



**South African Council for Social
Service Professions**

**Policy Guidelines for
Course of Conduct, Code of Ethics
and the Rules for Social Workers**



TABLE OF CONTENTS

Preamble	1
1. Legislative Mandate	4
2. Philosophy of the Code of Conduct	4
3. Purpose of South African Social Service Professions' Code of Ethics	4
4. Guiding Ethical Values and Principles	5
5. General Ethical Standards	8
5.1 Social Workers' Ethical Responsibilities towards the profession	8
5.2 Social Workers' Ethical Responsibilities towards Client Systems	14
5.3 Social Workers' Ethical Responsibilities towards Colleagues and other Social Workers	33
5.4 Social Workers' Ethical Responsibilities in Practice Settings	37
5.5 Social Workers' Ethical Responsibilities to the Broader Society	42
6. Implementation	44
7. Failure to comply with the Code of Ethics: Legal implications	44
8. Evaluation and Review of Policy Document	44
Annexures	45
Annexure A: Professionals Ethical Responsibilities as Social Workers	47
Annexure B: HIV infection and AIDS Policy Guidelines of the South African Council for Social Service Professions	49
Annexure C: Confidentiality within occupational settings	59
Annexure D: A letter of protest (Guideline)	61
Annexure E: Information regarding <i>Promotion of Access to Information Act</i> , Act No. 2 of 2000	63
Glossary	65
References/Sources	67

**South African
Council for Social Service Professions**



ETHICAL CODE POLICY GUIDELINES FOR SOCIAL WORKERS REGARDING THE CONDUCT OF SOCIAL WORKERS

PREAMBLE

This policy guideline document contains the Code of Conduct for social workers, describing in detail the standards of conduct within which they should work. This introduction is intended to assist you to understand what the codes are for and what they mean for social workers and client systems.

It is anticipated that social workers will recognize in the code the standards to which they already aspire. The Council will promote these standards through making them widely available.

What is a Code of conduct/ethics?

The Code of conduct for social workers is a list of statements that describes the standards of professional conduct required of social workers when carrying out their daily activities.

The intention is to confirm the standards required in service provision and ensure that social workers know and understand what standards of conduct Council, employers, colleagues, client systems and the public at large expect of them.

The primary mission of social workers is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, disadvantaged and impoverished.

Social workers promote social justice and social change with and on behalf of client systems. The word "client systems" includes individuals, families, groups and communities.

Social workers are sensitive to cultural and ethnic diversity and strive to end unfair discrimination, poverty and other forms of social injustice. Their activities may be in the form of direct practice, community organisation, supervision, consultation, administration, advocacy, social and political action, policy development and implementation, education as well as research and evaluation. Social workers seek to enhance the

capacity of people to address their own needs and to promote the responsiveness of organisations, communities, and other social institutions to social needs and social problems.

The S A Council for Social Service Professions recognises its responsibility to promote and ensure ethical behaviour and attitudes on the part of all persons registered with it. All persons registered with the Council are referred to generically in this document as social workers/practitioners. Attempts to ensure ethical behaviour and attitudes include articulating principles/values and standards contained in the code of ethics as well as promoting them through education, peer modelling and consultation, developing and implementing methods to help social workers monitor the ethics of their behaviour and attitudes, adjudicating complaints of unethical behaviour and taking corrective action when warranted.

The code of ethics guides all social workers when conducting research, providing direct service, educating learners, performing administrative, supervisory, editorial or consultative functions, being engaged in peer review or social policy, being an expert witness or performing any other role as a social work practitioner.

The code of ethics consists of a Preamble, Guiding principles and values as well as General Ethical Standards. Although the Preamble and Guiding Principles are not in themselves enforceable rules, they should be considered by social workers in arriving at an ethical course of action as they will be taken into account by the Registrar's Committee of Professional Conduct (RCPC), Committee of Preliminary Inquiry (CPI) and Professional Conduct Committee (PCC) when interpreting the Ethical Standards. These are the Committees responsible for dealing with disciplinary inquiry processes. The Ethical Standards set forth specific enforceable rules of conduct for social workers. Most of the Ethical Standards are written broadly, in order to apply to social workers in varied practice roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive i.e. they do not attempt to inform practitioners of what to do in all situations

Policy Guidelines for Course of Conduct, Code of Ethics and the Rules for Social Workers

with ethical challenges since practitioners practise in various settings. The fact that a specific conduct is not specifically addressed in the code of ethics, does not necessarily mean that it is either ethical or unethical.

Notwithstanding the existence of a code of ethics, social workers will be faced with ethical dilemmas that are difficult to resolve. In these circumstances, social workers are expected to engage in an ethical decision-making process based on a reasonably coherent set of ethical principles which can stand up to public scrutiny. Some ethical dilemmas may be easily resolved through following these principles as well as applying the guidelines contained in the *Rules relating to the Acts or Omissions of a Social Worker, a social auxiliary worker or a student social worker which shall constitute Unprofessional Conduct*. On the other hand, some ethical issues are not easily resolved and might require considerable deliberation. Social workers are encouraged and expected to consult with colleagues and/or social work bodies/associations or Council when such persons/bodies can add knowledge and/or objectivity to the decision-making process.

Registration with the Council commits members to adhere to the code of ethics. This code applies to practitioners' work-related activities, in other words all activities that are part of the registered person's social work functions. The code of ethics is intended to guide and regulate the activities in which a registered person engages. There is no intention to guide or regulate a registered person's activities outside of this context. Personal behaviour becomes a concern of the respective professions only if it is of such a nature that it undermines public trust in the profession as a whole or if it raises questions about the registered person's ability to carry out his or her responsibilities appropriately as a registered person.

The code is intended to provide standards for a social worker's conduct that can be applied by the South African Council for Social Service Professions. In the process of making decisions regarding their behaviour, registered persons must consider this code of ethics in addition to the *Social Service Professions Act*, No 110 of 1978 that defines the parameters of the social service professions in South Africa.

1. LEGISLATIVE MANDATE

Constitution of the Republic of South Africa (Act 108 of 1996)

Chapter 2: The Bill of Rights enshrines the rights of citizens which must be upheld by all.

Social Service Professions Act, 1978

Section 27(1)(a) of this Act provides the mandate to enact the Code of Ethics.

2. PHILOSOPHY OF THE CODE OF CONDUCT

The South African Council for Social Service Professions believes that this document will help to guide and regulate the behaviour of social workers providing services in all spheres of practice. It will further serve as a guideline to practitioners in carrying out their daily professional duties.

3. PURPOSE OF THE SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS' CODE OF ETHICS

This document will serve as a guideline to ensure that social workers conduct themselves ethically.

Cognisance is taken of the fact that social workers have individual rights as outlined in Chapter 2 of the *S A Constitution*, Act 108 of 1996. As professionals, social workers therefore have the right to be treated with dignity, respect and equality. Social workers also have professional rights that need to be protected and for this purpose social workers have the right to join any professional association of their choice that aims to act in the best interest of social workers. This document, however, focuses on the professional conduct of social workers to ensure that client systems receive an ethical and professional service.

Professional ethics are at the core of the social work profession. Therefore, the profession has an obligation to articulate its values, ethical principles and standards. The code of ethics sets forth these values, principles and standards to guide social workers' conduct as well as provide guidance when faced with ethical challenges. The code is relevant to all social

Policy Guidelines for Course of Conduct, Code of Ethics and the Rules for Social Workers

service professions and learners, regardless of their social work functions, the settings in which they work and the communities they serve.

The code of ethics for social workers, student social workers and social auxiliary workers serves six purposes:

- It identifies core values on which social workers' missions are based.
- It summarises broad ethical principles that reflect the professions' core values and establishes a set of specific ethical standards that used to guide social workers.
- The code is designed to help social workers identify relevant considerations when their obligations conflict or ethical uncertainties arise.
- It provides ethical standards according to which the general public can hold social workers accountable.
- The code orientates practitioners new to the field to social work's mission, values, ethical principles and ethical standards.
- The code articulates standards that social workers themselves can use to assess whether their conduct is ethical.

4. GUIDING ETHICAL VALUES AND PRINCIPLES

The guiding ethical values and principles relate to the general approach as is reflected in the *Rules relating to the course of conduct to be followed by social workers in the practising of their profession*.

Social workers, student social workers and social auxiliary workers respect the dignity and worth of individuals, families, groups and communities and strive towards providing quality services. Practitioners strive to uphold and protect the fundamental human rights of client systems and themselves, as enshrined in the *South African Constitution and the Bill of Rights*. In pursuit of quality services, social workers aspire and subscribe to the following ethical values/principles.

4.1. Social Justice

Social workers challenge social injustice. Social workers pursue social change, particularly with and on behalf of vulnerable and disadvantaged individuals, families, groups and communities. Their efforts are focused inter alia on issues of poverty, unemployment, discrimination and other forms of social injustice. These efforts seek to promote insight and sensitivity regarding cultural and ethnic diversity. Social workers strive to ensure access to needed information, services and resources, equality of opportunity and meaningful participation in decision making for all people affected by adverse conditions.

