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Foreword

“He honore he kororia ki te atua, He maungarongo ki te whenua,
he whakaaro pai ki nga tangata katoa.
Ake tonu atu Amine.”

(Honour and glory to the lord, peace and good will to all here on earth.
Forever and ever, Amen.)

The production of this revised edition of the Code of Ethics dates back to 2004 when, following extensive consultation, some amendments were made to the Code of Ethics along with a recommendation that a more comprehensive review be undertaken. This recommendation was approved at the Annual General Meeting in 2004 and in 2005 the process to fully revise and update our Code of Ethics commenced.

Under the guidance of the Ethics committee, Dr Dugald McDonald was appointed to oversee and co-ordinate this project. Throughout the course of this project John Hopkins has deputised for and supported Dugald to complete this work. A range of consultative mechanisms have been employed to gain feedback and advice from members throughout the past two years. This feedback has all been carefully considered and wherever possible incorporated into the revised publication. The completion of this project is a major milestone in the history of ANZASW.

This revised Code of Ethics will speak for itself, but there are four points that we wish to make about its significance. Firstly, it embeds the Association even further into a constructive approach to our professional responsibilities. Organizational theorists have claimed for nearly a hundred years that the adoption of a code of ethics is one essential attribute of a professional, vocational grouping. As related in the last chapter of this book, a Code of Ethics, or various *interim* codes have been a feature of our Association since its inception.

Secondly, it symbolises the collective will of a growing membership of people united in common causes. Social workers in Aotearoa have always been suspicious of an over-emphasis upon aspects of professionalisation, especially those that increase the distance between practitioners and users of their services. We hope and expect that our foundation principles, both local and international will be preserved because of our united ethical commitments.

Thirdly, we recognise the Code and its adjuncts as tools for today and, metaphorically speaking, tomorrow we will start considering its review and revision. It is a cause for celebration that we can move beyond the threshold of the pioneering publication of our first “home-grown” Code of Ethics and feel we truly are moving with the times.

Fourthly and arguably the most significant outcome of this project is that it has resulted in the first official bi-lingual publication of the Association. This very special Bi-cultural partnership achievement, is one of which all members of ANZASW can justifiably be proud.

Finally, we wish to extend our congratulations and thanks to all those members, friends and associates who have helped bring this project to fruition.

“Ehara taku toa i te toa
Takitahi
Engari taku toa i te toa
Takitini, takimano”

(Achievement and success is not through us as individuals, but as a group we can achieve the common goals of competency)

Rose Henderson
President, ANZASW

John White
Convenor, Ethics Committee

November 2007

1 Introduction

Purpose

The primary purpose of this book is the publication of the Association's Code of Ethics for the guidance of ANZASW members, clients and students. A wider purpose is to draw together statements on the knowledge and values-base of ethical social work in Aotearoa New Zealand, as informed by our unique bi-cultural partnership and by international links.

Organisation

As the table of contents shows, this book is divided into seven chapters, preceded by a foreword. As well as detailing the scope of the book, this introduction also sets out some fundamental assertions on the nature of social work in Aotearoa New Zealand. A definition of social work stands alone as a short Chapter 2. The heart of this book is Chapter 3, the ANZASW Code of Ethics. Chapter 4 is a reprint of the joint document *Ethical Social Work, Statement of Principles* issued by the International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW). Chapter 5 is a brief commentary and a listing of international and domestic instruments and agencies concerned with human rights and social justice. Complaint procedures in matters of alleged ethical breaches are the topic of Chapter 6. In order to acknowledge the antecedents of this publication, the final chapter gives a chronological account of significant events, resources and people involved in the development of ethical social work in Aotearoa New Zealand from 1964 to the present day.

A dual focus

Social work has grown out of humanitarian, philosophical and religious attempts to find solutions to poverty and injustice. It originated in Europe and North America and was brought to and further developed in Aotearoa New Zealand where it played a significant role in the colonisation process.

During its history, social work has developed a dual focus. Firstly, to enable and empower individuals, families, groups and communities to find their own solutions to the issues and problems that beset them. Secondly to learn from specific instances of need, to inform society at large about the injustices in its midst, and to engage in action to change the structures of society that create and perpetuate injustice. From time to time, social work in practice has concentrated more on one focus than the other, often emphasising the specific at the expense of the general, and sometimes imposing solutions rather than

enabling and empowering people to take charge of their own lives in the context of their own values and aspirations.

The Aotearoa New Zealand Association of Social Workers (Inc) (ANZASW) affirms that member social workers are committed to the full and equal realisation of the dual focus of social work.

The core values position

Members are committed to

- social service legislation, structures, organisation and social work practice grounded in the Articles of Te Tiriti o Waitangi¹
- service for the welfare and self-actualization of their fellow human beings, who are the individuals, families, whānau, hapū, iwi, groups and communities that make up Aotearoa New Zealand society
- the growth and disciplined use of all forms of knowledge which inform and enable social workers effectively to carry out their role and function
- the development and just allocation of the resources that enable everyone to achieve their full potential, and to
- action for social change that is necessary to achieve social justice.

There are local, national and international contexts in which social work operates.

