

# 社工專業操守的再思

## 紀律研訊案例彙編

### *Rethinking on Professional Conduct of Social Workers*

#### Casebook of Disciplinary Inquiries



社工專業操守的再思 — 紀律研訊案例彙編  
Rethinking on Professional Conduct of Social Workers - Casebook of Disciplinary Inquiries

社會工作者註冊局  
Social Workers Registration Board

除了其裁決或社會工作者註冊條例另有指明外，社會工作者註冊局對處理過的投訴個案，一向保密。在此情況下，除非作為個案中的當事人或相關人士，註冊社工或公眾無從得知任何投訴個案的詳情。這案例彙編向他們展現了二十八個真實案例，註冊局希望同工們引書中同業的經驗為借鑒，並從而得到啟發，在他們的實務中，反思及繼續持守社工的專業價值和道德。

Unless otherwise specified in its decision or the Social Workers Registration Ordinance, the Social Workers Registration Board has all along kept all complaint cases handled by it confidential. In the circumstances, registered social workers or the public have no access to the details of any complaint cases unless they are involved. This casebook brings 28 genuine cases to them. It is the wish of the Board that registered social workers will learn from the experiences of their fellow workers mentioned in the book and also be inspired to reflect and to continue upholding professional values and ethics of social workers in their practice.

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## Preface

Since the publication of the Code of Practice for Registered Social Workers in 1999 and the Guidelines on Code of Practice for Registered Social Workers in 2000, it has all along been the plan of the Social Workers Registration Board to promote education in professional ethics and core social work values to registered social workers. The publication of the Audio-visual Training Materials on Code of Practice for RSWs in early 2007 is a good start.

The idea of compiling a reference book on complaint cases once handled by the Board was initiated by the disbanded Committee on Review of Ordinance in 2003 and put into practice by the subsequent Committee on Professional Conduct after the endorsement of the Board. To explore professional knowledge and intelligence from a larger network of practitioners in the social work field, the Board decided to form an independent taskforce to select sample inquired complaint cases and compile a casebook for educational purpose. The Casebook Editorial Sub-committee was established in June 2004. In the process of compilation, the Sub-committee was committed to:

- write fair and impartial commentaries and articles;
- bring in multi-perspectives;
- invoke insightful discussions among RSWs;
- enhance awareness of ethical practice; and
- watch out legal implications arising from the presentation.

As the Chairperson of the Board, I would like to express on behalf of all Board members my profound gratitude to Rev. Lawrence CHU Leung-kee, the Editor-in-chief, for his invaluable contributions. Under his leadership, the Sub-committee has accomplished the task with distinguished success. I also owe all retired and current members of the Sub-committee my special thanks for their countless efforts in making the publication of the casebook possible. I do hope that while reading this casebook and appreciating the outcome of the Sub-committee's devout commitment, RSWs will learn from the experiences of their fellow workers mentioned in the book and also be inspired to reflect and to continue upholding professional values and ethics of social workers in their practice.

Professor MA Lai-chong, Joyce

## Foreword

The undertaking of this casebook came about when the Social Workers Registration Board formed a Casebook Editorial Sub-committee under the Committee on Professional Conduct in 2004 and instructed her to compile a casebook of the disciplinary cases that have been handled by the Board. The Board's mechanism for dealing with complaints against registered social workers was put into effect in early 1999. By the end of 2008, thirty-eight complaints had been referred to the Board for disciplinary inquiries. Among them, the Sub-committee compiled twenty-eight cases in this casebook for the purpose of bringing out the educational elements thereof for the reference and use of all parties concerned.

The Sub-committee laboured hard and long. With the strong support of the Board Secretariat and the patient understanding of the Board, the final product came out at last to meet the public. It is the humble wish of the Sub-committee members that this work can become a useful tool in the hands of social work professionals and students.

In the course of compiling this casebook, Sub-committee members were well aware of the fact that since her setting up, the Board has yet developed its best system for dealing with complaints against registered social workers. It takes time for feed-back and modification to make the system more effective and efficient. Issues that warranted review had been passed on to the proper channel for follow-up. These and related issues are not included in the content of this casebook. Should readers have any opinions along these areas, please express them directly to the Board for consideration.