4.2 Respect for People's worth, Human rights and Dignity

Social workers accord appropriate respect to the fundamental human rights, dignity and worth of all human beings. They respect the rights of individuals to privacy, confidentiality, self-determination and autonomy, and are mindful that legal and other obligations may lead to **inconsistency and conflict** with the exercise of these rights. Social workers are aware of differences relating for example to age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language and socioeconomic status. They strive to eliminate the effect of biases based on these factors in their work and they do not knowingly participate in or condone unfair discriminatory practices.

4.3 Competence

Social workers strive to maintain high standards of competence in their work. They recognise the boundaries of their particular competencies and the limitation of their expertise. They provide only those services and use only those techniques in which they are qualified by education, training or experience. In areas where recognised social work standards do not yet exist, social workers exercise careful judgement and take appropriate precautions to protect client systems. They maintain their knowledge of relevant scientific and social work information related to the services they provide and they recognise the need for continuous education and development. Social workers make appropriate use of scientific, social work and administrative resources and aspire to contribute to the knowledge base of the profession.

4.4 Integrity

Social workers behave in an honest manner. They seek to promote integrity in the science, teaching and practice of the profession. In these activities social workers are honest, fair and respectful of others. Social workers strive to be aware of their own belief systems, values, needs and limitations as well as the effect they have on their work. Wherever feasible, they clarify their roles to those involved and function appropriately in accordance with these roles.

4.5 Professional Responsibility

Social workers uphold professional standards of conduct, clarify their social work roles and obligations, accept appropriate responsibility for their behaviour and adapt their methods to the needs of different client systems. They cooperate with other social workers and institutions as needed in order to serve the best interest of their clients. They are also concerned about the ethical compliance of their colleagues' conduct. When appropriate, they may consult the South African Council for Social Service Professions and colleagues when faced with ethical dilemmas.

4.6 Show care and concern for others' well-being

Social workers recognise the importance of human relationships. They do not exploit or mislead other human beings during or after termination of a social work relationship. They engage people as partners in the helping process and seek to strengthen relationships among human beings in a purposeful effort to promote, restore, maintain and enhance the well-being of individuals, families, groups, organisations and communities.

4.7 Service delivery

Social workers' primary goal is to assist individuals, families, groups and communities and address social needs and social problems. Social workers elevate service to others above self-interest. They are encouraged to contribute a portion of their social work time for little or no personal advantage by way of volunteering or providing a community service.

During the process of service delivery the principle of client self determination should be practised by social workers within the boundaries of clients' capabilities and the context of the social needs and social problems they experience.

Services should be accessible to clients, with information about the services to clients and communities being provided openly and transparently. High levels of courtesy, standards and professionalism should be maintained at all times.

5. GENERAL ETHICAL STANDARDS

The following ethical standards are relevant to all the activities of social workers, irrespective of their practice setting. These standards concern ethical responsibilities towards clients, colleagues, other social workers, other professionals and the broader society.

5.1 Social Workers' Ethical Responsibilities towards the Profession

5.1.1 Integrity of the profession

- (a) Social workers work towards the maintenance and promotion of high standards of practice.
- (b) They uphold and advance the values, ethics, knowledge and mission of the profession. Social workers should protect, enhance and improve the integrity of the profession through appropriate study and research, active discussion and responsible criticism of the profession.
- (c) Social workers contribute time and expertise to activities that promote respect for the value, integrity and competence of the social work profession.
- (d) Social workers contribute to the knowledge base of the profession and share with colleagues their knowledge related to practice, research and ethics. Social workers should seek to contribute to the profession's literature and to share their knowledge at meetings and conferences.

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

- (e) Social workers act to prevent the unauthorised and unqualified practice of the social work profession.

5.1.2 Negligence

- (a) The negligent performance of social work duties could be regarded as unethical. Social work duties should be carried out in a manner that complies with generally accepted standards of practising the profession.
- (b) A social worker's behaviour must not, with due regard to the prestige, status and dignity of the profession, be detrimental to the position of the social worker or the profession as such.

5.1.3 Dishonesty

- (a) Being guilty of, participating in or associating with dishonesty in the execution of social work duties could be regarded as unprofessional behaviour.

A social worker should not be guilty of, participate in or associate with any dishonest activity in the course of carrying out social work duties

- (b) Sharing money received for social work services with any person who contributes or contributed to such services, unless such person is a partner or such sharing of money is reasonably commensurate with such person's contribution to the services rendered, should not take place.

5.1.4 Evaluation and research

- (a) Social workers should monitor, evaluate and research policies, the implementation of programmes and practice interventions.
- (b) Social workers should promote and facilitate evaluation and research to contribute to the development of knowledge.

- (c) They should critically examine and keep up to date with emerging knowledge relevant to the profession and fully utilise evaluation and research evidence in their social work practice.
- (d) Those engaged in evaluation or research should carefully consider possible consequences and should follow guidelines developed for the protection of participants. The purpose of the research should be clearly defined in order to ensure that the process of research is justifiable in terms of the end results.
- (e) Those engaged in evaluation or research should obtain voluntary and written informed consent from participants without any implied or actual deprivation or penalty for refusal to participate; without undue inducement to participate; and with due regard for participants' well-being, privacy and dignity. Informed written consent should include information about the nature, extent and duration of the participation requested and disclosure of the risks and benefits or participation in the research.
- (f) When participants in evaluation or research are incapable of giving informed consent, social workers should explain the situation appropriately to participants, obtain their agreement to the extent to which they are able, and obtain written consent from an appropriate proxy.
- (g) Social workers should never design or conduct evaluation or research that does not use consent procedures, such as certain forms of observation and archival research, unless rigorous and responsible review of the research has found it to be justified because of its prospective scientific, educational, or applied value and unless equally effective alternative procedures that do not involve waiver of consent are not feasible.

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

- (h) They should inform participants of their right to withdraw from evaluation and research at any time without penalty.
- (i) Social workers should take appropriate steps to ensure that participants in evaluation and research have access to appropriate supportive services.
- (j) Those engaged in evaluation or research should protect participants from unwarranted physical or mental distress, harm, danger or deprivation.
- (k) Social workers engaged in the evaluation of services should discuss collected information only for professional purposes.
- (l) Those engaged in evaluation or research should ensure the privacy, anonymity and confidentiality of participants and of the data obtained from them. Participants should be informed of any limits of confidentiality, the measures that will be taken to ensure confidentiality and when any records containing research data will be destroyed.
- (m) Social workers who report evaluation and research results should protect participants' confidentiality by omitting identifying information unless proper consent has been obtained authorising disclosure.
- (n) They should report evaluation and research findings accurately. They should not fabricate or falsify results and should take steps to correct any errors later found in published data using standard publication methods.
- (o) Those engaged in evaluation or research should be alert to and avoid conflict of interest and dual relationships with participants, should inform participants when a real or potential conflict of interest arises, and should take steps to resolve the issue in a manner that makes participants' interests primary.

- (p) Social workers should educate themselves, their students and their colleagues about responsible research practices.
- (q) They should not be involved in plagiarism in evaluation and research.

5.1.5 Education, training and development

Social workers who function as educators or field instructors for learners should –

- (a) provide education only within their areas of knowledge and competence and should provide education based on the most current information and knowledge available in the profession;
- (b) evaluate learners' performance in a manner that is fair and respectful;
- (c) take reasonable steps to ensure that clients are routinely informed when services are being provided by learners; and
- (d) not engage in any dual or multiple relationships with learners in which there is a risk of exploitation or potential harm to the learners. Educators and field instructors are responsible within the social service field and field instructors are responsible for setting clear, appropriate and culturally sensitive boundaries;

In addition, only social workers may function as supervisors during education, training and development of student social workers.

5.1.6 Competency

- (a) Social workers should maintain competency in the areas of service provision through continuing social work education, development, consultation and in conformance with current standards of scientific or social work knowledge.

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

- (b) They should provide services and represent themselves as competent only within the boundaries of their education, training, certification, consultation received, supervised experience or other relevant social work experience.
- (c) Social workers should provide services in a substantive area or use intervention techniques or approaches that are new to them only after engaging in appropriate study, training, consultation and supervision from people who are competent in those interventions or techniques.
- (d) When generally recognised standards do not exist with respect to an emerging area of practice, social workers should exercise careful judgment and take responsible steps (including appropriate education, research, training, consultation and supervision) to ensure competence in their work and to protect clients from harm.

5.1.7 Incompetence of Colleagues

- (a) Social workers who have direct knowledge of another social worker/colleague's incompetence should consult with that colleague when feasible and assist the colleague to take remedial action. However, the appropriate approach should be adopted when intervening in this way.
- (b) In order to curb incompetencies by practitioners it is recommended that the supervisors and managers of practitioners identify the training needs and implement a development plan.
- (c) Social workers who believe that a colleague is incompetent and who have not taken direct steps to address the incompetence should take action through the appropriate channels established by employers, regulatory bodies and other social work associations of practitioners.

- 5.1.8 Compliance with legislation, policies and procedures
- (a) Social workers need to comply with social work related legislation, policies and procedures.
 - (b) They should be familiar with the procedures relating to ethical conduct. These include the policies and procedures developed by the S A Council for Social Service Professions (SACSSP).
 - (c) Social workers who believe that a colleague has acted unethically should seek resolution by discussing their concerns with the colleague when feasible and when such discussion is likely to be productive.
 - (d) When necessary, social workers who believe that a colleague has acted unethically should take action through appropriate formal channels (such as contacting the regulatory body, other social work ethics committees and/or social work associations).
 - (e) Social workers should also defend and assist colleagues who are unjustly charged with unethical conduct.

