



Social Workers
Registration Board

Kāhui Whakamana Tauwhiro

code of conduct guidelines

for social workers

V1.0 - August 2008

Guidelines to Support the Code of Conduct for Social Work Practice in Aotearoa New Zealand

Introduction

These guidelines have been prepared by the Social Workers Registration Board to support the implementation of the Code of Conduct for Social Work Practice in Aotearoa New Zealand. The Board issued the Code of Conduct in May 2005, in accordance with section 105 of the Social Workers Registration Act 2003. The Code of Conduct sets the minimum standards of professional behaviour, integrity and conduct that apply to registered social workers and that should apply generally to the social work profession.

The guidelines have been developed to provide complementary information to assist social workers and their employers to understand how the Code of Conduct may be applied and interpreted in practice. It is important that the guidelines are not viewed as a substitute for the Code of Conduct; rather they provide a useful supplement, addressing common areas of practice concern.

The Code of Conduct remains the definitive standard setting document and provides the basis for disciplinary proceedings enacted under the provisions of the Social Workers Registration Act 2003.

The social work context

Social work practice takes place within a complex environment. Social workers operate in a variety of settings including public service organisations, private practice and the voluntary sector. Social workers interface with a range of other professionals in the broad social service, health, education and justice sectors. Social workers may also be engaged in research activity, policy development, training, supervision and consultancy.

In most cases, individual social workers will be governed by a set of formal and/or informal policies and practice guidelines developed by the organisation within which they work. In addition, many social workers are required to comply with codes of conduct particular to their employer, or to a related profession (e.g. the Department of Child, Youth and Family Services has a code of conduct for all employees).

Social work practice also takes place inside a legislative framework. Some legislation has a broad application (e.g. the Privacy Act 1993), while other provisions are specific to a particular context (e.g. public sector organisations such as the Department of Child, Youth and Family Services and District Health Boards are subject to provisions of the Public Finance Act 1989, which regulates the use of public resources). All New Zealand legislation can be accessed at www.legislation.govt.nz.

The complexity of the social work environment means that the application of the Code of Conduct will not always be straightforward. While the Code of Conduct is broadly consistent with related professional codes of conduct and key legislative provisions, there may be circumstances in which social workers and their employers will be required to balance a number of interests.

Shared responsibilities

The responsibility for the implementation of the Code of Conduct is a shared one. Employers and their social work staff each have roles to play in the effective application of the Code of Conduct.

Employer responsibilities

In the broad employment context, employers have a number of legal responsibilities to protect and support their employees:

- The Health and Safety in Employment Act 1992 aims to promote the prevention of harm to all people at work and others in, or in the vicinity of, places of work. The Act has very broad coverage, and applies to all New Zealand workplaces, placing duties on employers, the self-employed, employees and others. The volunteer workforce is also covered by the Act. The law places an emphasis on the systematic management of health and safety at work. It requires employers and others to maintain safe working environments, and implement sound practice¹.
- The State Sector Act 1988 places legal requirements on public sector organisations to be 'good employers'. This requirement includes the operation of a personnel policy containing provisions for "good and safe working conditions" (section 56).
- Under the Children, Young Persons and Their Families Act 1988, the Chief Executive of the Department of Child, Youth and Family Services has specific statutory obligations in relation to the provision of social work services, including to ensure that "persons providing services under this Act receive adequate training and comply with appropriate standards" (section 7(2)(f)).

In the social work context, employers have a responsibility to ensure that the social workers they engage² are adequately supported to comply with the standards of behaviour established in the Code of Conduct. In the first instance, this is likely to involve raising awareness of the existence of the Code of Conduct and its application within the particular employment context. In many larger organisations this may form part of a broader 'induction' process for new employees.

¹ www.osh.govt.nz

² This includes engagement in either a paid or voluntary capacity.

Employers also have a responsibility to develop and maintain a work environment that supports social workers to uphold the required standards of personal and professional conduct.

