

SOCIAL WORKERS REGISTRATION BOARD

Notes of the 4th Meeting of the Taskforce on Review of Code of Practice

Date: 11 April 2017
Time: 9:15 a.m.
Venue: Room HJ417, The Hong Kong Polytechnic University
Present: Mr. WONG Ka-ming (Acting Convenor)
Dr. CHENG Yuk-tin, Carl (co-opted member)
Dr. LAM Chiu-wan (co-opted member)
Dr. LEUNG Chuen-suen
Mr. LUN Chi-wai
Secretary: Mr. LEE Wing-po, Eric, Registrar and
Ms. FAN Lai-yee, Veronica, Assistant Registrar

Dr. Leung led the discussion of the meeting on behalf of the Convenor.

Confirmation of notes of last meetings

1. Members agreed to revise paragraphs 4(a) and 4(b) as follows:
 - (a) Paragraph 4(a) was replaced by “Relationship of the Code of Practice and RSWs may be considered from a communitarian perspective and so the function of Code of Practice would not only be regulatory or disciplinary”.
 - (b) Paragraph 4(b): “right of consciousness” was replaced by “right of conscience”.

Review and compare the Code of Practice of overseas countries with that of Hong Kong

2. Each individual Task Force member, having each studied one of the codes of practice of five overseas countries, namely, Canada, Australia, United States, Taiwan and United Kingdom, highlighted their findings as below:-
 - (a) Canada
 - (i) The following documents were reviewed:
 - (1) The Act of Canadian Association of Social Workers (2005) (The Act of CASW);
 - (2) The Code of Ethics & Standards of Practice of British Columbia College of Social Workers (with latest revision in 2016) (BCCSW); and
 - (3) The Code of Ethics & Standards of Ontario College of Social Workers and Social Service Workers (second edition with latest revision in 2015) (OCSW).
 - (ii) CASW is not a regulatory body and the Act of CASW is generic. Social work legislation is the responsibility of each province. Therefore, the Taskforce made reference to the Code of Ethics and Standard of Practice of BCCSW and OCSW.

The Code of Ethics / Standards of Practice of BCCSW is more comprehensive.

(b) Australia

- (i) The Code of Ethics of Australian Association of Social Workers (2010) (AASW) was reviewed.
- (ii) AASW is not a regulatory body.

(c) United States

- (i) The Code of Ethics of National Association of Social Workers (NASW) was reviewed.
- (ii) NASW is not a regulatory body.

(d) Taiwan

- (i) The code of ethics “中華民國社會工作師公會全國聯合會 社會工作倫理守則 (2008 年)” was reviewed.
- (ii) The association is a statutory body.

(e) United Kingdom

- (i) The Code of Ethics for Social Work (Statement of Principles and the Addendum) of the British Association of Social Workers (BASW)
- (ii) The Standards of Conduct, Performance and Ethics of the Health & Care Professions Council (HCPC).
- (iii) HCPC is the regulatory body of 16 professions in England.

3. The Committee made a comparison between Hong Kong and overseas countries in accordance with the following framework:

- (a) Structure
- (b) Preamble
- (c) Should do/should not do
- (d) Omissions/Others

(Mr. Wong arrived.)

4. Preamble

(a) Hong Kong

- (i) A document to fulfill legal requirements
- (ii) It is more like an introduction instead of preamble

(b) Canada

It includes the vision and mission of social work

(c) Australia

Aboriginal and Torres Strait Islander people are acknowledged

(d) United States

It includes the definition of social work as well as its functions and roles

(e) United Kingdom

It includes introduction and background highlighting the scope and objectives, ethics in social work and definition of social work.

5. Structure

(a) Hong Kong

(i) Seven basic values and beliefs

(ii) Principles and practices related to five categories: clients, colleagues, agency, profession and society.