Members have power and authority that derives from their status, role and professional abilities as social workers. They may have additional powers conferred upon them by legislation where the State uses social work as a means of social control. Social workers work in a variety of private, voluntary or statutory agencies that may have more or less explicit social control functions. They often work within the context of the apparent ambiguity of client empowerment and social control.

ANZASW recognises that it is neither just nor equitable to attempt to impose a set of values on all groups that live in Aotearoa New Zealand. The social work task is to enable and empower people to take charge of their own lives in the context of their own values and aspirations where that does no harm to others. Social workers respect the worth and

¹ Objects 3.1.1, 3.1.4 and 3.1.5 of the Constitution of ANZASW as amended 16 Oct 2014.

dignity of each person and group, and acknowledge their age, beliefs, culture, gender, marital, legal or family status, intellectual, psychological and physical abilities, race, religion, sexual orientation, and social and economic status.

The international context

In addition to celebrating our unique society, we also look outwards to the world-wide community of social work. ANZASW is a member association of the International Federation of Social Workers (IFSW) and as such it is bound by the IFSW commentary on *Ethical Social Work, Statement of Principles* which appears as Chapter 4 of this book.² Earlier, the IFSW *Declaration of Ethical Principles* (1990) was the starting point for developing our first Code of Ethics (1993). Today, our Code seeks to fulfil the joint IFSW and IASSW aim:

. . .to encourage social workers across the world to reflect on the challenges and dilemmas that face them and make ethically informed decisions about how to act in each particular case (2004).

In the Preface to the IFSW statement (page 16); we note the universal concern with duality of focus, ambiguity of task, conflict of interest and scarcity of resources. Consideration and debate on these issues help to connect us to the international community and to provide templates against which we can measure our own positions. A fully-formulated Code of Ethics is the base line for that task.

About the Code of Ethics

In regard to the Code itself, the purposes are to:

- provide a definitive, systematic statement on ethical social work
- offer guidance on the relationship between Tangata Whenua and Tauwi in social work practice in Aotearoa New Zealand
- give benchmarks for the protection of clients and against potentially unethical behaviours
- inspire professional behaviour which reflects the core values and the integrity of social work practice
- promote a standard of professional behaviour amongst members of ANZASW which maintains and enhances its aims and objectives
- guide social work students and new entrants to the profession on matters of best ethical practice, and

² Prepared and issued jointly with the International Association of Schools of Social Work.

- underpin everyday practice and continuing professional development of members.

This version of the Code retains the basic structure and much of the content of the previous version. It differs now, however, in the incorporation of a new first section based on the Association's Bicultural Code of Practice. Other edited items from that code have been incorporated into relevant sections of this version.

2 Global Definition of the Social Work Profession

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

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

The above definition may be amplified at national and/or regional levels”.

3 The Code of Ethics of the Aotearoa New Zealand Association of Social Workers

Preface

This Code of Ethics is founded on the guidelines enumerated by the International Federation of Social Workers, as set out in Chapter Four, sections 4 and 5 in this book. In addition, and in keeping with the Objects of ANZASW, the Code also recognises the unique constitutional foundation of the articles of Te Tiriti o Waitangi. Membership of the Association brings with it an obligation to study, incorporate into professional practice, adhere to and promote this Code.⁴ *All parts of the Code should be read together, and be regarded as having equal status.*

1 Responsibility for Te Tiriti o Waitangi-based Society

⁴ *Member* is used throughout to denote any person who is a full, life or provisional member of the Aotearoa New Zealand Association of Social Workers (Inc), referred to in other places as *the Association*.

- 1.1 In all relationships with Tangata Whenua, members make ethical decisions and stand by these, in accordance with this Code.
- 1.2 Te Tiriti o Waitangi is a required subject in the education of members both upon entry into social work and ongoing. This includes a knowledge and understanding of their own ethnicity and the Tangata Whenua and Tauīwi histories of Aotearoa New Zealand.
- 1.3 Ideally, members will work with agencies and organisations whose policies, procedures and practices are based on Te Tiriti o Waitangi, and actively and constructively promote change in those agencies and organisations that operate from a mono-cultural base.
- 1.4 Appropriate social work requires members to seek to understand differing Tangata Whenua perspectives. Members and social service agencies and organisations respect these differences and at all times avoid imposing mono-cultural values and concepts on Tangata Whenua.
- 1.5 Mono-cultural control over power and resources must be relinquished so that Tangata Whenua can achieve Tino Rangatiratanga. Members relinquish control over their discretionary power and those resources available, so far as that is appropriate within the realities of their workplace.
- 1.6 Members actively promote the rights of Tangata Whenua to utilise Tangata Whenua social work models of practice and ensure the protection of the integrity of Tangata Whenua in a manner which is culturally appropriate.
- 1.7 Members accept the responsibility of their status and are actively anti-racist in their practice.