This may be achieved in many ways including the:

- development of practices and policies to support specific areas of focus (e.g. training policies, record keeping practices)
- effective use of peer support and supervision
- development of internal conflict resolution and misconduct procedures
- establishment of appropriate levels of resourcing (e.g. to facilitate competent practice, to allow for the use of interpreters, to support ongoing professional development)
- identification of external resources to support good practice (e.g. cultural advisors, or relevant professional bodies).

It is particularly important to ensure that employees are provided with the necessary support to address potential tensions that may arise between provisions within the Code of Conduct, or between the Code of Conduct and other governing policies and legislative provisions. Employers may facilitate this through the development of clear procedures for issue resolution and the identification or development of appropriate resources (e.g. the use of supervisors or external mentors, cultural advisors, privacy officers etc).

We acknowledge that many smaller organisations, including those operating in the private and voluntary sectors, will have more limited resources. While this presents challenges, employees may find it difficult to comply with the provisions of the Code of Conduct without the support of their employers. All employers are encouraged to think creatively about the ways in which resources may be accessed and/ or shared for mutual benefit (e.g. reciprocal or shared supervision arrangements, sharing of internal policies or procedures, access to public information such as that provided by the Privacy Commissioner and use of professional bodies such as the Aotearoa New Zealand Association of Social Workers).

Social worker responsibilities

Social workers are accountable for their professional practice and personal behaviour. While employers have a duty to support social workers to comply with the Code of Conduct, employees have a reciprocal duty to ensure that they take personal responsibility for their behaviour and strive to work in accordance with both the objectives of the Code of Conduct, and those of their employing organisation.

Where tensions exist between the policies or practices of employers and the standards of behaviour prescribed in the Code of Conduct, social workers should, in the first instance,

ensure that the employer is aware of these and attempt to resolve the conflicts using appropriate internal procedures. In situations where solutions cannot be negotiated, advice and information may be available from a number of groups, including professional associations such as the Aotearoa New Zealand Association of Social Workers (ANZASW) and employee representatives.

Social workers are encouraged to reflect on their practice with reference to the Code of Conduct. Critical reflection fosters a heightened self-awareness and can assist practitioners to develop new strategies in response to challenging situations. Reflective practices may be supported through formal and informal discussions with colleagues and supervisors.

To uphold standards of personal conduct and act with integrity

This section of the Code of Conduct:

- establishes that it is the individual social worker's responsibility to refrain from any behaviour that would compromise their ability to work with clients in a fully professional and caring manner; or put their own, or the profession's, reputation in danger
- requires social workers to be aware of, and respond appropriately to, actual or potential conflicts of interest
- requires social workers to ensure client involvement in identifying and resolving conflicts of interest; and to make clients aware of the complaints procedures available to them.

Social workers need to be especially aware of anything that could impair their objectivity and professional judgment (e.g. transference and counter-transference), and any behaviour that carries the risk of potential harm to the client. In particular, social workers should avoid any behaviour that carries the risk and/ or appearance of exploiting a client.

Self-reflection is central to effective social work practice. Social workers must be aware of their own biases and values and how these may influence their judgments. These biases and values may be cultural, ethical, political, religious, or professional.

Resolution of difficulties in interpreting or complying with the obligations under the Code of Conduct

When resolving a difficulty in interpreting or complying with obligations under the Code of Conduct it is important to:

- ensure decisions are based on full and relevant information
- apply the principles of natural justice³
- be as open as confidentiality requirements allow
- ensure decisions are based on an understanding and careful consideration of any ethical issues involved
- exercise duty of care ⁴
- be accountable for decisions taken.

In most cases it will be important to consult with colleagues, supervisors or other competent professionals. In addition to bringing an independent, informed perspective to the resolution of an issue, consultation demonstrates openness. When dealing with a situation outside the social worker's experience or expertise, such consultation is essential.

A sound process will enable a social worker to show the basis of a decision and the factors considered. This is important, as a social worker may be called upon to justify a decision, particularly when there are competing interests or ethical tensions involved.