(b) Canada

(i) The standard of practices from BCCSW includes four sections:

- (1) General
- (2) Adoption
- (3) Child Custody and Access
- (4) Technology & Social Work Practice

(ii) Eleven code of ethics from BCCSW but only six core values from CASW

(iii) Eight principles:

- (1) relationship with clients
- (2) competence and integrity
- (3) responsibility to clients
- (4) social work (and social service work) record
- (5) confidentiality
- (6) fees
- (7) advertising (not client related)
- (8) sexual misconduct

(iv) A section of interpretation listing out the details of each principle

(v) Footnotes is used to explain further details or list out exceptions

(c) Australia

(i) It has 5 sections:

- (1) Section 1: Context of social work including definition of social work, freelance, self-employed and practice of social work
- (2) Section 2: Context of code of ethics including purpose of the code e.g. members must make themselves aware of the contents of this Code and need to aware that the ethical responsibilities set out in section 5
- (3) Section 3: Social work values
- (4) Section 4: Ethical practice and decision making
- (5) Section 5: Ethical practice: responsibilities (it is similar to part 2 “Principles and Practices” of the Code in Hong Kong)

(ii) From sections 5.2 to 5.6, it includes the responsibilities of social workers to clients, to colleagues, in the workplace, in particular contexts and to the profession. The structure is similar to Hong Kong.

(d) United States

(i) It has 4 sections:

- (1) Purpose of code of ethics
- (2) Ethical principles based on six values including service, social justice, dignity, human relationships, integrity, competency
- (3) Ethical standards
- (4) Social workers’ ethical responsibilities to clients, to colleagues, in practicing settings, as professionals and to the society

(e) Taiwan

(i) The structure is similar to Hong Kong and the United States.

(ii) It includes sections of ethical responsibilities to clients, to colleagues, social work practice, as social work profession, to the profession and to the society.

(f) United Kingdom

(i) It includes:

- (1) Section 1 includes background and international definition of social work
- (2) Section 2 includes values (human rights, social justice, professional integrity) and ethical principles
- (3) Section 3 includes 17 ethical practice principles
- (4) Appendix: some working definitions of key terms

6. Should do / Should not do

(a) Hong Kong

“Should do” and “should not do” are mixed together in the document

(b) Canada

(i) Majority of the social work practices are presented as “should do”

(ii) The relevant sections of “should do”:

- (1) Section 1 Relationship with clients
- (2) Section 2.1 competence and 2.2.9
- (3) Section 3 Responsibility to Clients (except 3.3 & 3.4)
- (4) Section 4 Social work records
- (5) Section 5 Confidentiality (except 5.3)

(iii) The relevant sections of “should not do” :

- (1) Section 2.2 Integrity except 2.2.9 which promotes justice and advocate social change
- (2) Section 3.3 Not solicit clients for private practice and section 3.4 not discriminate clients
- (3) Section 5.3 Not disclose client’s information but subject to exception
- (4) Section 6 Not to charge or accept fee which is not fully disclosed, nor accept commission, rebate, other benefit etc
- (5) Section 7 Advertising
- (6) Section 8 Sexual misconduct

(iv) Present tense is used

(c) Australia

(i) Section 5.1 “General ethical responsibilities” includes both “should do” and “should not do”.

(ii) Sections 5.2 to 5.5 are about what social workers will do

(d) United States

(i) “Should not do” are mixed with “should do”

(ii) For example, Section 1.10 Physical Contact reads as “social workers should not engage in physical contact with clients when there is a possibility of psychological harm to the client as a result of the contact (such as cradling or caressing clients)”.

(e) United Kingdom

(i) Majority of contents are about “should do”

7. Omissions / Others

(a) Hong Kong

Revision is required for Section 45 “Independent Practice”

(b) Canada

- (i) Scope of practice defining what social work practice means and covers
- (ii) Glossary section defining related terms
- (iii) BCCSW has Bylaws defining what is “misconduct” and “incompetence”.
- (iv) Separate sections for “Technology and social work practice” and “Social work records”