2 Responsibility to the Wider Community

- 2.1 Members accurately inform the wider community about the services that they offer, and do not misrepresent their knowledge, skills, statutory status, training, qualifications and experience.
- 2.2 From the private troubles they encounter with clients, members encourage the growth and disciplined use of all forms of knowledge that:
 - identify and analyse private troubles and public issues
 - inform society at large about social injustice, and
 - inform and enable social workers to effectively carry out their role and function.
- 2.3 Members advocate social justice and principles of inclusion and choice for all members of society, having particular regard for disadvantaged minorities. They act

to prevent and eliminate discrimination against any person or group based on age, beliefs, culture, gender, marital, legal or family status, intellectual, psychological and physical abilities, race, religion, sexual orientation, and social or economic status.

- 2.4 To this end, members promote socially just policies, legislation, and improved social conditions, that encourage the development and just allocation of community resources. They also act to ensure that everyone has access to the existing resources, services and opportunities that they need.
- 2.5 Members encourage public participation in the development of and decision making about social policies and structures.
- 2.6 Members engage in constructive action to change the structures of society that create and perpetuate injustice. They respect the law, whilst working towards change in any laws that disadvantage clients or other members of the community.
- 2.7 Members never directly or indirectly support individuals, groups, political forces or power structures using violence, terrorism, torture or similar means.

3 Responsibility to Clients

- 3.1 Within the context of their legal obligations, members always acknowledge that client interests and welfare are their first priority, and work accordingly.
- 3.2 Members respect the worth and dignity of clients, and work in non-discriminatory ways that acknowledge the age, beliefs, culture, gender, marital, legal or family status, intellectual, psychological and physical abilities, race, religion, sexual orientation, and social and economic status of clients.
- 3.3 The Association recognises the right of Tangata Whenua clients to have a Tangata Whenua worker. Ideally, members and their agencies ensure that Tangata Whenua clients have access to Tangata Whenua workers at all levels. If no Tangata Whenua worker is available, appropriate referral may be made if that is requested by the client
- 3.4 A member's moral position or religious convictions do not override their duty to ensure client independence. They will maintain professional objectivity, advise clients of any potential and relevant personal, moral or religious conflict, and if indicated, offer appropriate referral to another social worker.
- 3.5 Members do not abuse or take advantage of any professional relationship with clients for personal, professional, political, financial, or sexual gain.
- 3.5.1 Sexual relationships with current or former clients, supervisees, students or their family /whanau members are unethical. Neither do members encourage or engage in sexual intimacy, either during the time of that professional relationship, or for that subsequent period of time during which the power relationship could be expected to influence personal decision making. It always remains the responsibility of the

member, as a social worker, to maintain appropriate boundaries. It is not appropriate to terminate a professional relationship in order to facilitate an intimate relationship with a client, student or supervisee. A sexual relationship, sexual contact or any other form of sexual behaviour between a member and a client is never a valid form of therapy or assistance.

- 3.5.2 Except where approved and monitored control and restraint procedures are in place as an aspect of a Member's employment obligations, and for which the Member has received training, the use of force, assault or violence (including non-physical violence such as shouting or intimidation) is never a valid form of therapy and assistance.
- 3.6 Members neither sexually harass clients; nor condone sexual harassment by others.
- 3.7 Members must fully inform clients of the services they offer and the nature of any proposed involvement. It is important to obtain a client's informed consent to participate in any service offered. Members are responsible to fully inform clients of their rights, and of avenues for complaints they may have about the services provided, or the meaning and consequences of any statutory compulsion (see Section 3.9).
- 3.8 In relation to social work with Tangata Whenua clients, members:
- have a responsibility to acknowledge and support the whānau as the primary source of protection of the integrity of its family members
 - recognise the right of the whānau to make its own decisions, and ensure that self determination occurs when it is within the member's power to do so, and
 - work towards minimising legal and other forms of compulsion that impose mono-cultural solutions to Tangata Whenua issues and problems.
- Members' professional practice promotes and provides the opportunity for active participation by Tangata Whenua in all decision making.⁵

- 3.9 Members only participate in the use of compulsion when there is a clear professional justification for that course of action.⁶ Compulsion might be necessary to solve one party's problems at the expense of another's. In that situation, the member consults all parties before the use of compulsion commences. In the case of Tangata Whenua

⁵ Incessant *consultation* can be undesirable. It may be abusive of time and energy, particularly when it involves constant reference to a small number of Tangata Whenua workers in agencies and organisations. It may also be unrealistic in terms of responsibilities and workloads. It may be useful to consider whether there are fundamental issues of partnership, or whether there is the likelihood of harm to Tangata Whenua clients or colleagues before a decision is made to consult. If not, arrangements for monitoring may be preferable to continuing and intrusive consultation.

⁶ Any member who violates or diminishes the civil or legal rights of a client could be the subject of criminal and civil action, or of complaint action to their employer, the Social Workers Registration Board or the Association.

clients, members have a responsibility to consult with the client's whānau (or other Tangata Whenua authority as appropriate to the circumstances).

