



# Statement of Outcomes of Public Consultation on Draft Code of Professional Conduct and Ethics for Social Workers Bye-Law 2011

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## **1. Introduction**

CORU conducted a public consultation on the Draft Code of Professional Conduct and Ethics for Social Workers Bye-Law 2011 (the “Draft Code”) in February and March 2011. We have prepared this Statement of Outcomes which contains background information on the consultation process, the method of consultation, an outline of the feedback received and information on the outcome of the consultation process.

## **2. Executive Summary**

CORU launched a public consultation process on Friday 28 January 2011 on the Draft Code. We requested input from the public on the development of this Draft Code.

The consultation process closed on Friday 25 February 2011. A total of 71 valid responses were received.

## **3. Announcement of consultation process**

An advertisement was placed in the Irish Independent on Friday 28 January 2011. In addition an email was sent to a targeted list of over 260 stakeholders, including groups such as the Irish Association of Social Workers, Impact, HSE, Irish Patients Association, educators and professional bodies of the other professions who will be coming under this legislation. The email informed them of the launch of the consultation process and invited their comments and submissions.

A dedicated page was set up on CORU’s website [www.coru.ie](http://www.coru.ie) to outline the communications process and to enable people to contribute their feedback. A press release was issued to medical and healthcare media, which was featured in the Irish Times on Saturday 29 January 2011. Citizens Information and the National Social Work Qualifications Board posted notices on their websites referring to the consultation and the Irish Association of Social Workers circulated the notice to all their members.

People were invited to participate in the consultation process in a number of ways:

- They could ring CORU to request a copy of the Draft Code and a consultation form; or
- They could visit CORU’s office to view the Draft Code and give their feedback in person; or
- They could visit [www.coru.ie](http://www.coru.ie) and choose to complete an online survey, or to print a copy of the questionnaire and post it.

## **4. Responses Rate**

We received 71 responses to the consultation. The vast majority of respondents were members of the social work profession, but we also received submissions from educators, members of other professions to be registered, advocates and members of the public. 80% of respondents did so



in a personal capacity, with 20% responding on behalf of an organisation. It is clear that members of the profession have reviewed this document thoroughly, as well as other health regulators, educators, members of the public and members of other health and social care professionals to be regulated by CORU.

#### **5. Responses Received:**

23 (32%) participants did not have any specific comments to make about the draft bye-law or suggest anything that should be added or removed. Instead, they participated to record their interest in the subject and to participate in the process. Overall, the comments were positive, and the Draft Code was well received by the majority of respondents.

Many of the issues were raised a number of times, and there were definite themes running through the responses including:

- Conflict with employers;
- Record keeping/confidentiality;
- Supervision;
- Addressing health, conduct and competence; and
- Respecting the rights and dignity of people.

#### **Conflict with Employers**

Many respondents referred to the role and the responsibilities of the employer in relation to record keeping, allocation of resources and other issues. They expressed concern about the conflict that individual social workers might experience upholding the Draft Code in the face of opposition from their employer, and requested that this be addressed in the document.

They queried how a social worker should respond if they're requested to act in a way which contravenes the Draft Code and their own best judgement. For example, the Draft Code states that social workers should advocate for the fair distribution of resources based on identified levels of risk/ need, which may not be aligned with the employers' allocation of resources.

#### **Response from Social Workers Registration Board**

The Social Workers Registration Board considered the ethical conflicts that social workers might face with employers, and inserted the following text into Section 7 of the revised Draft Code:

- d) If there is a conflict between this Code of Professional Conduct and Ethics and a registrant's work environment, the registrant's obligation is to the Code.*
- e) Subject to your duty to act in the best interests of your service users, you have a responsibility to engage and advocate with the relevant authorities to promote the provision of appropriate resources and facilities.*
- f) You have a duty to assist in the efficient and effective use of resources and to give advice on their appropriate allocation. While balancing a duty*



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*of care to the individual service user, you should be aware of the wider need to use limited resources efficiently and responsibly. Such awareness should inform decision making in your practice.*

- g) *Written records of advocacy on behalf of services or service users should be kept on file, demonstrating the registrant's efforts to address concerns.*

### **Record Keeping/Confidentiality**

Some respondents requested more clarification on record keeping, and gave examples of how following best practice in keeping records might cause a social worker to contravene the instructions of their employer. A number of respondents outlined circumstances where employers insist that service users' records are shared across a multi-disciplinary team, and that no separate/ individual social work records are held despite the expressed concern of the employee (social worker).