(c) Australia

- (i) The following sections are good references
 - (1) Section 1 Context of social work
 - (2) Section 2.2 “ If a social worker’s behaviour or action is not outlined in this Code, then the general intent and principles will apply.”
 - (3) Section 5.2.4 (f) Information privacy / Confidentiality
 - (4) Section 5.4.2 Management
 - (5) Section 5.5.3 Self-employment
 - (6) Glossary of terms e.g. sexualized conduct
 - (7) Section 4 Ethical practice and decision making: “Tensions may occasionally arise between observing the Code and complying with legal or organizational requirements...if the law or organizational directives conflict with perceived moral obligations, a social worker should seek guidance from competent professionals, including the AASW Ethics Consultation Service.” (paragraph 4)
 - (8) Section 4 Ethical practice and decision making: “Social workers should be able to articulate their ethical decision making process, demonstrate clearly the factors considered and provide justifications to make themselves accountable for their decisions”. (paragraph 9)
- (ii) Some sections for example section 5.2.5 and 5.2.6 are too detail.

(d) United States

- (i) The code of Hong Kong is very similar to that of the United States in terms of structure and contents.
- (ii) It is comprehensive and detailed.
- (iii) The presentation is similar to regulations or law.

- (iv) Definitions are incorporated to the context
- (v) Apart from the structure, the following sections are good references:
 - (1) Purpose of the Code of Ethics: A code of ethics cannot guarantee ethical behaviour....Principles and standards must be applied by individuals of good character who discern moral questions and, in good faith, seek to make reliable ethical judgments (last paragraph).
 - (2) Section 2.09 Impairment of colleagues (related to colleagues)
 - (3) Section 3.10 Labour-management disputes (related in practice settings)
 - (4) Section 4.03 Private conduct (related to professionals)
 - (5) Section 4.05 Impairment (responsibilities as professionals)
 - (6) Section 5.01 Integrity of the profession (related to social work professional)

(e) United Kingdom

- (i) It adopts the international definition of social work.
- (ii) It highlights that values, theory and practice are interrelated in social work.
- (iii) Section 2 Values and ethical principles are described in detail and it is good reference for Hong Kong. It clearly defines and presents the values of human rights, social justice and professional integrity from different perspectives.
- (iv) The following sections in Section 3 Ethical practice principles are good references as the principles are described from generic to detail:
 - (1) Page 11 paragraph 2 states that “social workers should strive to carry out the stated aims of their employers or commissioners, provided they are consistent with the Code of Ethics. BASW expects employers....to ensure social workers can comply with the Code of Ethics and other requirements to deliver safe and effective practice.”
 - (2) Page 12 paragraph 2 Assessing and managing risk
 - (3) Page 13 paragraph 7 Empowering people
 - (4) Page 14 paragraph 8 Challenging the abuse of human rights
 - (5) Page 14 paragraph 11 Maintaining clear and accurate records
 - (6) Page 15 paragraph 12 Striving for objectivity and self-awareness in professional practice
 - (7) Page 15 paragraph 13 Using professional supervision and peer support to reflect on and improve practice
- (v) In Appendix, it clearly defines ethics and professional ethics, values and social work values, ethical principles, principles of professional practice, ethical standards or rules and professional practice standards.

8. After the sharing of observations and lengthy discussion, members came to the following

conclusions:

- (a) The two documents of the Board, namely the Code of Practice and the Guidelines on Code of Practice, would be combined into one.
 - (b) It is necessary to define clearly the positioning and the purpose of the code.
 - (c) The document serves as a practical guidance in respect of the professional conduct of social workers and on the other hand, it is used as a basis for adjudication when the social worker have violated the standards.
 - (d) Aspirations (values and beliefs), principles, standards and rules should be differentiated. The preamble covers the content of aspirations while the rules and standards are covered in other parts. NASW and BASW are good references.
 - (e) "Definition / Interpretation" should be incorporated in the context or in a separate section but not as footnotes.
 - (f) The main structure of the document would remain unchanged.
9. The Board office would work out a table according to the current structure to consolidate and compare the relevant contents of the codes from overseas countries for further discussion at the subsequent meetings.

Date of next meeting

10. The next meeting would be held on 25 May 2017 at 9:15am at the Hong Kong Polytechnic University.
11. There being no other business, the meeting was adjourned at 12:20 pm.

4 May 2017