Dealing with complaints

The Code of Conduct requires social workers to advise clients who are dissatisfied with the level, nature and /or quality of the service being provided, of the procedures for laying a complaint against the social worker or employing organisation. In some cases there will be a range of procedures available, including taking a grievance to the Registrar of the Social Workers Registration Board. Consumers wishing to complain about social workers can also complain to the Health and Disability Commissioner⁵.

Clients should be made aware of all relevant avenues of complaint. However, it is appropriate to objectively explain the different emphases of the various complaint mechanisms available, to avoid unnecessary escalation of issues that can be satisfactorily resolved through simple mechanisms.

³ Put simply, "natural justice" is about fairness of procedure. Many of the principles of natural justice are enshrined in statutes. Most notably, section 27 of the Bill of Rights Act 1990 provides for every person to have the right to the observance of the principles of natural justice by every tribunal or public authority. It also provides the right to judicial review of any determination by a tribunal or public authority that affects those rights, obligations or interests that are protected or recognised by law. For a detailed discussion of the principles of natural justice and the implications for practitioners see <http://www.justice.govt.nz/pubs/reports/2004/bill-of-rights-guidelines/section27.html>

⁴ In simple terms, the duty of care requires a social worker to assess the risks associated with an act or omission and to take reasonable steps to minimise those risks.

⁵ Under the Health and Disability Commissioner Act 1994, registered social workers are specifically included in the definition of "Health Professionals".

To provide services at a competent level of professional practice

This section of the Code of Conduct acknowledges that providing services at a competent level of professional practice is dependent on a mix of:

- an individual social worker's skills, knowledge, experience, ethical value base and competence
- the involvement of other providers and professionals as necessary
- responsiveness to the client's individual circumstances (e.g. supporting a client's cultural identity)

Maintaining and developing skills, experience and competence relies, in turn, on ongoing professional development and supervision, combined with an open and reflective approach.

Supervision

ANZASW has adopted a policy statement on supervision that sets out a series of principles of supervision, the purposes of supervision, its different forms and the expectations of supervisors and supervisees. The Association has also established its own expectations on the frequency of supervision. The statement can be accessed at www.anzasw.org.nz.

Many agencies have their own supervision policies. For example, the Department of Child, Youth and Family Services has established a detailed Professional Social Work Supervision Policy that establishes four objectives for supervision:

- competent, accountable performance/ practice
- continuing professional development
- personal and professional support and safety
- engaging the individual with the organisation, its purpose and its outcomes.

Requirements for Registered Social Workers' Annual Practising Certificates include regular supervision commensurate with the level and focus of practice and years of experience. The Board is currently developing guidelines on supervision to support the Annual Practising Certification process. To read the full policy statement on supervision please go to www.swrb.org.nz.

Supervision is not just about casework management. Good supervision: provides the opportunity to reflect critically on current practice; supports professional staff development and practice competence; ensures adherence to social work ethics; and provides a context for continued values clarification and the exploration of ethical dilemmas and cultural issues.

Larger employers of social workers are able to establish detailed supervision policies and support structures. However, supervision is so fundamental to providing competent professional social work services that all employers must provide supervision, even if it requires them to look outside of their own organisation for supervisors.

Cultural identity and integrity

Under the Code of Conduct, social workers are expected to understand and, as far as practicable, support the client's cultural identity and integrity. Guidance on the recognition of, and responsiveness to, cultural identity can be accessed in a variety of ways. ANZASW has developed a Bicultural Policy as part of its Code of Ethics. Individual agencies often have their own policies and processes. These include publications setting out an agency's strategies and commitments to different cultural groupings (and to identified groups such as people living with a disability). Many agencies also provide access to cultural advisors or panels.

The Code of Conduct also requires a social worker to ensure that their client is able to understand the language being used and, if language comprehension is limited, to use a qualified interpreter. Some agencies have specific policies on the use of interpreters and processes for accessing interpreter services.