5.1.9 Display of Registration Certificate

Persons registered with the South African Council for Social Service Professions must conspicuously display in their office their registration certificate issued to him or her in terms of the *Social Service Professions Act* (reflected in the Rules relating to acts or omissions).

5.2 Social Workers' Ethical Responsibility Towards Client Systems

5.2.1 Confidentiality

Confidentiality must be understood in the context of the **right to privacy**. Cognisance should also be taken of the fact that the right to privacy is enshrined in Chapter 2 of the *Constitution of the Republic of South Africa*. The ethical standard aimed at protecting the privacy of clients must be held in the highest regard.

Contravening or breaching the relevant standard may be regarded as unethical/unprofessional conduct and could lead to disciplinary steps against the practitioner who contravenes the standard.

The rationale for emphasising this right is that within the social service professions, clients are expected to share necessary information within the interviewing sessions irrespective of how embarrassing this may be. The assurance that any knowledge or information shared between the social worker and the client will be kept between the parties ensures openness and the development of trust, which enhances the healing and developmental process.

The right to privacy is premised on two dimensions, namely **the right against intrusion and the right to confidentiality**.

The right against intrusion means that **people have the right to keep** certain information about themselves away from others, to keep secrets and to prevent others from prying into their affairs. This dimension regulates the extent to which social workers can encroach on the client's sphere of privacy.

The second dimension namely, the **right to confidentiality** is the right to maintain control over information the client chooses to share with a social worker. This regulates the extent to which information a client shares with the social worker should be kept confidential or private between the social worker and the client.

The social service professions are concerned especially with the second dimension, as the helping profession is about sharing information. Irrespective of the legal and ethical duties in this regard, every social worker should realise that to respect a person's right to privacy is to respect the person. Social workers should not solicit private information from clients unless it is essential to providing services or conducting evaluation or research. As in the case of the State that is compelled to respect the privacy of its citizens, it should be second nature to all social workers to honour the privacy of individuals, families, groups and communities. (See section 14 of the *Constitution*, Act 108 of 1996). Once private and confidential information is shared, the standards of confidentiality apply.

(a) *General Guidelines relating to the divulgence of confidential information*

Social workers should discuss with clients and other interested parties the nature of confidentiality and limitations of clients' right to confidentiality. Social workers review with clients the circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion occurs as soon as possible in the social worker-client relationship and as needed throughout the course of the relationship. The social worker and the client should enter into a written contract. Mutual agreement on confidentiality and disclosure of information are embedded in a written contract between a client and the social worker.

In providing services to individuals, families, groups and communities, the social worker often has to work within a team context with other social workers. In the process of service delivery and in the best interest of the client, confidential information often needs to be shared. Clients must be made aware of these processes and must give consent to the sharing of information. Furthermore, clients must be informed that the social worker cannot guarantee that all participants will honour such agreements. The social worker therefore, should only divulge information to other professionals who are also obliged to uphold a code of ethics. In all instances, the consent of the client must be obtained.

Social workers must protect the confidentiality of clients when responding to requests from members of the media. In order to prevent misinterpretations, social workers should request that the questions be provided to them beforehand in writing.

Social workers protect the confidentiality of clients' written and electronic records and other sensitive information.

They take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorised to have access. Administrative staff dealing with, for example, files of clients or typing reports, must sign a declaration of confidentiality. (See annexure C for a copy of an example.)

Social workers take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of identifying information should be avoided whenever possible and recipients of confidential information should be informed beforehand.

Social workers transfer or dispose of clients' records in a manner that protects clients' confidentiality and is consistent with State statutes governing records.

Social workers should take reasonable precautions to protect client systems' privacy in the event of the social worker's termination of practice, incapacitation, or death.

(b) *Circumstances under which confidential information could be divulged*

Social workers could divulge confidential information that comes to their attention whilst carrying out their duties in the following instances:

Subpoenas issued by Court to Social Workers to disclose Confidential Information regarding their Client Systems.

The effect of private privilege is that the court is deprived of relevant evidence and therefore the tendency is towards the restriction of occasions where privilege is claimable. This is the reason why the court will not recognise the privilege between a social worker and client but between a

lawyer and his client as this is a common law and is reflected in section 201 of the *Criminal Procedure Act*, Act No 51 of 1977.

The following options are available to the social worker:

- (i) If a social worker is subpoenaed or ordered to do so by a competent court or is otherwise legally bound to do so: Provided that if disclosure of such information is not part of a recognised statutory function of the social worker in question, that the information may be divulged only under protest. (Copy of the letter of protest which may serve as a guideline is attached as annexure D).
- (ii) To inform the client that he/she has to disclose the confidential information due to the subpoena issued by the court and not of their own volition.
- (iii) When a court of law orders social workers to disclose confidential information without a client's consent and such disclosure could cause harm to the client, social workers should request that the court withdraw the order or omit the order as narrowly as possible or maintain the records under seal, make it unavailable for public inspection or that the case be heard in camera.

However, the social worker should inform his or her client as fully as possible, about the disclosure of confidential information and the potential consequences, before the disclosure is made.

- (iv) To bring a high court application challenging the subpoena, where legally advisable to do so.
- (v) To inform the client that disclosure is required and advise him or her to bring a high court application challenging the subpoena, where legally advisable to do so.
- (vi) With the informed and written consent of the client . To obtain the written and informed consent from the client and

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

if the client cannot give consent, from another legally authorised person on behalf of the client (executor), spouse, or if there is no surviving spouse, a major child of the client or deceased client. In the case of a minor child, consent should be obtained from the parents or guardian.

- (vii) If the client system is suing a social worker, he or she is entitled to disclose information about the matter in so far as it is necessary to defend him or herself.
- (viii) When disclosure is necessary to prevent serious, foreseeable and imminent harm or danger to a client system or other identified person or a community, thus justifying disclosure on the grounds of necessity.
- (ix) To the extent that the divulgence is in the client's interest e.g. treatment reasons.
- (x) In all instances, social workers should disclose as little confidential information as possible in order to achieve the desired purpose. Only information that is directly relevant to the purpose for which the disclosure is made should be revealed.
- (xi) Social workers should inform all clients of the employer's and agency's policy concerning the disclosure of confidential information among the parties involved. This is especially significant in occupational settings where services are rendered to the employees of the organization concerned. (See annexure C).
- (xii) They should not disclose confidential information to third-parties unless clients have authorised such disclosure.
- (xiii) Social workers should not disclose identifying information when discussing clients for teaching or training purposes unless the client has consented to disclosure of confidential information.

- (xiv) They should not disclose identifying information when discussing clients with consultants unless the client has consented to disclosure of confidential information.
- (xv) Social workers should protect the confidentiality of deceased clients in line with the abovementioned guidelines.
- (c) *Access to Records/Information*
 - (i) Social workers should provide clients with reasonable access to records concerning only the clients.
 - (ii) Social workers who are concerned that clients' access to their records could cause serious misunderstanding or harm should provide assistance in interpreting the records and consultation with the client regarding the records.
 - (iii) Clients' requests and the rationale for withholding some or all of the records should be documented in clients' files.
 - (iv) When providing clients with access to their records, social workers should take the necessary steps to protect the confidentiality of other individuals identified or discussed in such records as clients should have access to their files with the information relevant only to themselves.
 - (v) Clients can only be provided with copies of the documents in the file, not original copies because if there is a complaint or court case against the social worker, original documents must be presented in court or the relevant tribunal handling the complaint. Copies should be certified as true copies of the original, where same is required.
 - (vi) Should a court of law or a tribunal instruct a social worker to provide the court or the tribunal with the file of a specific client, the social worker is not obliged to hand over the complete file but should make copies of relevant documentation available to the court or tribunal, unless ordered otherwise by such court of law or tribunal.

- (vii) In a number of statutes a mandatory duty is placed on social workers to disclose information despite the fact that it will constitute an infringement of the privacy and confidentiality of other people. For example, in section 42(1) of the *Child Care Act*, Act No 74 of 1983, the social worker is obliged to report child abuse. The principle of confidentiality is limited by the fact that the balance of convenience weighs towards protection of the minor's rights and interests than the principle of confidentiality. The other statute is the *Prevention of Domestic Violence Act*, etc.
- (viii) Information or records can also be accessed as described in the *Promotion of Access to Information Act*, Act No 2 of 2000. (Refer to Annexure E for further information).

(d) *Confidentiality in Practice Settings*

Social workers must ensure that they manage the affairs of the client, in their offices or private practices, in a manner that optimises the privacy of their clients. They will be deemed guilty of unprofessional conduct should information be lost or overheard in an office environment by other persons who are not involved with the particular client.

5.2.2 Professional Relationships

Social workers should have a truthful, understandable and transparent social work relationship with client systems. They should discuss with clients as early as it is feasible in the therapeutic relationship all appropriate issues, such as the nature and anticipated course of intervention, rights, preferences, confidentiality and whether other team members will be involved, as well as their roles and functions and where appropriate, the fees to be charged.

The social worker cannot refuse crisis intervention to a client system on the grounds of lack of finances. After

crisis intervention, the client should be referred to an appropriate resource.