- 3.10 Members work in ways that encourages and enables self determination by clients. If a client lacks capacity, or is otherwise unable to act with self determination, there is a duty to protect the client's rights and welfare.
- 3.11 Professional accountability requires members to maintain accurate client records, and to take all reasonable steps to ensure the confidentiality of this information. The right of clients to see their records must be respected and advocated for by the member where access is difficult or denied. Care to preserve the privacy of others in those records is essential.⁷
- 3.12 Client integrity is preserved by maintaining client confidentiality; by members taking care to inform themselves on all relevant aspects of each client's situation; and by keeping the client informed.
- 3.13 The following limitations to client confidentiality may exist:
- Where a client is incapable of giving consent for any professional disclosure of her or his information, the member seeks consent from whoever legally represents the client's interests.
 - In an emergency, a decision to provide client information to responsible third parties may be in the client's best interests. In such an instance, it is the member's duty to fully inform the client as soon as is reasonable after the event of what information was divulged and to whom.
 - By the nature of their vocation, members are from time to time compelled by legislation or the Courts to disclose client information. That leads to a duty to inform the client of potential limitations to confidentiality.
 - A member may conclude that the client or someone else (such as a child) may be endangered or harmed by non-disclosure. In any event where disclosure of client information is critically indicated, it should only be done after consultation with a supervisor or colleagues.
- 3.14 Where it is necessary to disclose client information, only the minimum required for the purpose should be given.
- 3.15 Communications between clients and the member as social worker may come within professional privilege, because certain legal rules as well as ethical standards protect client information. Members become familiar with and work according to the relevant statutes and common law relating to client rights, evidence, official

⁷ Facilitating the right of *access to records* may require the member to actively assist clients to understand their records, such as explaining jargon terms and providing colloquial translations so that the information is easily understood.

information, and privacy.

- 3.16 Informed consent from clients must be obtained before taping, recording or permitting others to observe interactions with the client. Client information must not be used for the purposes of teaching and learning, or public presentation in any form, unless identifying information has been removed or adequately disguised, or clients have given informed consent.
- 3.17 Client confidentiality must be preserved when members submit information to funding agencies.⁸ Clients must be informed if there is any possibility that this data could lead to the identification of individuals.

4 Responsibility to Agencies and Organisations⁹

- 4.1 Social workers should take reasonable¹⁰ steps to ensure that their employing organisations' practices are consistent with the ANZASW Code of Ethics.
- 4.2 Social workers should take reasonable steps to ensure that Tangata Whenua are consulted with to ensure that the structures, aims and functions of the agency or organisation they are working for provides the best standards of service and that Tangata Whenua are included in all decision making at all levels.
- 4.3 Social workers should take reasonable steps to ensure that the workplace is culturally appropriate for the clients of the organisation.
- 4.4 Social workers generally¹¹ should adhere to commitments made to employers and employing organisations.
- 4.5 Social workers should take reasonable steps to participate in the regular and ongoing review and improvement of their employing agencies' policies and procedures and the efficiency and effectiveness of their services.
- 4.6 Social workers should take reasonable steps to ensure that employers are aware of social workers' ethical obligations as set out in the ANZASW Code of Ethics and of the implications of those obligations for social work practice.
- 4.7 Social workers should not allow an employing organisation's policies, procedures, regulations, or administrative orders to interfere with their ethical practice of social work.
- 4.8 Social workers should act to prevent and eliminate discrimination in the employing organisations' work assignments and in its employment policies and practices.
- 4.9 Social workers should accept employment or arrange student field placements only

⁸ This applies especially in those follow-up research or evaluation studies required by contracts

⁹ Approved by the ANZASW Board 20 April 2013

¹⁰ The English (UK) Thesaurus: *sensible; rational, logical, practical, realistic, sound, equitable*

¹¹ The English (UK) Thesaurus: *usually, normally, in general, in the main, by and large, commonly*

in organisations that exercise fair personnel practices.

- 4.10 Social workers should be diligent stewards of the resources of their employing organisations, wisely conserving funds where appropriate and never misappropriating funds or using them for unintended purposes.
- 4.11 Social workers maintain professional accountability to clients and the wider community through ongoing evaluation of their own performance.
- 4.12 Where members are working in private practice, they will ensure all practices are consistent with the expectations described in this section.

5 Responsibility to Colleagues

- 5.1 Members relate to colleagues with integrity, respect, courtesy, openness and honesty. They should respect and seek to understand differences of opinion and practice, and express constructive criticism of each other in a responsible manner.
- 5.2 Members have a responsibility to promote understanding amongst all colleagues of the need for practice based on Te Tiriti o Waitangi, and promote the adoption of practice based on Te Tiriti o Waitangi throughout the profession.
- 5.3 The rights of colleagues to constructively challenge mono-cultural knowledge, values and methods in social work practice are upheld by all members.
- 5.4 Members practise and promote co-operation with colleagues to enhance the aims and ethics of social work, and development of the skills and knowledge base. They should share knowledge, experience and ideas, and promote opportunities for further education and training.
- 5.5 Members encourage and support collegial research to enhance the growth of all forms of knowledge that inform and enable social workers to effectively carry out their role and function.
- 5.6 Members in the education and training sectors assist students and new entrants to the profession to develop high standards of ethical behaviour, methods of learning, analytical ability, knowledge and skills.
- 5.7 Both the everyday and professional conduct and integrity of members must be beyond reproach. Where a situation is too serious to be resolved by discussion with the colleague concerned, instances of professional misconduct or unethical behaviour by that colleague (particularly where this involves actions that are harmful to clients) must be brought to the attention of the appropriate bodies.
- 5.8 All members give recognition to the process whereby complaints about their practice are investigated.