Care should always be taken to ensure an interpreter is acceptable to the client. Careful consideration should also be given to the use of family members as interpreters. In most circumstances, it will be preferable to use an independent, qualified interpreter.

Comprehensive advice on hiring and working with trained interpreters is available on the Office of Ethnic Affairs' website www.ethnicaffairs.govt.nz. The website outlines a range of situations where there is a formal statutory or administrative requirement to use translators. Examples include specific obligations on any persons taking action under the Children Young Persons and their Families Act 1989; providers covered by the Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996; Courts, when considering either criminal or Child Youth and Family cases; and the Police. There is also discussion about the general application of the Human Rights Act 1993. More comprehensive information about the application of the Human Rights Act can be found at the Human Rights Commission's website www.hrc.co.nz.

Other social workers' practice

The Code of Conduct requires that registered social workers becoming aware of a colleague's negligence, unethical behaviour or misconduct should address the matter through established organisational or legal channels. Most agencies have established procedures for dealing with such matters.

The approach taken may vary according to the circumstances, but the simplest approach will often be to refer the matter to the level above those directly involved. This will often

mean simply alerting your manager. Where this is not appropriate, the issue would normally be raised with the appropriate manager at the next level up within the organisation.

In cases of serious negligence, unethical behaviour or misconduct, you should alert your manager to the requirement to bring such cases to the attention of the Social Workers Registration Board. In such circumstances it would be reasonable to expect your manager to inform you whether the situation was, in fact, determined to be a case of serious negligence, unethical behaviour or misconduct and, if so, to confirm the Board had been notified.

In some circumstances, the provisions of the Protected Disclosures Act 2000 may be relevant. This Act (sometimes referred to as the “whistleblower’s” legislation) seeks to facilitate the disclosure and investigation of matters of “serious wrongdoing” in or by an organisation. It also protects employees who, in accordance with the terms of the Act, make disclosures of information about “serious wrongdoing” in or about the organisation by which they are employed.

The Act applies to serious wrongdoing whether it occurred before or after 1 January 2001 when the Act became law. Serious wrongdoing includes unlawful, corrupt, or irregular use of public funds or resources; conduct that poses a serious risk to public health or safety, the environment, or maintenance of the law (including the prevention, investigation and detection of offences and the right to a fair trial); conduct constituting an offence; and conduct by public officials which is grossly improper.

The Ombudsmen’s functions under the Act include providing an employee who has made, or is considering making, a protected disclosure, information and guidance. More detail on the Act and the Ombudsmen’s role can be accessed at www.ombudsmen.govt.nz.

The Human Rights Commission also has a statutory role under the Protected Disclosures Act. The Commission can deal with situations where people are victimised because they intend making or have made a disclosure, or have provided evidence or information, under the Act. In such cases the person can complain to the Human Rights Commission. More detail can be found at the Commission’s website www.hrc.co.nz.

To respect and uphold the civil, legal and human rights of clients

The practice of social work encompasses a commitment to upholding the rights and interests of individuals, while working to enhance their well-being. The Code of Conduct requires social workers to safeguard the rights and interests of their clients, including those who have a limited capacity to act for themselves. However, there will be situations in which the rights and interests of a client may be outweighed by the interests of others, or by legal obligations⁶.

⁶ The test for deciding whether a public authority or agency operating pursuant to a law can infringe the right to be free of discrimination is found in section 5 of the New Zealand Bill of Rights Act 1990. The limitation must be considered to be reasonable in a “free and democratic society”. This involves a number of considerations including whether the limitation is designed to address a significant objective, is sufficiently connected to that objective and is the least intrusive way of achieving it. For the most part, social workers will be working under legislation such as the Children, Young Persons and their Families Act 1988 and the powers conferred under such legislation will be considered appropriate in terms of the Bill of Rights. However, section 5 serves as a continual reminder of the importance of the right or freedom that is restricted.