The lines of communication within the organisation should be clarified in order that clients understand they may have access to the supervisor, manager, director etc. It is recommended that organisations also have a policy in place clarifying the lines of communication. This policy should be discussed with clients at the beginning of a social work relationship.

(a) Communication with client systems

Social workers must make reasonable efforts to answer clients' questions and to avoid misunderstandings or misconceptions regarding interventions.

Whenever possible, social workers should provide oral and/or written information using language that is reasonably understandable to the client.

When interpretation services are utilised and the interpreter is not a social worker bound by the code of ethics, the interpreter should sign a declaration of confidentiality. In order to ensure confidentiality, the interpreter must not be someone who is known to the client.

(b) Client Self-determination

- (i)* Respect for the client system's right to decide whether or not to cooperate with the social worker, even in the case of statutory order. Implications of such refusal should be explained to those concerned, including client systems.
- (ii)* Client systems should be empowered to utilise their abilities optimally.

(c) *Inappropriate Relationships*

(i) Sexual relationships

- Sexual feelings vs sexual contact

Developing a fondness and a sexual desire for a person with whom one has an intimate relationship over a period of time is not unnatural. Experiencing such feelings is obviously not unethical or illegal. However, if such feelings are significant, they should be discussed with a colleague and if necessary worked out therapeutically. If such feelings interfere with the service delivery process, the social worker should terminate treatment/counselling due to objectivity being at stake.

Sexual feelings become the focus of social work ethics and law if they manifest as sexual contact. Sexual contact between social workers and clients is not acceptable and is considered to be a betrayal of the clients' trust and an unfair exploitation of the clients' transference feelings.

Social workers should under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.

Social workers should not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain close personal relationships when there is the risk of exploitation or potential harm to clients. Sexual activity or sexual contact with clients' relatives or other individuals with whom clients maintain personal relationships has the potential to be harmful to the clients and may make it difficult for social workers and clients to maintain appropriate social work boundaries.

Social workers – not their clients, their clients' relatives or other individuals with whom the clients maintain personal

relationships – must assume full responsibility for setting clear, appropriate and culturally sensitive boundaries.

- Sexual contact after termination of services

Social workers should not engage in sexual intimacies with their former clients since sexual intimacies with former clients are so frequently harmful to clients.

Such intimacies may undermine public confidence in the social service professions and thereby deter the public's utilisation of needed services.

Should social workers elect to engage in such activity following the termination of the social work relationship, they and not their former client, should assume the responsibility of demonstrating that the former client was not exploited, coerced or manipulated.

- Social work services to former sexual partners

Social workers should not provide social work services to individuals with whom they have had a prior sexual relationship. Providing such services to a former sexual partner has the potential to be harmful to the individual and is likely to make it difficult for social workers to maintain appropriate social work boundaries.

- Physical contact

Social workers should not engage in physical contact with clients when there is a possibility of emotional harm to the client as a result of the contact (such as cradling or caressing clients). Social workers who engage in appropriate physical contact with clients are responsible for setting clear, appropriate and culturally sensitive boundaries that govern such physical contact. The physical contact should be understood as a token of encouragement, support or empathy and experienced as such by clients.

- Sexual harassment

Social workers must not sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favours and other verbal or physical conduct of a sexual nature.

- (ii) Dual Relationships

The social worker should not be involved in relationship(s) that compromise the social work relationship(s).

If such a dual relationship develops or is discovered after the social work relationship has been initiated, the social worker should terminate the social work relationship in an appropriate manner. He or she should notify the client in writing of this termination, assist the client to obtain services from another social worker and should not engage in any self-enhancing relationship with the client until at least a period of 24 months has elapsed after the termination.

Social workers should always be sensitive to the potential harmful effects of social or other non-social work contact on their work and on those persons with whom they deal.

- (iii) Exploitative Relationships

Social workers do not engage in exploitation which includes coercion, manipulation, blackmail of persons over whom they have authority such as learners, supervisees, employees, members of the community engaged in social development programmes, research participants, and clients.

5.2.3 Third party requests for services

When a social worker agrees to provide services to a person or entity at the request of a third party, the social worker should clarify at the outset of the service, the nature of the relationship with each party. This clarification includes the role of the social

worker, the probable use of the services provided or the information obtained, and the fact that there may be limits to confidentiality.

If there is a foreseeable risk of the social worker being called upon to perform conflicting roles because of the involvement of a third party, the social worker should clarify the nature and direction of all parties' responsibilities, enter into a written agreement with the parties concerned and keep them appropriately informed as matters develop. All matters should be dealt with in accordance with the code of ethics.

5.2.4 Gifts and Incentives

Social workers ordinarily refrain from accepting goods, services, or other non-monetary remuneration from clients in return for social services because such arrangements create an inherent potential for conflict, exploitation, and distortion of the social worker-client relationship. The social worker may participate in such an exchange only if it is not socially contra-indicated, and if by so doing, the relationship is not exploitative.

The social worker should disclose to the manager or person in an authority position any gifts or incentives given to them by clients as well as write in the file for the supervisor to note the incentive.

Should a social worker be in private practice and therefore charge fees for services, clear guidelines on the fee structure should be made available to clients and a written contract should be negotiated relating to the payment of such fees.

5.2.5 Dealing with client's money

A social worker may not administer a client's money in an inefficient, irresponsible or negligent manner. Money should be managed properly and records kept of fees charged in all matters dealt with by the social worker in his or her capacity as a social worker (refer to the *Rules relating to acts or omissions*).

5.2.6 Terminating the social worker-client relationship

Social workers should not abandon their client systems.

The social worker who provides services to a client should make an appropriate referral to another social worker when requested to do so by the client.

A social work relationship should be terminated when it becomes reasonably clear that the client no longer needs the service, is not benefiting from, or is being harmed by continuing the service.

Prior to termination of services for any reason, except when precluded by the client's conduct, the social worker discusses the client's views and needs, provides appropriate pre-termination counselling, suggests alternative and appropriate service providers where necessary, clarifies in writing what information may be conveyed to the alternative service provider and takes other reasonable steps to facilitate transfer of responsibility to another provider, if the client system needs one immediately.

5.2.7 Advertising and Public Statements

Social workers are allowed to advertise their services.

It could be regarded as unprofessional conduct to advertise services in an unprofessional manner, or permitting, sanctioning, or acquiescing of such an advertisement.

The advertising of his or her services by a social worker contrary to the following requirements shall be deemed to constitute unprofessional conduct:

No advertisement may contain or imply any comparison between the services, knowledge, skill or efficiency of the advertising social worker and those of another colleague, any other social worker, or any other relevant service provider.

Advertisements may not contain any element of self-promotion of the social worker, the quality of his/her services skills, or efficiency.

(a) *Guiding principles for making social work services known*

(i) A client has the right to obtain guidance from a social worker on obtaining a second opinion, where appropriate.

(ii) A social worker is at all times responsible for his or her own professional conduct.

(iii) When professional services are made known, the rights of the client system are to be protected from misleading promotional, advertising or improper competitive activities between social workers. Publications improperly drawing attention to the titles, professional attainments, personal qualities, superior knowledge or quality of service of a particular social worker, or improperly drawing attention to his or her practice or fees may be construed as unprofessional conduct.

(iv) Advertising in an unprofessional manner or canvassing and touting for clients is regarded as unethical behaviour and would constitute a breach of professional social work conduct.

(b) *Information that may be included in notifications*

(i) Information about his or her practice may be published in any medium, printed or electronic, including the Internet and television.

(ii) There are no limitations on the size or number of times a notice may be published.

(iii) Direct mailing is permissible, i.e. mailing to post boxes or direct delivery to home owners.

(iv) Bulk distribution of pamphlets, for example at shopping malls and to passing motorists, is not permissible.

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

However, pamphlets may be made available and issued individually to existing client systems at the social service practice and also at local information centres such as libraries to persons enquiring about available social services and practices.

- (v) The use of photographs on notifications is permissible.
- (vi) The following information may appear on notifications:
 - Name and surname
 - Profession as registered with the S A Council for Social Service Professions
 - Registered qualifications
 - Registration number with the S A Council for Social Service Professions
 - Practice address and where necessary a map
 - Consulting hours
 - Contact details
 - Fields of specific interest or speciality if it is registered with the S A Council for Social Service Professions
- (vii) Information of financial arrangements, which must be limited to statements relating to formal arrangements, e.g. "credit cards acceptable" or "cash only", is acceptable. Reference may not be made to discounts or fees.

The aim of publishing notices is to inform client systems of services as well as the whereabouts of social workers. It is not intended to be an instrument for promoting individual practices.

(c) Practice notices to clients

- (i) Social workers may also communicate with their existing clients via practice notices, but such communications may not be distributed to the public at large.
- (ii) These notices may include information about the social worker's own practice arrangements, e.g. services available, new partners and tariff structures.

(d) Communication with colleagues

- (i) It should be encouraged amongst social workers to communicate the setting up of a practice or practice address changes to colleagues.
- (ii) Specific fields of practice may be communicated to colleagues.

(e) Directories and public lists

- (i) Clients and other social workers should have ready access to accurate, comprehensive and well-presented information about social workers practising privately in their area in order to make informed choices.
- (ii) Directories and public lists with the names of the social workers and their practice details, distributed for the benefit of the members of the public and peers are permissible.
- (iii) All social workers in a specific area should be eligible for inclusion in such directories or public lists.
- (iv) The names and particulars of all social workers listed in such directories and public lists should be of the same size and format.