- 5.9 Members must neither sexually harass colleagues nor condone sexual harassment of colleagues by others.

6 Responsibility in Supervisory Relationships

- 6.1 The Association asserts that ethical practice can be maintained only where appropriate arrangements for supervision of practice are in place. Supervision takes different forms in different settings, but is generally directed towards competent practice, client well-being, the development and well-being of the social worker, and towards organisational learning. Its objectives are competency, accountable practice, continuing professional development and education. Supervision occurs within a professional relationship between one or several supervisees and one or several supervisors. As with social work practice, it is informed by and grounded in the Articles of Te Tiriti o Waitangi.
- 6.2 Individual members, as supervisees, have the responsibility to:
- ensure that they access appropriate supervision
 - understand and negotiate their role, responsibilities and relationship as a social work supervisee
 - actively participate in the supervision process and relationship
 - act in the interests of client well-being within their professional and organisational mandate and in accordance with their supervision contract.
- 6.3 Supervisors have the responsibility to:
- work within the level of their competency, undertake specific foundation training and pursue continuing education in social work supervision theory, skills and practice
 - negotiate a written contract for service with each supervisee, which must include reciprocal roles and responsibilities, specify accountability and reporting lines to agencies or third parties. and methods for the resolution of disputes
 - apply the principles of all clauses of this Code in their relationships with supervisees
 - recognise the differing needs of supervisees related to their personal and professional background, level of experience, gender, and cultural identity
 - act promptly and professionally at all times in the best interest of clients and supervisees
 - meet their ethical duties and obligations to the organisation and the profession.

7 Responsibility for Self

- 7.1 Members act with integrity at all times, and in the knowledge that their standards of behaviour reflect also on the Association and the profession of social work.
- 7.2 Members are required to acquire the knowledge and skills that are relevant to their field of work, and to ensure that these are kept up to date. They will maintain a critical response to new knowledge.
- 7.3 Similarly, continuing professional development is a requirement, through activities such as formal or ad hoc continuing education courses, familiarity with the current social work literature, professional forums and debate, in order to maintain their skills, knowledge and competence.
- 7.4 Members take responsibility for their own emotional, mental and physical health. They will acknowledge that there are limits to the service they can provide, and for their own protection and that of clients, members need to consciously consider whether they can take on any particular task. Respect for their individual health and self esteem should be maintained.

8 Responsibility for Research and Publications

- 8.1 All research activities carried out by members (or by others under their supervision) must meet the appropriate scientific standards of competency and sensitivity to the wellbeing and dignity of participants. As with social work practice, it is informed by and grounded in the Articles of Te Tiriti o Waitangi.
- 8.2 The informed consent of participants must be obtained except in situations where an exception can be justified by the research methodology. Informed consent means agreement to participate in the research, or agreement by those authorised to represent the interests of any person judged to be incapable of giving informed consent, and covers them being informed of:
 - the purpose, nature and procedures of the research
 - any research procedures that might have harmful effects on them
 - the right to withdraw from a research project at any stage and, if they have been paid to participate, the conditions of withdrawal
 - the right to know the use to which the data may be put and of the outcome of the study.
- 8.3 Members must submit their research proposals involving human participants to an appropriate ethics committee for review.
- 8.4 Members take all possible steps to protect participants from physical and mental discomfort, harm or danger.

- 8.5 A full justification must be made to an appropriate ethics committee of any methodological requirement of a study that involves the use of concealment or deception with human participants. The researcher has to demonstrate that other non-deceptive procedures could not be used, and has to obtain the consent of participants to waive their right to prior information on the nature and purpose of the study and ensure that all participants are given full explanations as soon as practicable.
- 8.6 Accuracy and objectivity in reporting data or information is required. Public comments by members must be pertinent to areas of social work in which they have appropriate knowledge. When reporting research findings, members have a responsibility to include relevant details of research findings that may modify or cast doubt upon the interpretation of the evidence provided.
- 8.7 In any publication, members accurately acknowledge sources of information and ideas, and give appropriate credit to contributions made by individuals and organisations.
- 8.8 Members are expected to take reasonable steps to correct any misleading or incorrect reports related to their work, and do not make excessive or exaggerated claims for their research findings or professional activities.
- 8.9 Unless they have been properly authorised in advance, members do not assert or imply that personal statements made by them are made on behalf of other members, social workers, ANZASW, or other organisations.

4 IFSW/IASSW Ethics in Social Work, Statement of Principles¹²

International Federation of Social Workers (IFSW)

International Association of Schools of Social Work (IASSW)

1. Preface

Ethical awareness is a fundamental part of the professional practice of social workers. Their ability and commitment to act ethically is an essential aspect of the quality of the service offered to those who use social work services.

