right and wrong in conduct.

Morality: Concerned with perspectives of right and proper conduct; involves an evaluation of action using some broader cultural context or religious standard as a base. *Wylde; Corey, Corey & Callanan (1998)*

Natural & Civil Rights: *Natural Rights:* Those rights which appertain originally and essentially to each person as a human being - rights which are necessarily inherent, which are innate and which come from the very elementary laws of nature such as life, liberty, the pursuit of happiness, self-preservation and personal security. Natural rights include, for example, the right not to be deprived of life as a direct means to an end; not to be deceived in the course of factual communication; not to be condemned on charges which are known to be false; not to be denied procreative capacity; and to be accorded respectful consideration in any assessment of the common good. ***Civil and Political Rights:*** Those protecting the individual from the arbitrary exercise of power by the State. Such rights include the right to life, liberty, freedom of movement, a fair trial and freedom from discrimination. Paramount is that all people have the right to self-determination. *Civil Rights* are distinguishable from *Natural Rights* in that they depend on the law for enforcement. Civil rights include the right of every citizen to seek redress of wrongs and the enforcement of rights in the courts, and as an incident to this, include the right of a party to testify in a criminal case in his/her own behalf. *West Publishing Co. (1955); Nygh et al (1997)*

Natural Justice (also Procedural Fairness): The right to be given a fair hearing and the opportunity to present one's case; the right to have a decision made by a unbiased or disinterested decision-maker; and the right to have that decision based on logically probative evidence. Denial of natural justice is a ground of review against an administrative decision. At common law, denial of natural justice allows a review in circumstances where the administrative decision might affect a person's rights, interests, or legitimate expectations. Rights or interests include personal liberty, status, preservation of livelihood and reputation as well as proprietary rights and interests (cf *Natural and Civil Rights*). *Nygh et al (1997)*

Negligence: Failure to exercise reasonable care or caution resulting in others being subjected to unwarranted risk of harm; failure to fulfil responsibility that is necessary to protect or help another. *Contributory Negligence* occurs when a person's failure to exercise prudent caution, combined with the negligence of another, results in harm to a third individual. *Criminal (Culpable) Negligence* occurs when one is so reckless, careless or indifferent to the safety of others that injury or death results. *Barker (1991)*

Principle: A moral, political or other rule, tenet or conviction which serves as a guide for conduct or action - especially for right conduct. *Wylde*

Profession: The body of persons avowing or practising a particular calling and publicly espousing certain ideals, values, levels of learning and expertise. Professions usually have a service orientation and fulfil a specific need or purpose. Formal acceptance of a professional occupation is provided through public recognition and utilisation of the services it offers. A profession enhances its public credibility by expanding its body of knowledge, refining its values and skills, ensuring that its members comply with its established standards and making public the actions it takes to reach these goals. *Wylde; Barker (1991)*

Professional: (n) A person who is eligible for membership of a particular profession; (adj) The degree to which a person behaves or acts in accordance with the accepted values, conduct and ethical code of a profession and is trained and/or skilled in its methods. *Wjld; Barker (1991)*

Professional Relationship: The association or bond formed between a practitioner and client in the course of their interaction. According to Compton & Galloway, the professional relationship is guided by two primary identifying factors: i) the overall purpose of the profession and its value system; ii) the character and purpose of the practitioner/client interaction. The essential elements of all professional relationships are said to be: (1) concern for the other/s, (2) commitment and obligation, (3) acceptance and expectation, (4) empathy, (5) authority and power, (6) genuineness and congruence. *Compton & Galaway (1979)*

Self-Determination: In social work, refers to client self-direction; to the avoidance of coercive imposition, and to freedoms of various kinds. *Self-determination* recognises the rights and needs of clients to be free to make their own choices and decisions without interference. Self-determination may be limited in order to prevent harm. *Timms (1982); Barker (1991)*