(f) Information on social worker stationery (letterhead)

- (i) Social workers' stationery may contain the following information:

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

- Name and surname
 - Title
 - Profession as registered with the South African Council for Social Service Professions
 - Registration number with the South African Council for Social Service Professions
 - Field of interest and/or Registered speciality with South African Council for Social Service Professions
 - Registered qualifications with South African Council for Social Service Professions
 - Addresses
 - Contact details Telephone numbers
 - Hours of consultation
 - Practice code numbers
- (ii) Reference to a social worker's achievements is not allowed.
- (iii) The use of business or appointment cards is permissible.
- (iv) Logos may be used on stationery, but graphics or pictures may not depict anatomical structures or be generally offensive.
- (g) *Practice names*
- (i) Social workers may use as the name of their practice, their own names and/or the names of their partners, together with the words "and partners".
- (ii) The use of expressions that could create the impression that a practice forms part of, or is in association with a group practice comprising practitioners registered, for

instance, with the Health Professions Council of SA should be avoided. (It should be clear and specific that the practitioner is a social worker).

(iii) Social workers are not allowed to practise under special names or titles. A descriptive name of the practice should be limited to the nature of the practice and its geographical location.

(h) *Social workers as authors*

(i) A social worker who is the author or co-author of books or articles may mention his or her name as "author" or "co-author", as the case may be, and indicate his or her social work standing as this promotes the profession's duty to disseminate information about advances in the social service professions.

(ii) Social workers with the necessary knowledge and skills may participate in the presentation and discussion of social issues by means of public address or through the printed and electronic media to lay audiences, provided that no information about their standing is given which may imply that a practitioner is the only, the best, or the most experienced in his or her particular field

The S A Council for Social Service Professions retains the final authority for deciding on the acceptability or not of the content and format of notifications put out or printed stationery used by social workers.

5.3 Social Workers' Ethical Responsibilities towards Colleagues and other Social Workers

5.3.1 Respect

(a) Social workers should treat colleagues with respect and should represent their qualifications, views and obligations accurately and fairly.

- (b) Social workers should exhibit loyalty towards colleagues and therefore avoid unwarranted negative criticism of their colleagues in communication with clients or with other social workers. Unwarranted negative criticism may include demeaning comments that refer to a colleague's level of competence, skill, social work reputation or to individual attributes such as race, ethnicity, national origin, colour, sex, sexual orientation, age, marital status, political belief, religion and mental or physical disability.
- (c) Social workers should work in conjunction with their colleagues and with colleagues of other professions in a spirit of professional cooperation that serves the well-being of client systems.

5.3.2 Confidentiality

- (a) Social workers should respect confidential information shared by colleagues in the course of their social work relationships, interactions and transactions.
- (b) Social workers should ensure that their colleagues understand a social worker's obligation to respect confidentiality and any relevant exceptions to this.
- (c) It is imperative for a social worker to seek written and informed consent of the client prior to disclosing confidential information regarding the client with colleagues or other social workers. This may also include supervision.

5.3.3 Interdisciplinary collaboration

- (a) Social workers who are members of an interdisciplinary team should participate in and contribute to decisions that affect the well-being of clients by drawing on the perspectives, values, experiences and research of other members of the team. The ethical obligations of social work, the interdisciplinary team as a whole and of its individual members should be clearly established.

- (b) Social workers for whom a team decision raises ethical concerns should attempt to resolve the concerns through appropriate organisational channels.
- (c) If the concerns cannot be resolved, social workers should pursue other avenues such as consultation with the Professional Board for Social Work/South African Council for Social Service Professions or seek legal opinion, to address their concerns consistent with clients' well-being.

5.3.4 Criticism and disputes involving colleagues

- (a) Social workers should not take advantage of a dispute between a colleague and an employer to obtain a position or otherwise advance his/her own interests. The best interests of clients should be served at all times and the employer should be served with loyalty.
- (b) Social workers should not exploit clients in disputes with colleagues or engage clients in any inappropriate discussion of conflicts between social workers and their colleagues.
- (c) Criticism of and differences between colleagues should be resolved according to the authority structure of the employer.
- (d) Social workers should protect and defend colleagues against unfair criticism.

5.3.5 Consultation

- (a) Social workers should seek the advice and counsel of colleagues whenever such consultation is in the best interest of the client. Consultation with a colleague would provide a perspective in terms of how a reasonable social worker would act in a particular/given situation, however, approval of the client should be sought by the practitioner before consultation.

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

- (b) Social workers should keep themselves informed about colleagues' areas of expertise and competencies. Thus, consultation should be sought only from colleagues who have demonstrated knowledge, expertise and competence relevant to the subject of the consultation.
- (c) When consulting with colleagues regarding clients, social workers should disclose as little information as is necessary in order to achieve the purposes of the consultation.

5.3.6 Referral for services

Referrals should be undertaken in line with the organisation's policies and procedures.

- (a) Social workers should refer clients to other social workers when other social workers' specialised knowledge or expertise is needed to serve clients fully or when social workers believe they are not being effective or making reasonable progress with clients and that additional services are required.
- (b) Referrals and consultations should be made subject to other relevant considerations, including legal and contractual obligations.
- (c) Social workers who refer clients to colleagues or other social workers should take appropriate steps to facilitate an organised, orderly and professional transfer of responsibility (written not verbal transfer).
- (d) Social workers who refer clients to colleagues and/or other social workers should disclose, with clients' written consent, all pertinent information to the new service provider.
- (e) Social workers are prohibited from giving or receiving payment for a referral.

- (f) The performance of acts belonging to a field other than the social service professions, including psychometric testing for purposes of diagnosis and therapy, is regarded as unethical, unless the social workers are appropriately qualified and legally authorised to do so by the Professional Board for Psychology. However, social workers are allowed to use ecometric measuring instruments provided they meet the requirements of the South African Council for Social Service Professions.
- (g) The prevention of a client from procuring advice or assistance from another person who is authorised by law to advise or treat persons concerning their social well-being could be regarded as unprofessional conduct.

5.3.7 Supersession

- (a) Supersession by another practitioner without taking reasonable steps to inform the practitioner originally in charge of the case, in cases where he or she should be aware that the client is receiving services from another social worker, could be regarded as unprofessional conduct.
- (b) A social worker should not accept a client of a colleague unless –
 - (i) the said colleague is not available and the required services cannot be kept in abeyance; or
 - (ii) the colleague consents to it or
 - (iii) the colleague's services have been terminated by the client without encouragement from the social worker: Provided that the explanation to a prospective client that services may not be rendered/provided to him or her unless and until he or she has terminated the services of the colleague shall not be regarded as encouragement.

- (iv) In the event of statutory services, the social worker should contact the social worker or agency already involved in the case to ascertain its status and whether statutory services must still be provided by the original social worker or agency. All reasonable measures must be taken to ensure consensus as to which social worker/agency should continue with the services. Should such consensus not be possible, the second social worker or agency may submit a report to the court clearly marked as a second opinion, and must ensure that the original social worker or agency is informed timeously of all actual and intended court proceedings/hearings.
- (c) The fact that a social worker has previously also been involved in the management of the case of a colleague's client shall not detract from the provisions of paragraph (iii).

5.4 Social Workers' Ethical Responsibilities in Practice Settings

This section refers to the *Rules relating to the course of conduct* that concern an employer and a social work setting.

- 5.4.1 Supervision/management and consultation
 - (a) Social workers who provide supervision or consultation should have the necessary knowledge and skills to supervise or consult appropriately and should do so only within their areas of knowledge and competence.
 - (b) Social workers who provide supervision or consultation are responsible for setting clear, appropriate and culturally sensitive boundaries.
 - (c) Social workers should not engage in any dual or multiple relationships with supervisees where there is a risk of exploitation of or potential harm to the supervisee.
 - (d) Social workers who provide supervision should evaluate supervisees' performance in a manner that is fair and

respectful as well as record what transpired during supervision or consultation sessions.

- (e) The supervisor could be held liable in an instance where a complaint of alleged unprofessional conduct is lodged against the supervisee/social worker.
- (f) A social worker should be supervised on social work matters by a supervisor who is registered as a social worker.

5.4.2 Performance evaluation

Social workers who are responsible for evaluating the performance of others should fulfil this responsibility in a fair and considerate manner and on the basis of clearly stated criteria.

5.4.3 Client records

- (a) Social workers should take reasonable steps to ensure that records are accurate and reflect the services provided.
- (b) Social workers should include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.
- (c) Social workers' documentation should protect clients' privacy to the extent that is possible and appropriate and should include only information that is directly relevant to the delivery of services. Confidentiality must be ensured in line with the code of ethics.
- (d) Social workers should store records following the termination of services to ensure reasonable future access. Records should be maintained for the number of years required by state statutes and relevant contracts.

5.4.4 Billing

Social workers should establish and maintain billing practices that accurately reflect the nature and extent of services provided and that identify who provided the service in the practice setting. Billing should be done in such a manner that clients are not financially exploited.