The purpose of IASSW and IFSW's work on ethics is to promote ethical debate and reflection in the member organisations, among the providers of social work in member

¹² Reprinted with the permission of the International Federation of Social Workers.

countries, as well as in the schools of social work and among social work students. Some ethical challenges and problems facing social workers are specific to particular countries; others are common. By staying at the level of general principles, the joint IASSW and IFSW statement aims to encourage social workers across the world to reflect on the challenges and dilemmas that face them and make ethically informed decisions about how to act in each particular case. Some of these problem areas include:

- The fact that the loyalty of social workers is often in the middle of conflicting interests
- The fact that social workers function as both helpers and controllers
- The conflicts between the duty of social workers to protect the interests of the people with whom they work and societal demands for efficiency and utility.
- The fact that resources in society are limited

This document takes as its starting point the definition of social work adopted separately by the IFSW and IASSW at their respective General Meeting in Montreal, Canada in July 2000 and then agreed as a joint one in Copenhagen in May 2001 (section 2). This definition stresses principles of human rights and social justice. The next section (3) makes reference to the various declarations and conventions on human rights that are relevant to social work, followed by a statement of general ethical principles under the two broad headings of human rights and dignity and social justice (section 4). The final section introduces some basic guidance on ethical conduct in social work, which it is expected will be elaborated by the ethical guidance and in various codes and guidelines of the member organisations of IFSW and IASSW.

2. IFSW Definition of Social Work (2014)

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

The above definition may be amplified at national and/or regional levels.

3. International conventions

International human rights declarations and conventions form common standards of achievement, and recognise rights that are accepted by the global community. Documents particularly relevant to social work practice and action are:

- Universal Declaration of Human Rights

- The International Covenant on Civil and Political Rights
- The International Covenant on Economic Social and Cultural Rights
- The Convention on the Elimination of all Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination against Women
- The Convention on the Rights of the Child
- Indigenous and Tribal Peoples Convention (ILO convention 169)

4. Principles

4.1. *Human Rights and Human Dignity*

Social work is based on respect for the inherent worth and dignity of all people, and the rights that follow from this. Social workers should uphold and defend each person's physical, psychological, emotional and spiritual integrity and well-being. This means:

1. Respecting the right to self-determination - Social workers should respect and promote people's right to make their own choices and decisions, irrespective of their values and life choices, provided this does not threaten the rights and legitimate interests of others.
2. Promoting the right to participation - Social workers should promote the full involvement and participation of people using their services in ways that enable them to be empowered in all aspects of decisions and actions affecting their lives.
3. Treating each person as a whole - Social workers should be concerned with the whole person, within the family, community and societal and natural environments, and should seek to recognise all aspects of a person's life.
4. Identifying and developing strengths - Social workers should focus on the strengths of all individuals, groups and communities and thus promote their empowerment.

4.2. *Social justice*

Social workers have a responsibility to promote social justice, in relation to society generally, and in relation to the people with whom they work. This means:

1. Challenging negative discrimination¹³ - Social workers have a responsibility to challenge negative discrimination on the basis of characteristics such as ability, age, culture, gender or sex, marital status, socio-economic status, political opinions, skin colour, racial or other physical characteristics, sexual orientation, or spiritual beliefs.
2. Recognising diversity - Social workers should recognise and respect the ethnic and

¹³ In some countries the term "discrimination" would be used instead of "negative discrimination". The word negative is used here because in some countries the term "positive discrimination" is also used. Positive discrimination is also known as "affirmative action". Positive discrimination or affirmative action means positive steps taken to redress the effects of historical discrimination against the groups named in clause 4.2.1 above.

cultural diversity of societies in which they practice, taking account of individual, family, group and community differences.

3. Distributing resources equitably – Social workers should ensure that resources at their disposal are distributed fairly, according to need.
4. Challenging unjust policies and practices – Social workers have a duty to bring to the attention of their employers, policy makers, politicians and the general public situations where resources are inadequate or where distribution of resources, policies and practices are oppressive, unfair or harmful.
5. Working in solidarity - Social workers have an obligation to challenge social conditions that contribute to social exclusion, stigmatisation or subjugation, and to work towards an inclusive society.

5. Professional conduct

It is the responsibility of the national organisations in membership of IFSW and IASSW to develop and regularly update their own codes of ethics or ethical guidelines, to be consistent with the IFSW/ IASSW statement. It is also the national organisation's responsibility to inform social workers and schools of social work about these codes or guidelines.

Social workers should act in accordance with the ethical code or guidelines current in their country. These will generally include more detailed guidance in ethical practice specific to the national context. The following general guidelines on professional conduct apply:

1. Social workers are expected to develop and maintain the required skills and competence to do their job.
2. Social workers should not allow their skills to be used for inhumane purposes, such as torture or terrorism.
3. Social workers should act with integrity. This includes not abusing the relationship of trust with the people using their services, recognising the boundaries between personal and professional life, and not abusing their position for personal benefit or gain.
4. Social workers should act in relation to the people using their services with compassion, empathy and care.
5. Social workers should not subordinate the needs or interests of people who use their services to their own needs or interests.
6. Social workers have a duty to take necessary steps to care for themselves professionally and personally in the workplace and in society, in order to ensure that they are able to

provide appropriate services.