Self-Fulfilment: Refers to the full development of individual potential. The freedom to develop to the utmost, and accomplish, all that of which a person is capable, in view of their character, natural faculties, powers, passions etc; especially regarded as the end of ethical action. *Barker (1991); Wjld*

Sexual Conduct: Includes sexual contact, behaviour and relationships; sexual expressions; unwarranted intrusion into a person's current or former sexual history or sexual preference; and sexual harassment. *Commonwealth; Consolidated Acts (1984)*

Sexual Harassment: Unwelcome sexual advances, unwelcome requests for sexual favours or other unwelcome conduct of a sexual nature in circumstances where a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated. *Conduct of a sexual nature* includes making lewd gestures and propositions, touching someone who does not want the touching or seeking to exchange sexual favours for employment or other opportunities. Such conduct also includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing. In Australia, sexual harassment is against the law. *Commonwealth; Consolidated Acts (1984); Barker (1991)*

Social Justice: Fairness in the distribution of social resources, rights, opportunities and duties. Four broad objectives of *Social Justice* are: 1) *equity* - to overcome unfairness caused by unequal access to economic and other resources and power; 2) *rights* - to gain equal effective and legal industrial and political rights; 3) *access* - to ensure greater equality of access to essential goods and services; 4) *participation* - to create expanded opportunities for real participation by all people in the decisions that govern their lives. Social Justice strategies are primarily about implementation, planning and co-ordination, as well as about systematic redistribution of existing government resources, both financial and management. *Graycar & Jamrozik (1989)*

Values: Relative ethical beliefs or standards considered desirable by a culture, group or an individual. *Values* pertain to principles and attitudes that provide direction to everyday living. They can be considered as preferred but unproven beliefs which guide and direct the work of the professional. *Wjld; Barker (1991); Compton & Galaway (1979)*.

Value Statements: Refer to what is good, desirable and preferred; they represent a purpose or goal toward which action is directed. *Compton & Galaway (1979)*

Voluntary Clients: Those clients who either request or agree to services. *Barker (1991); Rooney (1992)*

REFERENCES

- Australian Association of Social Workers (1989) *Code of Ethics & By-Laws on Ethics*, Canberra, AASW.
- Australian Association of Social Workers (1996) 'Australian Coding Standards: Social Work Coding Definitions' in *Official NCC Australian Version of ICD9CM*, University of Sydney, National Coding Council.
- Banks, S. (1995) *Ethics and Values in Social Work*, London, Macmillan.
- Barber, J. (1991) *Beyond Casework*, London, Macmillan.
- Barker, R.L. (1991) *The Social Work Dictionary*, Maryland, NASW Press.
- Bates, F. et al (1985) *The Australian Social Worker & the Law*, UK, The Law Book Co. Ltd.
- British Association of Social Workers (1996) *A Code of Ethics for Social Work*, UK, BASW.
- Canadian Association of Social Workers (1994) *Social Work Code of Ethics*, Ontario, CASW.
- Coady, M. & Bloch, S. (1996) *Codes of Ethics and the Professions*, Victoria, Melbourne University Press.
- Commonwealth; Consolidated Acts (1984) *Sex Discrimination Act 1984 - Sect 28A* Canberra, AGPS.
- Compton, B.R. & Galaway, B. (1979) *Social Work Processes*, Illinois, The Dorsey Press.
- Corey, G. Corey, M. & Callanan, P. (1998) *Issues and Ethics in the Helping Professions*, USA, Brooks/Cole.
- Graycar, A. & Jamrozik, A. (1989) *How Australians Live*, South Melbourne, Macmillan Australia.
- Irish Association of Social Workers (1995) *Code of Ethics*, Dublin, IASW.
- International Federation of Social Workers (1994) *Ethics of Social Work – Principles and Standards*, Norway, IFSW.
- International Federation of Social Workers (1997) *Policy Paper on Human Rights*, Norway, IFSW.
- Meemeduma, P. (1993) 'Reshaping the Future: Cultural Sense and Social Work' in *Proceedings of the 23rd Biennial Conference of the AASW*, NSW, University of Newcastle.
- National Association of Social Workers (1997) *Code of Ethics of the NASW*, USA, Michigan State University.
- New South Wales Department of Health (1992) *Manual for Health Service Areas: Patient Matters Manual*, Sydney, NSWDOH.
- New Zealand Association of Social Workers (1993) *Code of Ethics & Bicultural Code of Practice*, NZ, NZASW.
- Nygh, Hon. Dr. P.E. et al (1997) *Butterworths Australian Legal Dictionary*, Sydney, Butterworths.
- Office of the Public Advocate (1996) *Guardianship and Administration: An Introduction to Guardianship and Administration in Western Australia*, WA, Office of the Public Advocate.
- Privacy of Information Committee (1996) *Information Privacy: Code of Practice*, Sydney, NSW Department of Health.
- Rhodes, M. L. (1986) *Ethical Dilemmas in Social Work Practice*, GB, Routledge & Keegan Paul.
- Rooney, R.H. (1992) *Strategies for Work with Involuntary Clients*, NY, London University Press.
- Rosen, S. M., Fanshel, D. & Lutz, M.E. (1987) *Encyclopedia of Social Work*, Silver Springs NT, NASW.
- Timms, N. & R. (1982) *Dictionary of Social Welfare*, London, Routledge & Keegan Paul.
- West Publishing Co. (1955) *Words and Phrases, Vol.28*, St. Paul, Minn., West Publishing Co.
- Wyld, H.C.(Ed) *The Universal English Dictionary*, London, Routledge & Keegan Paul.