5.4.5 Advocacy for sufficient resources

- (a) Social workers should advocate within and outside their agencies for adequate resources to meet clients' needs.
- (b) They should advocate for resource allocation procedures that are open and fair. When not all clients' needs can be met, an allocation procedure should be developed that is non-discriminatory and based on appropriate and consistently applied principles.
- (c) Social workers should take reasonable steps to ensure that adequate agency or organisational resources are available to provide appropriate staff supervision.
- (d) Social workers should take reasonable steps to ensure that the working environment for which they are responsible is consistent with and encourages compliance with the South African Council for Social Service Professions Code of Ethics. Social workers should take reasonable steps to eliminate any conditions in their organisations that violate, interfere with, or discourage compliance with the code of ethics.

5.4.6 Commitment to employers

- (a) Social workers should adhere to legislation, policies and procedures of employers.
- (b) Social workers should work to improve employing agencies' policies and procedures and the efficiency and effectiveness of their services.

- (c) Social workers should take reasonable steps to ensure that employers are aware of their ethical obligations as set forth in the South African Council for Social Service Professions code of ethics and of the implications of these obligations for practice.
- (d) Social workers should be encouraged to report discrepancies between the *Social Service Professions Act*, its regulations and rules and procedures and those of employers.
- (e) 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.

5.4.7 Labour-Management Disputes

- (a) Social workers may engage in organised action, including the formation of and participation in labour unions, to improve services to clients and working conditions.
- (b) The actions of social workers who are involved in labour-management disputes, job actions, or labour strikes should be guided by the profession's values, ethical principles, and ethical standards. Social workers should carefully examine relevant issues and their possible impact on clients before deciding on a course of action.
- (c) Social workers must always abide by the provisions of the *Labour Relations Act*. The following acts could be regarded as unethical/unprofessional behaviour:
 - (i) Doing damage to any property of the employer or a fellow employee
 - (ii) Participation in any action which is a threat to other employees or to participate in any intimidating action
 - (iii) Causing harm in any manner whatsoever to clients or potential clients

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

- (iv) Participating in secondary strikes, that is, striking action taken against the strikers' employer in sympathy of a strike at another employer who is engaged in a dispute with its own workforce, that are not in accordance with the provisions of section 66 of the *Labour Relations Act* of 1995
- (v) Participating in any act of violence during the cause of the strike
- (vi) Instigating or participating in an unprotected strike as defined in the *Labour Relations Act*
- (d) Social workers may not refuse without sufficient cause to provide social work services that they took on or for which they were employed.
- (e) A person registered in terms of the *Social Service Professions Act, 1978*, may not employ any person who is obliged to register in terms of this Act, knowing that such person has not been registered.
- (f) Social workers may not breach their contract of service or engage in behaviour that would justify their dismissal.
- (g) Practising or carrying on from his or her offices any business, trade, work or profession apart from the profession he or she belongs to, without the prior written consent of the South African Council For Social Service Professions/Professional Board for Social Work or contrary to a condition, if any, which such a consent is subject to could be regarded as unethical behaviour.
- (h) A social worker may not practise in partnership with a person who is not registered in terms of the *Social Service Professions Act* or share offices with such a person, except with the prior written consent from the South African Council for Social Service Professions/Professional Board for Social Work and subject to such conditions as may be determined.

5.5 Social Workers' Ethical Responsibilities to the Broader Society

This section refers to the Rules relating to the course of conduct that concerns the community.

5.5.1 Social Development

Social workers should promote the general development of society, from local to global levels and the empowerment of their communities and their environments. Social workers should advocate for living conditions conducive to the fulfilment of basic human needs and should promote social, economic, political and cultural values and institutions that are compatible with the realisation of social justice.

5.5.2 Public emergencies

Social workers should provide appropriate professional services in public emergencies to the greatest extent possible.

5.5.3 Social and political action

- (a) Social workers engage in social and political action that seeks to ensure that all people have equal access to the resources, employment, services and opportunities they require to meet their basic human needs and to develop fully. Social workers should be aware of the impact of the political arena on practice and should advocate for changes in policy and legislation to improve social conditions in order to meet basic human needs and promote social justice.
- (b) Social workers act to expand choice and opportunity for all people, with special regard for vulnerable, disadvantaged, discriminated against and exploited people, groups and communities.
- (c) Social workers promote conditions that encourage respect for cultural and social diversity within the Republic of South Africa and globally. Social workers should promote

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

policies and practices that demonstrate respect for difference, support the expansion of cultural knowledge and resources, advocate for programmes and institutions that demonstrate cultural competence, and promote policies that safeguard the rights of and confirm equity and social justice for all people.

- (d) Social workers act to prevent and eliminate domination exploitation and unfair discrimination against any person, group, or class on any basis including, race, ethnicity, national origin, colour, sex, sexual orientation, age, marital status, political belief, religion, socio-economic status or mental or physical disability.
- (e) Social workers should not unfairly discriminate against a client on any ground, including on account of social or economic status, colour, sex, sexual orientation, race, ethnicity, national origin, age, marital status, political belief, religion, mental disability, physical disability, socio-economic status, language or nationality.

6. IMPLEMENTATION

- (a) This document should be implemented indiscriminately – in all areas where social workers are rendering services.
- (b) Council will endeavour to provide training/presentations regarding the code of ethics guidelines with a view to ensuring understanding and empowerment of social workers regarding the content of the document. However, in terms of the *Social Service Professions Act*, No 110 of 1978, professionals are required to adhere to the codes of ethics at all times. Failure to do so may lead to a disciplinary inquiry.
- (c) The guidelines will be used in cases where complaints of alleged unprofessional conduct are received and as a reference manual for practitioners when faced with ethical challenges.

7. FAILURE TO COMPLY WITH THE CODE OF ETHICS: LEGAL IMPLICATIONS

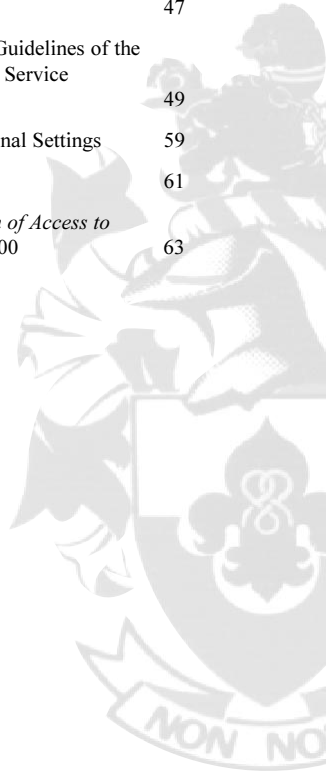
Social workers who do not abide with the principles, values, standards and guidelines as set out in this document may be subjected to inquiries in terms of the regulations regarding unprofessional conduct. The procedures for reporting, investigating and resolving complaints of unethical conduct are described in the *Regulations regarding the conducting of inquiries into alleged unprofessional conduct*. The actions that the South African Council for Social Service Professions may take for violations of the code of ethics include actions such as a reprimand and/or warning, a fine, remedial actions or supervision, and time-limited or permanent cancellation of professional practice registration.

8. EVALUATION OF POLICY DOCUMENT

This is a living document, therefore, it should be continuously evaluated to determine its feasibility, relevance and effectiveness.

ANNEXURES

Annexure A: Professionals Ethical Responsibilities as Social workers	47
Annexure B: HIV infection and AIDS Policy Guidelines of the South African Council for Social Service Professions	49
Annexure C: Confidentiality within Occupational Settings	59
Annexure D: A letter of protest (Guideline)	61
Annexure E: Information regarding <i>Promotion of Access to Information Act</i> , Act No. 2 of 2000	63





1. PROFESSIONALS' ETHICAL RESPONSIBILITIES AS SOCIAL WORKERS

1.1 Dishonesty, fraud and deception

Social workers should not participate in, condone, or be associated with dishonesty, fraud or deception.

1.2 Impairment

- (a) Social workers recognise that their personal problems and conflicts may interfere with their effectiveness as practitioners. They should not allow their personal problems, psycho-social distress, legal problems, substance abuse, or mental health difficulties to interfere with their professional judgment and performance or to jeopardise the best interest of people for whom they have a professional responsibility. If such a condition develops after a professional relationship has commenced and has been conducted in an appropriate manner, the practitioner shall notify the client in writing of the termination of services, and shall assist the client in obtaining services from another social worker.
- (b) Social workers have an obligation to be alert to the signs of personal problems and to obtain assistance for their personal problems at an early stage in order to prevent their performance being significantly impaired.
- (c) Social workers whose personal problems, psycho-social distress, legal problems, substance abuse or mental health difficulties interfere with their professional judgment and performance should immediately seek consultation and take appropriate remedial action by seeking professional intervention, making adjustments in workload, terminating practice or work-related duties until such time as their personal problems no longer impact on their work performance, or taking any other steps necessary to protect clients and others.

1.3 Misrepresentation

- (a) Social workers should make clear distinctions between statements and actions engaged in as a private individual and as a representative of the social service profession, a professional organisation, or their employing agency.
- (b) Social workers who speak on behalf of professional organisations should accurately represent the official and authorised positions of the organisations.
- (c) Social workers should ensure that their representations to clients, agencies, and the public of professional qualifications, credentials, education, competence, affiliations, services provided, or results to be achieved are accurate. Social workers should claim only those relevant professional credentials they actually possess and take steps to correct any inaccuracies or misrepresentation of their credentials by others.