7. Social workers should maintain confidentiality regarding information about people who use their services. Exceptions to this may only be justified on the basis of a greater ethical requirement (such as the preservation of life).
8. Social workers need to acknowledge that they are accountable for their actions to the users of their services, the people they work with, their colleagues, their employers, the professional association and to the law, and that these accountabilities may conflict.
9. Social workers should be willing to collaborate with the schools of social work in order to support social work students to get practical training of good quality and up to date practical knowledge
10. Social workers should foster and engage in ethical debate with their colleagues and employers and take responsibility for making ethically informed decisions.
11. Social workers should be prepared to state the reasons for their decisions based on ethical considerations, and be accountable for their choices and actions.
12. Social workers should work to create conditions in employing agencies and in their countries where the principles of this statement and those of their own national code (if applicable) are discussed, evaluated and upheld.

The document "Ethics in Social Work, Statement of Principles" was approved at the General Meetings of the International Federation of Social Workers and the International Association of Schools of Social Work in Adelaide, Australia, October 2004

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5 Human Rights: International Conventions and Domestic Agencies

The current international human rights legal structure has its origins in the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948. The Declaration is a statement of universally agreed human rights standards. In 1993 the Vienna World Conference on Human Rights reaffirmed the principles, emphasising that human rights are universal, indivisible, and interdependent and interrelated.

Although, the Universal Declaration is not enforceable, the concepts in the Declaration have been refined in a number of international treaties. When a country ratifies a treaty it

commits itself to giving effect to the contents. Often this involves changing domestic laws to ensure adequate recognition of the rights in the treaty. However, if a country does not agree with a provision of a treaty or cannot bring its law into line with the international obligations required, it may enter a reservation to prevent the application of the provision.

The major treaties ratified by New Zealand (with relevant reservations) are:

- International Covenant on Economic, Social and Cultural Rights (reservations on arts. 8: trade union representation;10(2): right to postpone implementation as it relates to paid maternity leave or leave with adequate social security benefits);
- International Covenant on Civil and Political Rights (reservations on arts. 10(2)(b) & 10(3): mixing of juveniles and adults in correctional facilities; 14(6): *ex gratia* payments to victims of miscarriage of justice; 20: no further legislation necessary to deal with hate speech; 22: adequate existing laws to deal with trade union representation);
- Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination against Women (reservation to art.11(2)(b): recruitment into armed services);
- Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (reservation to art.14: discretion to award compensation to torture victims rests with Attorney-General);
- Convention on the Rights of the Child (reservation to art.32(2): not to take further measures to deal with exploitative child labour; 37(c): mixing of juveniles and adults in correctional facilities);
- Convention relating to the Status of Refugees 1951 (reservation on art. 24(2): right to compensation for employment related injury if person from outside New Zealand).
- Convention on the Rights of Indigenous Peoples (UN 2008). Supported 11 April 2010
- Convention on the Rights of Persons with Disabilities

New Zealand has also ratified a large number of ILO Conventions and is a strong supporter of the ILO.

When New Zealand ratifies an international instrument it first ensures that legislation is in place to allow it to meet the commitments it is undertaking. The legislative human rights framework includes:

- Ombudsmen Act 1975
- Official Information Act 1982
- Crimes of Torture Act 1989
- New Zealand Bill of Rights Act 1990

- Privacy Act 1993
- Human Rights Act 1993 (including the 2001 Amendment)
- Health and Disability Commissioner Act 1994
- Children’s Commissioner Act 2003

In addition, there are numerous rules, standards, principles and declarations which, while not binding in the same way as the treaties, nevertheless provide useful guidance on best practice in specified areas. They include:

- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (1985);
- Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (1988);
- Basic Principles for the Treatment of Prisoners (1990);
- United Nations Guidelines for the Prevention of Juvenile Delinquency (1990);
- Declaration on the Rights of Disabled Persons (1975);
- Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (1991);
- Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (1993);
- Declaration on the Protection of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992).

A Convention on the Rights of Disabled People is currently nearing completion. New Zealand has been a strong supporter of the Convention and closely involved with its development. The Convention will not reiterate existing rights but is designed to ensure that disabled people are able to enjoy the rights that others currently take for granted. When in force it will supplement soft law such as the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities.

A full list of the international instruments can be found on the website of the Office of the United Nations High Commissioner for Human Rights at www.unhcr.ch, and information about the ILO conventions is available at www.ilo.org. In addition, the Ministry of Foreign Affairs and Trade has useful information on its website at www.mfat.govt.nz as does the Human Rights Commission (www.hrc.co.nz) and the Aotearoa Human Rights Network (www.humanrights.net.nz).

6 Complaints Resolution Process

For alleged breaches of the Code of Ethics:

Complaints about the practice of an ANZASW member should be addressed to the Chief Executive of the Association.

Complaints received in respect of members who are registered under the *Social Workers Registration Act 2003* must be directed to the Registrar of that Board. The outcome of any disciplinary action under Section 59 of the Registration Act will be considered by ANZASW.

7 The Development of Social Work Ethical Codes in Aotearoa New Zealand

This chapter outlines those few milestones in ANZASW history when ethical guides were adopted, and includes the acknowledgements to individuals and organisations which have appeared in earlier versions of the Code of Ethics.

The then NZASW adopted an *Interim Code of Ethics* at its founding meeting in 1964.¹⁴ That interim code was prepared for the new Association by Brian Manchester. That interim code was eventually overtaken by the decision to adopt the International Federation of Social Workers code, in the so-called “Puerto Rico” version, after the 1976 conference in that country.