It is also important to recognise that the maintenance of a client's civil, legal and human rights is a very broad requirement. While social workers may be expected to operate in a way that works towards this objective, they cannot be reasonably expected to address every aspect of the client's rights. However, social workers may fulfil this requirement by making appropriate referrals and providing clients with relevant information about access to other services (e.g. legal assistance available through a community law centre).

The International Federation of Social Workers (IFSW) provides some important reference material on client rights. The Federation has published two manuals: "Human Rights and Social Work" and "Social Work and the Rights of the Child".

The Federation has also developed "Ethics in Social Work, Statement of Principles" in conjunction with the International Association of Schools of Social Work (IASSW). The Statement identifies a number of international instruments as particularly relevant to social work practice and action. These are:

- The Universal Declaration of Human Rights
- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The United Nations Convention on the Elimination of all forms of Racial Discrimination
- The United Nations Convention on the Elimination of all forms of Racial Discrimination against Women
- The United Nations Convention on the Rights of the Child
- The Indigenous and Tribal Peoples Convention (ILO Convention 169)

Further details can be accessed at www.ifsw.org.

Although it is currently only in draft form, the UN Disability Convention will also have an impact on social work practice as it is designed to ensure that disabled people have access to all the rights in other international instruments in the same way that non disabled people do.

Important rights under the Code of Health and Disability Services Consumers' Rights include the right to services of an appropriate standard, the right to be treated with respect, dignity, independence and freedom from coercion, harassment and exploitation.

The ANZASW Code of Ethics booklet is also a useful reference for consideration of human rights obligations in the New Zealand context.

Self determination

The Code of Conduct requires social workers to promote the self-determination and autonomy of clients, while recognising that there may be circumstances in which clients are not able to act for themselves.

In some instances, it may not be immediately clear who the 'client' is. This is particularly the case where a social worker is working with multiple clients (e.g. a whanau/family group), or when there is an element of 'compulsion' in the client relationship. The social worker has a duty to clearly establish, and clarify with all interested parties, the identity of their primary client.⁷

In all cases, consideration should be given to the capacity of the client to effectively participate in proceedings, and measures put in place to ensure that the client's views are established and taken into account. In some instances it may be necessary to engage additional support for clients who face barriers to self-determination, for example children and young people, individuals with diminished competence, or those facing language barriers.

Children, young people and those with reduced capacity

In the case of children and young people, care should be taken to explain proceedings in age-appropriate language, and to seek their views and opinions in all matters that affect them. Decisions taken in respect of children and young people must have the best interests of the child or young person as the primary consideration. (This practice is consistent with Article Three of the United Nations Convention on the Rights of the Child and section six of the Children, Young Persons and Their Families Act 1989⁸).

Adults with 'diminished competence' are protected under the provisions of the Protection of Personal and Property Rights (PPPR) Act 1988. Under this Act, the Family Court may make personal orders for the protection of adults⁹ where the person:

"Either lacks wholly or partly, the capacity to understand the nature, and to foresee the consequences, of decisions in respect of matters relating to their personal care and welfare; or have these capacities but totally lack the capacity to communicate decisions about their personal care and welfare"¹⁰.

⁷ The preamble to the Code of Conduct notes that the term client may refer to an individual adult or child, a family, whanau or aiga, a group, an organisation or part of an organisation.

⁸ Section 6 states: "In all matters relating to the administration or application of this Act (other than Parts 4 and 5 and sections 351 to 360), the welfare and interests of the child or young person shall be the first and paramount consideration, having regard to the principles set out in sections 5 and 13".

⁹ Defined as being at least 20 years old, or under that age and married or previously married.

¹⁰ The Protection of Personal Property and Rights Act 1988, A Reference Guide – Personal Orders, Welfare Guardians and Property Managers (2004). Available from the Ministry of Justice website: www.justice.govt.nz.