1.4 Acknowledging credit

- (a) Social workers should take responsibility and credit, including authorship credit, only for work they have actually performed and to which they have contributed.
- (b) Social workers should honestly acknowledge the work of and the contributions made by others.

1.5 Continuing professional development

- (a) Social workers and supervisors should take reasonable steps to provide or arrange for continuing education and staff development for all their staff. Continuing professional development should address current knowledge and emerging developments related to the social service profession's practice and ethics.
- (b) The S A Council for Social Service Professions is in the process of implementing continuing professional development for the social workers to remain registered with the Council.

HIV INFECTION AND AIDS: POLICY GUIDELINES OF THE SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS

1. INTRODUCTION

HIV infection and AIDS are one of the most challenging matters that the authorities have to deal with in South Africa. This is due to the fact that individuals, families, groups and communities are affected by this pandemic in their totality. The effect of HIV and AIDS is broad and relates to the health, social and psychological well-being of those infected as well as their significant others and the communities in which they live.

HIV and AIDS is a sensitive issue and should be addressed with great caution. Caution is even more important when cognisance is taken of the fact that there are not always clear legislative guidelines to deal with the subject matter.

Through this policy the SA Council for Social Service Professions endeavours to provide social service practitioners with ethical guidelines to render professional social services to those infected and affected by HIV and AIDS.

2. PRINCIPLES

The South African Council for Social Service Professions has adopted the following principles and points of departure when social workers provide services to HIV positive clients, their families and communities:

- 2.1 Although infection with HIV and AIDS is incurable at present, AIDS is considered to be a manageable life-threatening disease. Social workers should, therefore, adopt a positive attitude to working with such clients, their families and their communities.
- 2.2 It will be regarded as unethical behaviour should a social worker refuse to provide services to HIV and AIDS infected or affected

clients because of the fact that the client concerned is HIV positive. This is regarded as discrimination against the client.

- 2.3 Maintaining client confidentiality regarding HIV status is an ethical obligation of the social worker. Confidentiality should be carefully managed in line with the guidelines provided in this policy.
- 2.4 The social worker has a primary responsibility towards the social well-being of the HIV positive individual. However, certain responsibilities toward significant others that might be in danger of contracting the disease from the individual cannot be ignored.
- 2.5 The fundamental human rights of the infected client should be upheld. Violation of these rights may be construed as unethical behaviour.
- 2.6 No social worker as an employer or otherwise should in any way whatsoever, discriminate against a colleague in the workplace who has contracted this disease.

3. CONFIDENTIALITY

3.1 Legislation

The *Social Service Professions Act*, No 110, of 1978. (The Act) or its accompanying rules and regulations does not provide for information on the disclosure or non disclosure of HIV status. However, the rules relating to unprofessional conduct are clear on how social workers should treat confidentiality with their clients. (See also paragraph 5.2.1 of the code of ethics).

The above clearly demonstrates the fact that in terms of the Act, there can never be any disclosure, without the express consent of the client or those legally responsible for the client's affairs. It is emphasised that the client's right to confidentiality regarding his or her HIV status must be maintained.

3.2 Guidelines for the management of clients with HIV infection or AIDS

A relationship of trust should exist between social workers and their clients. A member of the social service professions is required to be committed to good professional and ethical practices and overriding dedication to the good of one's fellow humans and society for life.

Keeping and maintaining confidentiality regarding HIV status in order to encourage clients with HIV to be tested and treated are supported. Just as HIV testing takes place with voluntary informed consent of the individual, disclosure of the confidential information of a client regarding HIV positive status should always be with the client's consent and justifiable in the circumstances.

3.3 Current law and SA Courts

It is clear that confidentiality of a client's HIV status should be maintained. In as far as disclosure of information to the sexual partner of a client is concerned, the South African Council for Social Service Professions is not aware of legislation compelling the disclosure of HIV status to third parties including the individual's partner.

The likelihood exists that the criminal courts may adversely decide against an individual who knowingly infects his or her partner with the lethal HIV virus and applicable positive findings may include conviction for attempted murder or assault with intention to do grievous bodily harm.

There is also a basis of civil liability on delictual grounds for non-disclosure and negligent infection of another person.

3.4 Disclosure of information regarding HIV status of a client

It is evident that the HIV positive status of clients must be treated at the highest possible level of confidentiality.

The social worker may not inform colleagues/other professionals of a client's HIV status without that client's written consent. The need for disclosure of information if required by colleagues/other professionals directly involved with the care of the client, must be discussed with the client in order to obtain consent for disclosures considered to be in the client's best interest in terms of care and service delivery.

Whilst admitting that there is no legal clarity regarding this matter, a social worker dealing with disclosure should probably use his or her discretion whether or not to divulge the information to other parties involved. This is particularly so when the client refuses to give consent and the client's sexual partner is at risk or danger. The following guidelines are suggested:

- Provide in-depth counselling to the client on the importance of disclosing to his or her sexual partner and taking other measures to prevent HIV transmission.
- Provide support to the client to make this disclosure.
- When the client still refuses to disclose his or her HIV status or refuses to consider other measures to prevent the infection, counsel the client on the social worker's ethical obligation to disclose such information to warn the sexual partner and request consent to do so.
- Inform the client that as a social worker you may have to breach confidentiality and disclose to the sexual partner his/her status and offer the client an opportunity to disclose to the partner with or without help.

If doubtful that the client disclosed his/her HIV status to the partner, put on record that the client informed you that he/she disclosed to the sexual partner his/her HIV status and request him/her to sign giving consent to the social worker to contact the partner or partners with a view to offering counselling to the partner or partners or to verify the client's communication in a non-discriminatory or embarrassing way.

**Policy Guidelines for Course of Conduct,
Code of Ethics and the Rules for Social Workers**

- When informing the client about the importance of disclosure, the client's attention should be drawn to the possibility of violence and other adverse consequences that such disclosure may hold in store for the client concerned as well as his or her significant others. Furthermore, the client should be informed of the accessibility of counselling services that can be made available to the client as well as those that are affected by the disclosure.
- However, the client's attention should also be drawn to possible liability on delictual grounds for non disclosure and negligent infection of another person as well as criminal prosecutions that may be instituted.
- Should a client persist in refusing to consent to disclosure, the social worker should request the client to do so in writing. The social worker should continue with vigorous counselling to win over the confidence and trust of the client with the intention or purpose of acquiring the client's confidence and consent to disclose at least to the sexual partner/s or anybody who may be at risk.
- As a last resort, and if there is a clear and imminent danger to the well-being of significant others or the community at large, the client should be informed of the social worker's intention to disclose the individual's HIV status to those that are in immediate danger unless the HIV positive person obtains an urgent court interdict to prevent the social worker from doing so. The client should be given a period of no more than three days to respond.
- Furthermore, if the client summarily terminates his/her relationship with the practitioner or disappears without trace after having been advised of the need to disclose his/her status to the partner/s, and the social worker is reasonably convinced that the termination or disappearance is linked to the client's reluctance or unpreparedness to disclose his/her status, the social worker should go ahead and disclose the status to the known partner or partners.
- It should be noted that the HIV status of a client should not be recorded in a file that could be accessible to others.

3.5 Informed consent

3.5.1 Definition

It is important to clarify exactly what is meant by informed consent. The verb of informed is "to inform". It, therefore, simply means that a person should be advised in detail of all the advantages, disadvantages and risks of a decision and therefore all the pro's and con's so that the person is fully informed when having to make a decision regarding consent. The present legal position, according to a decision of the Court, is that proper pre-counselling will be regarded as the minimum information required to constitute informed consent for an HIV/AIDS test. The same position should be upheld regarding the disclosure of an individual's HIV status.

3.5.2 General guidelines to obtain informed and written consent

- (a) Social workers should provide services to clients only in the context of a professional relationship based, when appropriate, on valid informed consent. It is recommended that social workers enter into a contract with a client as soon as possible and that this contract is in a written format.
- (b) Social workers should use clear and understandable language to inform clients of the purpose of services, risks related to the services, relevant costs, reasonable alternatives, the client's right to refuse or withdraw consent and the time frame covered by the consent.
- (c) Social workers should allow the clients to ask questions.
- (d) In instances where clients are not literate or have difficulty understanding the primary language in the practice setting, social workers should ensure that the client comprehends by providing them with a detailed verbal explanation.

- (e) In instances when clients lack the capacity to provide informed and written consent, social workers should protect their interests by seeking permission from legally authorised third parties. Social workers should ensure that the third party acts in a manner consistent with client's wishes and interest. Knowledge of the *Mental Health Care Act*, Act No 17 of 2000 and the *Child Care Act*, Act No 74 of 1983, is essential in determining the appropriateness of the signature or informed written consent. Social workers should take reasonable steps to enhance such client's ability to provide informed and written consent.
- (f) In instances where clients are receiving services involuntarily, social workers should provide information about the nature and extent of services including the extent of a client's rights to refuse service.
- (g) Social workers who provide services via the electronic media (such as computer, telephone, radio and television) should inform recipients of the limitations and risks associated with such services.
- (h) Social workers should obtain clients' informed and written consent before audio taping or video taping and interviewing clients or permitting observation of services by third parties.

3.6 Principle of clear and imminent danger

Clear and imminent danger implies that an individual, family, group or community may be at risk or in a position where grievous bodily harm could be done to them.