### **Response from Social Workers Registration Board**

The board considered the comments raised and consulted Codes of Conduct for social workers in other jurisdictions and agreed that more guidance on this matter should be included in the Draft Code. Consequently, they amended the Draft Code as follows:

#### *Section 12 (Keeping accurate records)*

- j) *You have a duty to maintain accurate and up to date service users' records either in manual or electronic form. You are expected to be aware of your obligation under the Data Protection Acts in relation to secure storage and eventual disposal of such records as well as relevant published Codes of Practice.*

#### *Section 21 (Confidentiality in professional practice)*

##### ***Disclosure of Information to other relevant Professionals***

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

### **Supervision**

Several individuals commented on the role of supervision in social work and requested that more emphasis be placed on the need for appropriate supervision to enable social workers to do their job effectively.

### **Response from Social Workers Registration Board**

The Social Workers Registration Board considered the comments received and amended Section 22 (Acting within the limits of your knowledge, skills and experience) from the following text:



- (f) *You should seek appropriate supervision and support as necessary for safe practice*

To this:

***Supervision Expectation for Social Workers***

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

**Addressing health and conduct and competence**

Respondents raised a large number of comments on both these areas. The Draft Code states that a registrant's health and wellbeing must not place the service user in danger. In the Health and Social Care Professionals Act 2005, it states that the registration board of a designated profession shall grant registration to any person who: "satisfies the board that he or she is a fit and proper person to engage in the practice of that profession (Part 4 Section 38(1) (c)).

Part 6, Section 52 (1) (c) states that a complaint may be made to the Council concerning a registrant on the grounds of "impairment of the registrant's ability to practise the designated profession concerned because of a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs"

Most of the comments raised were in relation to the second point, about the registrant informing the Board of any significant health changes which compromise their professional practice and respondents queried why this should be included and how the information would be treated impartially.

**Response of the Social Workers Registration Board**

Considering the feedback of the respondents, the Social Workers Registration Board deleted Section 20 (Providing information about your conduct and competence)

And replaced Section 20 with the following text:

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



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Section 19 of the Draft Code (Addressing health issues in regard to fitness to practise) was amended to state:

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

**Respecting the Rights and Dignity of People**

Concerns were raised that the list in the Draft Code was not inclusive enough.

**Response from the Social Workers Registration Board**

The original list included in the Draft Code is based on the 9 grounds of discrimination under the Equality Acts. The board discussed this extensively and decided not to expand further than the nine grounds named in the Equal Status Acts, 2000-2008.

**Demonstrating Ethical Awareness**

Respondents raised comments on the acceptance of gifts by social workers.

**Response of the Social Workers Registration Board**

Section 7 (Demonstrating ethical awareness) was amended to state:

*b) You must not enter into any agreement or contract or accept any gift that might cause you to act against the terms of this Code of Professional Conduct and Ethics.*

**Carrying out your duties professionally and ethically**

Respondents raised queries regarding the use of the word “paramountcy principle” in the Draft Code.

**Response of the Social Workers Registration Board**

Section 6 (b) of the Draft Code was amended to state:

*b) Your practice should benefit and not harm others. Often difficult decisions must be made that may be perceived as harmful by a service user. If there is a conflict of interests between the service user and the safeguarding of children or other vulnerable people, safeguarding should take precedence.*

**6. Conclusion:**

The Social Workers Registration Board was presented with the full text of all submissions received through the consultation process on the Draft Code of Professional Conduct and Ethics for Social Workers Bye-Law 2011.



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They discussed in detail the content of these submissions and took on board the concerns of participants in relation to specific issues. In many cases, the Draft Code was amended on foot of these comments where the board felt that it would improve the document such as in relation to conflicts of interest with employers, record keeping, supervision and the health, conduct and competence of registrants.

In other cases, while the board welcomed the feedback of all respondents they decided not to change the Draft Code to incorporate some of the feedback received.

The Social Workers Registration Board then sent the revised Draft Code to the Competition Authority on 9 March 2011 in accordance with Section 32 (3) of the Health and Social Care Professionals Act 2005. It asked for the Competition Authority's opinion in writing on whether any provision of the draft bye-law would be likely to result in competition being prevented, restricted or distorted.

The Competition Authority responded on 11 March to state that it did not foresee any such implication and as such the Social Workers Registration Board referred the bye-law to the Health and Social Care Professionals Council at CORU (Council).

The Fitness to Practise Committee of Council considered the bye-law on 14 March, and Council considered and approved it at its meeting on 16 March.

CORU received notification from the Department of Health and Children that, following legal advice, CORU must treat bye-laws as statutory instruments. Therefore the three bye-laws were drafted as statutory instruments and notice of the making of the three statutory instruments was published in Iris Oifigiúil on 8 April 2011.

Finally, the Social Workers Registration Board made the bye-law and it became effective on 29 March 2011.

When the register of social workers is open, every social worker who registers with the Social Workers Registration Board at CORU must confirm in writing that they have read and agree to abide by the Code of Professional Conduct and Ethics for Social Workers.