



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh

Regulating Health +
Social Care Professionals

Social Workers Registration Board

Public Consultation Report on the Code of
Professional Conduct and Ethics Draft Bye-Law 2018

September 2018

BordClárchúcháinnanOibritheSóisialta
Social Workers Registration Board



Contents

Introduction	2
About CORU	2
The Public Consultation Process	3
Publicising the Consultation Process	3
Overview of responses to the consultation	4
Issues emerging from the consultation process	5
Conclusion	6
Appendix 1: Copy of Advertisement	13
Appendix 2: Notice of Public Consultation on CORU website	14
Appendix 3: Copy of Online Feedback Form	16



Introduction

About the Social Workers Registration Board

The Social Workers Registration Board has statutory responsibility for: the registration of members of the profession; approval and monitoring of education and training programmes; establishing the code of professional conduct and ethics and standards of performance to which social workers must adhere; and recognition of qualifications gained outside the State.

About CORU

CORU is responsible for regulating health and social care professions. It comprises the Health and Social Care Professionals Council and the Registration Boards established under the Health and Social Care Professionals Act 2005 (as amended).

CORU's role is to protect the public by promoting high standards of professional conduct, professional education, training and competence amongst the designated professions.

The designated professions under the Act are clinical biochemists, counsellors and psychotherapists, dietitians, dispensing opticians, medical scientists, occupational therapists, optometrists, orthoptists, physiotherapists, podiatrists, psychologists, radiation therapists, radiographers, social care workers, social workers, and speech and language therapists.



The Public Consultation Process

Background

The Social Workers Registration Board has prepared a draft bye-law on a Code of Professional Conduct and Ethics 2018. The Code sets out the standards of conduct, performance and ethics to which social workers must adhere to in their work.

Publicising the Consultation Process

A public consultation on the Code of Professional Conduct and Ethics Draft Bye-Law 2018 was held between Wednesday 01 August 2018 and Wednesday 05 September 2018.

A number of channels were used to publicise the consultation process and invite the submission of observations. These included:

- An advertisement placed in the Irish Times and Irish Independent on Wednesday 01 August. (See appendix 1 for a copy of the advertisement).
- Information on the consultation was hosted on the CORU website. (See appendix 2)
- An online feedback form was developed and a link to this form was included in the public consultation notice on the CORU website. An email containing this link was sent to the relevant professional body(ies). (see appendix 3)

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

- They could visit www.coru.ie and choose to complete an online feedback form, to print a copy of the form and post it, or email it to CORU.
- They could email submissions to consultation@coru.ie.



Overview of responses to consultation

There were 18 responses to the public consultation:

Source	Number of Respondents
Online feedback form	15
Written submission	3
TOTAL	18

Respondents were asked to identify if they were offering feedback on their own behalf or on behalf of an organisation.

Individual	17
Organisation	1

How did respondents hear about this consultation?

Advertisement in a newspaper	1
Article in a publication	0
On www.coru.ie	0
On another website	0
By email	17
<i>No answer given</i>	0



Issues emerging from the consultation process

The consultation asked that feedback and comments be submitted in relation to the following question - Are there any specific responsibilities, which relate to your profession in the areas of conduct, performance or ethics, which have not been captured by this Code? Below are the comments and feedback received.

Conduct

Feedback received:

Section 2: Respect the confidentiality and privacy of service users.

One respondent said that section 2.2 d would need to be re worded or would need clarification as some child protection concerns may require that there is a full disclosure of the material shared and that it cannot be minimized.

One respondent suggested change on wording Section 2.2 of Social Workers code, it should be worded differently to provide better clarity:

Section 2.2 (b) should be worded differently to clarify that disclosure is merited on any of the grounds, and to remove any doubt as to the need to comply with all of the grounds together.

For example, they suggested the wording be changed to read:

“You should be aware that it may be appropriate to disclose confidential information, in the absence of the consent of the service user, in any of the following circumstances: (i) to prevent harm to the service user or a third party (ii) to prevent harm to the public at large (iii) to comply with a legal requirement.”

They also suggested that the above wording on permitted disclosure could be worded in a manner that makes clearer the options available to persons in order to act as a “public interest” whistle-blower.

One respondent in relation to Section 2.2(c) believes that text to be problematic (as is 2.2.b), in that it conditions the potential harm only to third parties or the service user. Whistle blowing is also needed in regard to harm to anyone, including the Social Worker himself or herself. In addition, the term “disclosure is made to an appropriate person” is overly restrictive rather, it would be better to state – “disclosure is made to an appropriate person, entity, body or group”.



Section 3: Maintain high standards of personal conduct and behavior

One respondent believed that point 3.2 was too broad and subjective.