Appendix 1:

HUMAN RIGHTS TREATIES TO WHICH AUSTRALIA IS A PARTY

The International Covenant on Civil and Political Rights (ICCPR)

- The International Covenant on Economic Social and Cultural Rights
- The First Optional Protocol to the ICCPR
- The Second Optional Protocol to the ICCPR
- The Convention on the Elimination of all Forms of Racial Discrimination (CERD)
- The Convention against Torture and other Cruel, Inhuman or Degrading Forms of Punishment (CAT)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Rights of the Child
- Convention Concerning Discrimination in Respect of Employment and Occupation (International Labour Organisation Convention number 111)
- The Convention on the Prevention and Punishment of the Crime of Genocide
- The Convention on the Political rights of Women
- The Convention on the Nationality of Married Women
- The Slavery Convention of 1926 (as amended) and the 1953 Protocol amending the 1926 Convention
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery
- The Convention on the reduction of Statelessness
- The Convention relating to the Status of Stateless Persons
- The Convention relating to the Status of Refugees of 28th July 1951 and the Protocol relating to the Status of Refugees of 31 January 1967

Human Rights Declarations to which Australia Subscribes

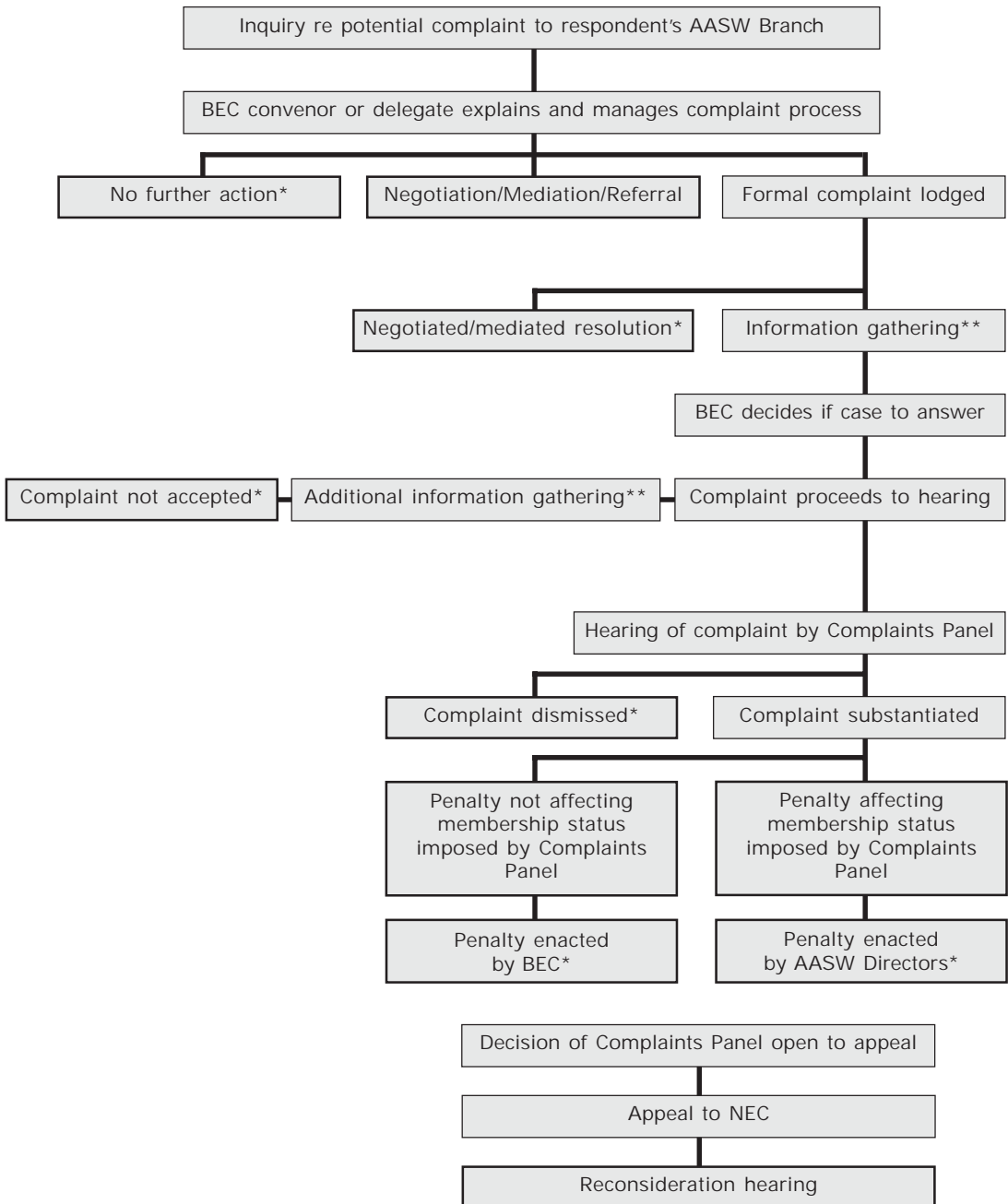
- Declaration on the Rights of the Child
- Declaration on the Rights of Mentally Retarded Persons
- Declaration on the Rights of Disabled Persons
- Declaration on the Elimination of all forms of Intolerance and of Discrimination Based on Religion or Belief

Legislation Relevant to the Above Covenants and Declarations

- The Racial Discrimination Act 1975
- The Sex Discrimination Act 1984
- The Disability Discrimination Act 1992
- The Human Rights and Equal Opportunity Commission Act 1986

Appendix 2:

SUMMARY OF PROCEDURE FOR INQUIRIES RE COMPLAINTS REGARDING CONDUCT OF AASW MEMBERS



* Matter recorded and sent promptly to National Office for storage.

** Investigator appointed if required.

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Convenor: Marianne Bush

Members: Diane Barnes
Wendy Bowles
Suellen Bullock
Claire Bunday
Imelda Dodds
Hazel Schollar

Vice President Ethics: Kate Baker

Project Officer: Narelle Grace

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JO GAHA

National President

[on behalf of the Board of Directors]

25 January 2000