In particular, under section 12 of the PPPR Act an order may be made appointing a welfare guardian for an incapacitated person. Where a social worker considers that an adult client lacks the capacity to effectively take part in decision-making, or communicate decisions about their welfare, advice should be sought as to the existence of a welfare guardian, or whether to apply for one.

Further information on the PPPR Act may be found on the Ministry of Justice's website: www.justice.govt.nz.

(Refer also to the section on informed consent, below)

Right to Privacy

The Privacy Act 1993 applies to all agencies (including individuals) operating in the private and public sectors. This broad definition includes companies, government departments, incorporated societies and boards of trustees¹¹. The Act controls how agencies collect, use, disclose, store and give access to personal information. In particular, the Act establishes: what personal information an agency is allowed to collect; what the agencies responsibilities are to an individual about whom they are collecting information; and the means by which information may be collected.

Social workers should be familiar with the provisions of the Privacy Act, and must apply the principles established by the Act in their everyday practice. Further information about the Privacy Act 1993 can be found on the website of the Office of the Privacy Commissioner: www.privacy.org.nz.

Employers also have clear obligations under the Privacy Act. These include encouraging their employees to adhere to the Information Privacy Principles and other provisions of the Act. Individual organisations are encouraged to have clear policies in place to facilitate good practice. In the social work context, good practice includes ensuring that clients are informed of the situations in which other employees or professionals may have access to client records (including for supervisory or consultative purposes) at the commencement of the professional relationship.

The Act also states that each agency is responsible for ensuring that they have one or more identified privacy officers. Privacy officers work to encourage compliance with the Privacy Act; deal with requests for personal information; and work with the Privacy Commissioner when she is investigating complaints of "interference with privacy". The Office of the Privacy Commissioner has produced a number of fact sheets on different aspects of the Act. These are available on www.privacy.org.nz.

¹¹ There are some exceptions including Members of Parliament operating in their official capacity.

Confidentiality and use of information

The Code of Conduct requires social workers to inform their clients about the extent of confidentiality and circumstances in which disclosure of information may be required. The Code of Conduct limits the disclosure of information to circumstances in which the social worker determines that it is necessary to protect “the safety of a client or other person where legal or ethical requirements and/or exceptional circumstances occur”, and states that “whenever possible a social worker is expected to advise a client of such a circumstance”.

The decision not to advise a client of the disclosure of information requires careful consideration. This is likely to occur in very exceptional circumstances, such as when notifying the client of a disclosure would expose others to risk (e.g. in some child protection matters), or where there are specific legal requirements that prohibit such a disclosure.

The decision to disclose information without a client’s consent should be taken in consultation with senior colleagues and, where appropriate, other professionals.

Informed consent

Social workers have a responsibility to ensure that their clients understand that they have the right to make informed choices and to provide informed consent. These rights apply equally to decisions about the provision of services or treatments and the disclosure of information for teaching or research purposes.

The Code of Conduct requires social workers to recognise the rights of clients as established under the Health and Disability Commissioner’s Code of Health and Disability Services Consumer Rights Regulations (1996). This document establishes the rights of consumers of health and disability services and the duties of health and disability service providers. However, the principles established are equally applicable to much of the work undertaken by social workers.

The issue of informed consent is covered under Rights 6 and 7. The rights provide that, except in specified circumstances, services must only be provided to consumers/clients where they make an informed choice and give informed consent. The emphasis is on providing information and obtaining informed consent. Where a client is not competent to give informed consent, the service provider (social worker) should deal with the situation in terms of the provision under Right 7. Right 7 states that where a consumer has diminished competence, that consumer retains the right to make an informed choice and give informed consent, to the extent appropriate to his or her level of competence. It also specifies grounds to be considered where a consumer is not competent, such as the best interests of the consumer, and what would be most likely to be in accordance with the wishes of the consumer.

The Code of Health and Disability Services Consumer Rights Regulations (1996) may be accessed on the Health and Disability Commissioner's website: www.hdc.org.nz.