On behalf of its members, the Irish Association of Social Workers submitted the following points. Their submission reflected that the following social work responsibilities have not been captured in the Code:

As a social worker, you must:

- Challenge unjust structures, policies and procedures, develop critical consciousness through reflecting on structural sources of oppression and/or privilege.
- Challenge structural conditions that contribute to social exclusion, marginalisation and oppression and work towards an inclusive society.
- Work to bring to the attention of their policymakers, politicians, and the public situations in which policies and resources are inadequate or in which policies and practices are oppressive, unfair or harmful. In doing so, social workers must not be penalized.
- Work to improve employing agencies' policies and procedures and the effectiveness and efficiency of their services.
- Treat people as whole persons. Recognize the biological, psychological, social, spiritual and environmental dimensions of people's lives, understand, and treat all people as whole persons. Such recognition is used to formulate holistic assessments and interventions with the full participation of people, organizations, and communities with whom social workers engage.
- Professional Integrity - reflect and critically evaluate your practice and continuously develop self-awareness of your impact on others.

Section 4: Use Social Media responsibly

One respondent commented that Section 4.2(b) should be changed to read, "*discuss or comment on specific service users on social media platforms*". Otherwise, they believe that this prohibition is excessive and does not meet the proportionality standard of ECHR interpretation of free-speech restrictions, under Article 10 ECHR (scope of ban needs tight control).

They also suggested that there are clearly instances, where social workers should be allowed to comment on social media on their work and issues that affect service



users or particularly categories of service users. The restriction is not compatible with other Code obligations to act in the interests of service users. Also, consider removing the word “social” from “use social media”, as this seems discriminatory.

Performance

Feedback received:

The IASW submitted their feedback on the Performance Sections with the following points:

Section 9 (f): Would be better to read “be able to justify any decisions you make within your scope of practice, being always accountable for what you do, what you fail to do and for your behaviour.”

Section 10.1: The situation of involuntary service users/clients is not considered. Is this all compatible with upcoming Assisted Decision-Making law and regulation?

Section 14.1 (a): Not clear that this only refers to adverse events within a service, or is it any adverse event?

Section 16: Teach, Supervise and assess students and other professionals

You must seek and engage in supervision in professional practice on an ongoing and regular basis in line with knowledge, skills, competence and experience.

Where supervision is mandated and resourced by employing organisations, social workers must receive supervision from within their line management structure as per agency policy. If there are identified regular difficulties in delivering on supervision, a contingency plan must be agreed and implemented.

(Supervision as a professional practice is embedded in social work and integral to the development of the profession. Professional supervision is the cornerstone of safe, high quality social work practice and is essential to the management of casework and clinical issues, the development of the profession and managing the emotional impact of the work. Social work is an academic discipline and a practice-based profession: supervision is key to the development of reflective practice and practice knowledge).

One respondent suggested that there is no reference to supervision expectations for social workers as was in the previous Code, to quote from...you should seek and engage in supervision in professional practice on an ongoing and regular basis. I receive distance formal supervision by telephone and awaiting instalment of a



SKYPE facility for supervision. Reference needs to be made in the Code in the ethical use of this type of technology in the delivery of supervision to a professional standard.

Section 18: Keep accurate records. Is it possible to use registration number on national data record management systems and non-paper-based filing systems? Non-discriminatory practice is required by all professions by law. It is not applicable to charge just social workers with the need to respect diversity etc. Inclusive practice should be required by all professions.

Section 21: Maintain adequate Professional Indemnity Insurance

As a social worker, you should ensure that your agency's professional indemnity insurance cover protects you. Where potential legal action may fall outside your employer's policy, you should ensure that you maintain adequate professional indemnity cover.

Social workers in independent practice should maintain adequate professional indemnity and public liability insurance cover as appropriate to protect service users. (Note: Members report that it is difficult to arrange Professional Indemnity Insurance here. If the practitioner is providing services to children they can get good cover with public liability included from an UK based insurer, but otherwise it is not straightforward. The IASW will do some more research on this and apprise members and CORU of the outcome in due course.)

One respondent commented that with reference to Section 21. Maintain adequate professional indemnity insurance You must: a. ensure that you maintain adequate professional indemnity cover for any assessment, intervention, treatment or service you provide. Can this principle be expanded in terms of offering a clearer understanding and interpretation? There is no usage of the term self-care in the Code albeit the reference to one's responsibility to maintain one's physical, emotional and psychological wellbeing. Awareness building of the concept of this term is important and needs to be highlighted in the Code.

Ethics

Feedback received:

Feedback received under the Ethics Section.

The IASW on behalf of its members submitted the following feedback, which they suggest, is critical that this section be amended to reflect their suggestions:
We consider it critical that this section is amended to include the following:



“I would like to see a specific requirement around social workers receiving line management supervision from their employers and in particular adherence to agency policy on same”.