Social workers have in the first instance a responsibility towards their clients. However, should the well-being of significant others be in danger, the social worker has a responsibility to also protect those that may be at risk.

3.7 Collaboration with other professions

A social worker is not allowed to reveal the HIV status of a client to any other social worker whether or not working in a team context with other social workers concerned. The same principle applies to the supervisor of the social worker, the head of the relevant organisation or supporting staff working within the organisation.

3.8 Confidentiality in the practice setting

The HIV status of a client must not be recorded in anyway whatsoever. Similarly, the HIV status of a client must not be discussed during panel discussions, meetings, within the office without a written consent of a client.

Every staff member must be instructed in the importance of maintaining the privacy of clients. Every practice should have clear procedures to ensure client confidentiality. It is also the duty of the employer to ensure that these procedures are implemented. Social workers and staff should be careful not to disclose confidential information regarding their clients during conversations in the public arena, semi-public areas such as hallways, waiting rooms, elevators, or when communicating over the telephone.

The following is an example of an undertaking of confidentiality that should be signed by an employee of an organisation:

Address of employer

Dear

DECLARATION OF CONFIDENTIALITY

I (full name)
Identity number:..... hereby confirm that I understand that I may not make known any information of any kind whatsoever that has or may come to my attention as a result of my official duties to any unauthorised person whether verbally or in writing, without obtaining the prior approval to do so of the CEO/manager/supervisor/client. This is applicable after having left the employ of my current employer or any time in the future.

Yours sincerely

Signature:

Date:

4. OBLIGATIONS OF SOCIAL WORKERS AND EMPLOYING BODIES

- 4.1 An employer should have a clear policy statement regarding HIV/AIDS in the workplace.
- 4.2 The policy should clearly state that there will be no discrimination against an infected employee or employees who may be affected by being related or close to an infected person and that the principle of confidentiality will be upheld at all times should the infected or affected employee so desire.

5. CONCLUSION

Dealing with HIV and AIDS is a challenging matter and therefore social workers should acknowledge the fact that education and the further development of competencies to deal with infected clients and their significant others is imperative. This challenge relates not only to service delivery to infected clients, but also to the facilitation of prevention programmes to combat this pandemic.



CONFIDENTIALITY WITHIN OCCUPATIONAL SETTINGS

A question relating to confidentiality within the workplace when both the client and the social worker are employed by the same employer often arises. The question relates to whether it could be regarded as unethical behaviour if the social worker discloses confidential information regarding the client/employee to the head or management who employ both the client and the social worker, should the employer request the social worker to do so. In dealing with this matter, the following principles should guide the conduct of the social worker:

- The general rules relating to confidentiality as contained in the code of ethics apply.
- The relationship between the social worker and the employer regarding the confidentiality of information obtained from employees must be embedded in the service contract between the social worker and the employer.
- The written contract between the client and the social worker should clearly address the precise manner in which the principle of confidentiality will be implemented, with specific reference to the social worker's responsibilities towards both the employer and the employee.
- If the service contract of the employee (not the social worker) determines that the employer must subject him or herself to the services of the social worker when in the best interest of the employer as well as the employee, and if the employer agreed to this, such disclosure could be regarded as compelling the social worker to disclose the information.
- However, in disclosing information to employers, social workers should disclose only those facts that are of relevance to a specific circumstance and that are required for the successful management of the organisation. As far as possible, the consent of the client should be obtained for the facts to be disclosed and the importance of this should

be explained to the client. The disclosure of the information should be directed to the specific manager concerned and its sensitivity emphasised.

- Under no circumstances is gossiping allowed about co-employees being clients of social workers and social workers are obliged to promote this principle vigorously.



A LETTER OF PROTEST (GUIDELINE)

Date:

TO WHOM IT MAY CONCERN

At the outset I wish to make it clear that in responding to the subpoena to hand over my notes and information regarding (your client's name) to the registrar of the High Court/Magistrate's court, and to give evidence, I am doing so **under protest**.

(Name of social worker)'s reluctance to hand over these documents and to give evidence are based on the following reasons/facts:

1. **Example:** *(Name of Social worker) has the responsibility to provide client X with a safe, confidential and healing space in which he or she can express him or herself freely on anything that may be troubling to him or her.*
2. **Example:** *The breaching of this confidentiality amounts to nothing short of betrayal of my client.*
3. **Example if it is a child involved:** *Example where a child is involved: The Constitution holds as paramount, in all matters affecting children, the best interests of the child. Social worker X does not believe that such a breach of confidentiality would be in (client name)'s best interests.*
- 4.
- 5.

(Name of social worker) does not wish in any way to obstruct the course of justice. However, should the court deem it necessary to obtain this information, (social worker) would be prepared to meet privately with the Family Advocate/Magistrate on the understanding that he or she does not disclose the details of (social worker's)'s reports and notes but utilises them as a means to make recommendations. The said proposal would serve the best interest of (social worker's) client.

**South African
Council for Social Service Professions**

Name of social worker:

Qualification(s):

South African Council for Social Service Professions Registration
Number:

Private Practice Number:



**INFORMATION REGARDING PROMOTION OF ACCESS TO
INFORMATION ACT, ACT NO. 2 OF 2000**

The purpose of this Act is to promote a culture of transparency and accountability. In terms of this Act information held by the state and private bodies can be requested and accessed. This includes any person or partnership involved in a professional social service.

Any information that has been written down or recorded in some or other manner can be requested and accessed. When information is requested from the State, the requester need not provide any reasons for doing so. When information is requested from a private person or body, the requester needs to indicate why the information is needed to protect one of his or her rights. (*The Bill of Rights* can be referred to in the *Constitution*).

There are two categories of people who can request information, namely, personal requesters who have a personal interest in the information because the information is about him or her, i.e client, and there are third party requesters.

Grounds for refusal of information

(i) Right to Privacy

A request can be denied if someone's right to privacy will be undermined.

(ii) Safety of Individual or Property

The safety of individuals should not be compromised by disclosure of information.

(iii) Law Enforcement

Law enforcement should not be compromised by the disclosure of information, for example when the matter is sub judice.



GLOSSARY

The Glossary is an addition to "Definitions" as contained in the *Rules relating to the Course of Conduct*.

Terms in this document will have the following meaning:

Advertisements – refers to any form of communication, public appearance or introduction which has or may have the effect, directly or indirectly of a social worker in his or her capacity as such, or his or her practice or his or her services or the efficiency thereof being publicised, or clients being solicited, and "advertise" has a corresponding meaning.

Client systems – refers to an individual, family, group or community, directly or indirectly, receiving/utilising services from a practitioner in his or her professional capacity or from an organisation and where a verbal or written contract has been entered into.

Colleague – refers to any other social service professional in respect of which a professional board has been established.

Continued Professional Development (CPD) – refers to a statutorily determined process that requires persons registered with the South African Council for Social Service Professions to obtain a specified number of points by attending or participating in activities of a professional nature in order to remain registered with South African Council for Social Service Professions.

Employer – refers to any person who employs or provides work to a social worker in a professional capacity and remunerates the social worker expressly or tacitly undertakes to remunerate, or permits a social worker to assist in any manner in the carrying on or the conducting of a social work practice.

Other professionals – refers to the persons registered with other Statutory Councils.

Partner (*not referring to sexual partner in Annexure B*) – refers to a colleague or any other person with whom a social worker enters into an agreement jointly to conduct a practice to their mutual benefit and "partnership" has a corresponding meaning.

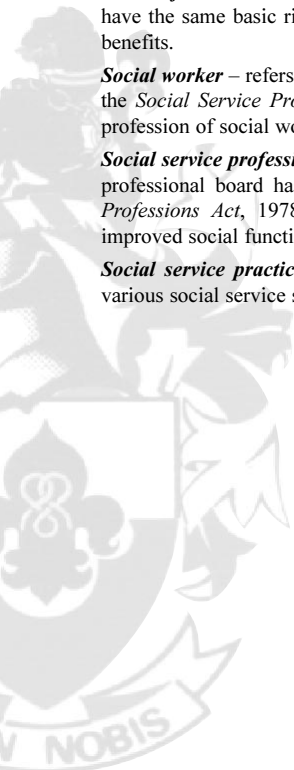
Practice settings – refers to an employer who is a social worker or who employs social workers to provide social work services

***Social justice** – refers to the ideal condition in which all client systems have the same basic rights, security, opportunities, obligations and social benefits.

Social worker – refers to the duly registered person authorised in terms of the *Social Service Professions Act*, Act No 110 of 1978 to practice the profession of social work.

Social service professions – refers to all professions in respect of which a professional board has been established in terms of the *Social Service Professions Act*, 1978, to provide professional services aimed at the improved social functioning of people.

Social service practice – refers to social workers providing services in various social service sectors.



REFERENCES/SOURCES

The South African Council for Social Service Professions herewith wishes to acknowledge the contributions made by the following individuals, organisations, associations, statutory bodies, whether in person or through documentation obtained from them:

1. Personal Contributions (Drafters and Committee Members/ South African Council for Social Service Professions)

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1.3 Members of the SACSSP

Council members

2. Literature

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5. Organisations

- 5.1 Department of Social Development
- 5.2 Department of Correctional Services
- 5.3 University of the Witwatersrand