An Interim Ethics Committee was established during 1993. Responsibilities of that committee included investigating reported breaches of Standards of Practice of members and for overseeing the preparation and publication of this Code. The committee members were: Lynne Briggs (Convenor), Jenny Blagdon, Liz Chesterman, Raylee Kane, and Fiona Robertson.

¹⁴ J. G. Luckock (ed) (1964). *Report of Inaugural Conference*. NZASW, Auckland.

John Hopkins (a former Probation Officer, teacher of social work and later a consultant in private practice) was employed by the Ethics Committee to prepare the draft of the document which was adopted later in 1993 by members as the initial *Code of Ethics* and *Bicultural Code of Practice*. ANZASW acknowledges, then and now, the significant effort John put into completing this task. Financial grants by the Minister of Social Welfare and the New Zealand Lotteries Board assisted in meeting the setting-up costs of producing the Code.

At that time, the following Codes of Ethics were consulted in the preparation of the Code of Ethics of the New Zealand Association of Social Workers (Inc):

- Australian Association of Social Workers Ltd Draft Code of Ethics (prepared by the South Australian Branch Ethics Working Party);
- Family Court - Code of Ethics for Counsellors, and the Family Court - Code of Practice for Counsellors;
- NZ Association of Counsellors/Te Roopu Kaiwhiriwhiri o Aotearoa;
- NZ Association of Psychotherapists (Inc) Code of Ethics;
- NZ Law Society Code of Ethics - Interpretations and notes on the conduct of practitioners;
- NZ Medical Association Code of Ethics;
- NZ Psychological Society Code of Ethics;
- Waitomo Abused Persons Support Group Code of Ethics;
- The former *International Code of Ethics for the Professional Social Worker*, adopted by the International Federation of Social Workers General Meeting, San Juan, Puerto Rico, July 10, 1976.

ANZASW acknowledged the assistance afforded by these Codes. In particular, acknowledgement was given to the NZ Psychological Society for the use that has been made of their Code of Ethics in the Research and Publications section of the 1993 Code. The assistance of Frances Joychild and Sylvia Bell, Human Rights Commission, Auckland, was also acknowledged.

The Bicultural Code of Practice, 1993 version, originated in the acknowledgements by the New Zealand Association of Social Workers (Inc) of Te Tiriti o Waitangi in the Objects of the NZASW Constitution (July 1989). The original work underpinning the Bicultural Code of Practice was undertaken by the then NZASW Standing Committee on Racism, and its work is acknowledged and valued, as are Tangata Whenua and Tauwiwi contributions to the development of the Code. The Bicultural Code of Practice continues to be incorporated

in the ANZASW Code of Ethics in recognition of the Treaty relationship.

The 1993 Code became the seminal referent for the work of the Ethics Committee as it began to accept and process complaints of ethical breaches made against ANZASW members. A second major role of the Ethics Committee was to act as the guardian of the Code of Ethics. Included in its terms of reference was the mandate to periodically review and recommend revisions to the Code. Work was begun on a review in 2003 and carried forward into 2004, resulting in a revision of Section 1.4 (sexual relationships) and the adoption of a new Section 5 *Responsibility in Supervisory Relationships*.

Under a new Committee, constituted in 2005 with a smaller membership, a review and revision exercise was approved by the National Executive. In part, this was driven by external imperatives, particularly the decision of the Social Workers Registration Board¹⁵ to include the ANZASW Code of Ethics in its recommended guides to professional conduct.¹⁶ Long-standing Ethics Committee member, Dugald McDonald, who had organised the Subcommittee work on the 2003-4 revision exercise, was again contracted to work for the Committee on this project. Following a consultation round with members in mid-2005, Dugald was contracted for the task of writing up the proposed revisions. He worked for the Ethics Committee on that project with the assistance of co-opted member John Hopkins (author of the 1993 Code) as consultant.

ANZASW would like to especially acknowledge the work of Dr Dugald McDonald who has guided the Association through this major piece of work. In addition to reviewing and updating the language throughout the document he considered all feedback received to incorporate as much as possible into the final document. ANZASW also sincerely thanks John Hopkins, who has assisted and deputised for Dugald at times throughout the project. A special acknowledgement to John White, Convenor of the ANZASW Ethics Committee at the time of this review, members of the past and present Ethics and Judicial committees, and members of the Tangata Whenua Takawaenga o Aotearoa who have all contributed to the successful outcome of this project. ANZASW acknowledges Ake Associates who have assisted the project by translating the Code into Te Reo Maori.

The kind assistance of the Human Rights Commission, and Sylvia Bell in particular, in preparing the information on Chapter 5 is gratefully acknowledged.

¹⁵ New Zealand Statutes (2003). *Social Workers Registration Act*.

¹⁶ Social Workers Registration Board (2005). *Code of conduct for social workers*.

ANZASW also acknowledges the permission of the International Federation of Social Workers to reprint in full the statement that appears as Chapter 4.

To each of these named individuals and the many more un-named that have contributed in various ways to the completion of this project, a very sincere thanks.