Another respondent commented that the responsibilities relating to social justice and supervision need to change from ‘should’ to ‘must’. (Supervision as a professional practice is embedded in social work and integral to the development of the profession. Professional supervision is the cornerstone of safe, high quality social work practice and is essential to the management of casework and clinical issues, the development of the profession and managing the emotional impact of the work. Social work is an academic discipline and a practice based profession: supervision is key to the development of reflective practice and practice knowledge).

Additional Comments:

One respondent also commented that the role of Social Work in safeguarding vulnerable adults and responding as a mandated person under children first have not been addressed in detail:

“The role of Medical Social Worker (MSW) to act as an advocate and uphold these ethics when challenged could be discussed”.

One respondent expressed the view that three key social work responsibilities have not been captured by the Code and need be included (informed by IASW statement of ethical principles)

“As a social worker, you must: Challenge unjust structures, policies and procedures
Develop critical consciousness through reflecting on structural sources of oppression and/or privilege, Challenge structural conditions that contribute to social exclusion, marginalisation and oppression and work towards an inclusive society, Work to bring to the attention of their employers, policymakers, politicians, and the public situations in which policies and resources are inadequate or in which policies and practices are oppressive, unfair, or harmful. In doing so, social workers must not be penalized.

Treat people as whole persons. Recognise the biological, psychological, social, spiritual and environmental dimensions of people’s lives, understand, and treat all people as whole persons. Such recognition is used to formulate holistic assessments and interventions with the full participation of people, organizations, and communities with whom social workers engage. Professional integrity reflect and critically evaluate your practice and continuously develop self-awareness of your impact on others”.



Another respondent commented on Whistle-Blower Protection and Facilitation with the following points:

“The Social Workers Code makes no explicit reference to the importance of whistleblowing and its role in protecting the public interest, the interests of service users and upholding the standing of the relevant professions, even though it does refer to disclosure to prevent harm to the public”.

In relation to Free Speech: one respondent suggested that caution needs to be exercised to ensure that there are no unnecessary prior restraints on free speech. All public bodies should comply with the ECHR Act 2003, and one should note the case law of the ECHR court on prior-restraint of free speech. Obligations fall on public bodies under the 2014 Irish Human Rights and Equality Commission Act, Section 42, and the Commission can provide guidance.



Conclusion

Acknowledgements

CORU would like to extend its appreciation and thanks to all those that participated in the consultation process. The report from the consultation process was reviewed by the Social Workers Registration Board.



Appendix 1: Copy of Advertisement



Ag Rialáil Gairmithe Sláinte
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Public Consultation

The Social Workers Registration Board
The Radiographers Registration Board
The Dietitians Registration Board
The Speech and Language Therapists Registration Board
The Occupational Therapists Registration Board
The Physiotherapists Registration Board

seek the views of the public, the professions and other interested parties on the profession specific **Code of Professional Conduct and Ethics.**

Further information on the consultations is available on www.coru.ie

The closing date for receipt of comments and submissions is **5pm on Wednesday 05 September 2018**. Submissions received after this time and date will not be considered.

CORU is responsible for protecting the public by regulating health and social care professionals.

CORU, Infinity Building, George's Court, George's Lane, Smithfield, Dublin 7, D07 E98Y. T: 01 2933160 E: info@coru.ie W: www.coru.ie



Appendix 2: Notice of Public Consultation on CORU Website

CORU Opens Public Consultations on Codes of Professional Conduct and Ethics 2018

August 2018

Background

The role of the Health and Social Care Professionals Council is to protect the public by promoting high standards of professional conduct, education, training and competence through statutory registration of health and social care professionals.

Details of Public Consultation

In 2010, the Health and Social Care Professionals Council (Council) at CORU developed a Framework Code of Professional Conduct and Ethics detailing common standards across its regulated professions. The Framework Code is for use by each Registration Board to adopt its own Code of Professional Conduct and Ethics.

The Framework Code underwent a complete review in 2017 and in January 2018 Council approved the Framework Code for adoption by the Registration Boards in CORU. The Council Framework Code represents a clear, straightforward code incorporating common principles across each of regulated professionals. The philosophy around adopting a common code includes recognition that many of the requirements for the professions are similar and it captures most of the key requirements, even if they are not directly relevant to a profession.

The Council now seeks the views of the public, the professions, representative bodies and other interested parties on the draft Code of Professional Conduct and Ethics 2018 for the following Registration Boards: Dietitians Registration Board; Occupational Therapists Registration Board; Physiotherapists Registration Board; Radiographers Registration Board; Speech and Language Therapists Board; and the Social Workers Registration Board.