Termination of the relationship

Social workers may be obliged to end a relationship with a client for either personal or professional reasons (e.g. discovery of a conflict of interest, inability to provide services that meet the client's needs, or as the result of client complaint).

Where a social worker is obliged to terminate a relationship with a client, every effort should be made to protect the interests and needs of the client by facilitating a referral to an appropriate professional or service provider. In these circumstances social workers should advise the client of the intention to discontinue services and the reasons why and, wherever possible, provide them with options for the transfer of services.

Individual organisations should have policies in place to support and guide social workers through this process.

Ethics bodies/research issues

The Code of Conduct requires social workers undertaking research to obtain approval from an appropriate ethics body before undertaking a research project. Many organisations and sectors have ethics committees that oversee researchers' access to information about their clients and related business activities and provide professional perspectives on ethical issues. Examples of such research ethics committees include the Department of Child, Youth and Family's Research Access Committee and the Justice Sector Committee. Tertiary education institutions also have their own ethics committees.

The Ministry of Health has established seven Health and Disability Ethics Committees to provide ethical review of health and disability related research in New Zealand. In broad terms, all health and disability related research that involves human participants must be approved by one of the committees (refer to www.newhealth.govt.nz).

The Health Research Council (HRC) has its own Ethics Committee. The Council has developed extensive guidelines on ethics in health research which include information on other relevant ethics committees. These guidelines can be accessed at www.hrc.govt.nz.

General advice, including best practice guidelines on a range of subjects such as ethics, can be accessed at www.spear.govt.nz. The SPEaR site also provides information on sector contacts. The Association of Social Science Researchers (ASSR) and the Australasian Evaluation Society (AES) also have their own codes of ethics.

Maintenance of records

Maintaining and managing accurate and objective records covering interactions with clients is a fundamental part of good social work practice. The accurate documentation of practice decisions and interventions provides a clear record of the nature of social

work involvement with clients and progress in achieving established goals. Such records also support the continuity of services to a client in the event of a transfer of services to another professional. This may be particularly important in situations where social workers are operating as individual private practitioners.

Social workers should also be aware of the part that accurate record-keeping plays in any complaints procedures.

Social workers in the health and disability sector may refer to National Standard - New Zealand Health Record NZS 8253:2002 (www.standards.co.nz).¹²

Application of the Code

For the purposes of the Social Workers Registration Act 2003, a Registered Social Worker can only be considered to be guilty of professional misconduct for a breach of the Code of Conduct if the event occurred, or continued to occur, while the social worker was registered. However, events occurring prior to registration may influence the Board's assessment of whether a social worker is a fit and proper person to be registered, or to remain registered.

It is important to note that the Code of Conduct may apply to social workers that are not registered. For example, some individual employer codes of conduct require employees to comply with relevant professional codes of ethics or practice. The Social Workers Registration Act 2003 establishes the Code of Conduct for Social Workers as covering the minimum standards of integrity and conduct that are to "apply to Registered Social Workers and should apply generally in the social work profession".

Further, under Right 4(2) of the Code of Health and Disability Services Consumers' Rights, health care providers have a legal responsibility to comply with legal, professional, ethical and other relevant standards. This responsibility would include compliance with the Code of Conduct for Social Workers where relevant. The Code of Conduct constitutes a set of professional and ethical standards that all social workers have a legal obligation to adhere to (regardless of registration) in accordance with Right 4 (2) of the Code of Health and Disability Services Consumers' Rights.

Ongoing review of Guidelines

These Guidelines will continue to be reviewed by the Board to ensure their ongoing relevance, and to reflect issues that arise in practice. The Board welcomes comment on the guidelines, and the identification of issues that require further guidance.

¹² The aim of this Standard is to inform all practitioners and service providers within public and private healthcare services, residential facilities and other relevant services of the minimum requirements for health records. Particular emphasis is placed on individual provider responsibility in relation to the maintenance of consumer/patient confidentiality, maintaining record security and preventing unauthorised use.