To read the draft Code of Professional Conduct and Ethics 2018 please click on the below links for each Registration Board:

[Dietitians Registration Board](#)

[Occupational Therapists Registration Board](#)

[Physiotherapists Registration Board](#)

[Radiographers Registration Board](#)

[Social Workers Registration Board](#)



[Speech and Language Therapists Registration Board](#)
[Social Workers Registration Board](#)

How to submit your views

- By completing the online consultation feedback form by clicking on the corresponding link below for each Registration Board:

[Dietitians Registration Board](#)
[Occupational Therapists Registration Board](#)
[Physiotherapists Registration Board](#)
[Radiographers Registration Board](#)
[Speech and Language Therapists Registration Board](#)
[Social Workers Registration Board](#)

- By emailing consultation@coru.ie
- In writing to: Public Consultation, CORU, Infinity Building, George's Court, George's Lane, Smithfield, Dublin 7, D07 E98Y.

A report outlining the consultation process will be published on www.coru.ie following consideration of all submissions.

Closing Date

The consultation process will close at **5pm on Wednesday 05 September 2018**. Submissions received after this time and date will not be considered.

Data Protection and Freedom of Information

Please note that submissions made to CORU during our public consultations are subject to the provisions of the Freedom of Information Act 2014. The information provided to CORU consultations will be stored in a secure and confidential manner by CORU and will only be used for the purposes outlined. It will be deleted in line with our record retention policy. After each public consultation CORU publishes a consultation report on this website that contains a summary of comments received, CORU's response to those, and lists the individual names or organisations that have given their feedback, where those have been provided.



Appendix 3: Copy of Online Feedback Form

Public Consultation on the Social Workers Registration Board Code of Professional Conduct and Ethics 2018

Public Consultation Details

Thank you for taking the time to participate in CORU's Consultation process on the Code of Professional Conduct and Ethics.

By way of background, the Framework Code underwent a complete review in 2017 and in January 2018, the Health and Social Care Professionals Council (Council) approved the Framework Code for adoption by the Registration Boards in CORU. The Council Framework Code represents a clear, straightforward code incorporating common principles across each of the regulated professions. The philosophy around adopting a common code includes recognition that many of the requirements for the professions are similar and it captures most of the key requirements, even if they are not directly relevant to a profession.

Furthermore, the Code of Professional Conduct and Ethics is the document against which a Fitness to Practise complaint will be measured. It is therefore essential to ensure that there is consistency in what is expected of Registrants and what is to be considered in any Fitness to Practise proceedings. The Code will be a binding document, as a breach of the Code is defined as professional misconduct (Section 50 the Act), which could lead to a disciplinary hearing.

Whilst it is important that any unique requirements for the regulated profession are included, the body of the Framework Code, (save for profession specific matters should they arise and which can be inserted in further sections at the end of the Framework Code) should not be amended.

Accordingly, we invite you to comment on the Social Workers Registration Board Code of Professional Conduct and Ethics approved for public consultation by the Social Workers Registration Board, bearing in mind that any proposed amendments/additions should be made, having regard to your specific profession.

The Social Workers Registration Board Code of Professional Conduct and Ethics has been published on www.coru.ie and is available to view by clicking on the link [here](#). It can also be requested by emailing consultation@coru.ie or contacting CORU on 01 2933160.



The closing date for receipt of submissions is **5pm on Wednesday 05 September 2018**. Any submissions received after this time will not be considered.

Data Protection and Freedom of Information

This online feedback form is voluntary. By completing it you are agreeing to allow your responses to be analysed by CORU for the purpose of seeking feedback on the Medical Scientists Registration Board's draft Code of Professional Conduct and Ethics 2018. A report on the consultation process will be compiled and will be published on CORU's website shortly after the process is complete.

The information you provide in this online feedback form will be stored in a secure and confidential manner by CORU. It will only be used for the purposes outlined above and it will be maintained as per the CORU's record retention policy. CORU uses SurveyMonkey to gather feedback to our public consultations. Full details of how your information is processed via SurveyMonkey is documented in this [privacy policy](#).

Please be advised that submissions made to CORU are subject to the provisions of the Freedom of Information Act 2014.

1. Do you agree to the terms above? By selecting Yes you are confirming you consent to providing your answers to the questions in this survey.

- Yes
- No

Public Consultation Questions

2. Are you contributing to this survey in (please tick one)

- A personal capacity?
- On behalf of an organisation?

If on behalf of an organisation, please specify:

3. Please indicate if you would like your name and/or organisation to be kept confidential and excluded from the consultation report.

- Include in consultation report



- Exclude from consultation report

It would be helpful if you could explain if you regard the information you have provided as confidential.

5. Are there any specific responsibilities which relate to your profession in the areas of conduct, performance or ethics, which have not been captured by this Code? Please provide comments below.

A large, empty rectangular text area with a light gray border and a vertical scrollbar on the right side, intended for providing comments.

Public Consultation Contact Details

Thank you for participating in this consultation process. Your views will be taken into consideration.

If you have any queries please contact CORU on 01 2933160 or email consultation@coru.ie.