The cases contained in this book have been selected because of their educational elements - what we can learn from them. The Sub-committee has, in keeping with the stances of the Disciplinary Committee and the spirit of the Code of Practice for Registered Social Workers, adopted a high ethical standard in studying the cases. A high ethical standard is what clients and the general public expect of social workers, and this is also what any self-respecting profession demands from its members.

Each case is divided into three main parts: firstly the background of the case is presented, next comes the details of the complaints in their original (or translated) versions and the consequences, and the final part contains the questions and issues for discussion and consideration. There is much more room for readers to further explore the implications of the situations and issues contained in these cases. We will be more than happy to hear your comments and to receive your feed-back.

In order to get the most out of these cases, it is suggested that readers try to put themselves into the position of the complainants and get to understand why they were not satisfied with what or how they had been served and what they had or had not received. Manner and attitude are important. They serve well to remind ourselves that we must put the interest of our clients first and that their dignity is to be respected at all times.

Our relationship touches not only our clients, but goes beyond our clients and have implications on people connected to them, on our colleagues and other helping professionals, on our agency and other agencies, and on the general public. We hope that this casebook can remind us that we are social workers because we care, and that we want to contribute in bringing about some good changes. Remember we have become social workers because we are motivated by altruism, which Rogers calls "unpossessive love".

Given that social workers serve in a fast moving and ever changing society, we need to keep up with the changes by up-grading and improving our knowledge, skills, attitude, and our understanding of the spirit of our professional ethics. After having gone through the editing process of this casebook and analyzing the mistakes contained therein, Sub-committee members are much more convinced that a mandatory continuing professional development scheme for registered social workers is a must. We hope that this will become the position of the social work profession in Hong Kong.

Even though this casebook is primarily intended for social workers, the situations revealed in these cases indicated that social service agencies have a key position to offer much needed support for their workers to do a better job in service provision: agencies can provide clear guidelines for record keeping, procedures in service delivery, channels for lodging complaints, and clear job descriptions. Other areas that agencies can also put efforts in are ongoing supervision and in-service training. Agencies can also do much to improve low staff morale, poor communication and poor team work. Administrative expedience should not compromise client's best interest.

It is a novel attempt of the Board to produce such a casebook. Understandably, trial and error is inevitable in the process. If there is any mistake or overlooking, well, the buck stops here, and as the Editor-in-chief, I accept the responsibility. The Sub-committee members have worked hard, and have served with much dedication and professionalism in finishing this task. How successful their efforts are awaits to be judged by our readers and users. I do want to thank each one of them from the bottom of my heart for their selfless labour of love, and I am also grateful to their agencies for releasing them from their regular duties to make this contribution. The Board and the Secretariat have been the supporting forces behind us and a big thank you is due to them.

Rev. CHU Leung-kee, Lawrence

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**個案分類表**  
**Table of Categorisation of Cases**

<div>註冊社工的專業責任 RSWs' professional responsibilities</div> <div>事件Issues</div>	對服務對象 To Clients	對同工 To Colleagues	對服務機構 To Agencies
行政與管理 Administration and Management	—	1, 2	—
專業能力 Professional Competence	3, 4, 5, 6, 7, 8, 9, 10	—	—
誠信 Honesty and Integrity	6, 7, 11	—	8, 12, 13, 14
服務質素 Service Quality	4, 5, 7, 8, 9, 15, 16, 17, 18, 19	2	—
個人操守 Personal Conduct	10, 13, 16, 20, 21	1, 10, 22, 23, 24, 25, 26, 27	—
保密原則 Confidentiality	11, 18	28	—



# Administration and Management



## CASE SUMMARY

A member of the clerical staff (the Complainant) at a centre for the elderly received repeated warnings regarding her poor work performance. When the officer-in-charge of the centre (the Subject) handed a written warning to the Complainant, they had an argument. The Complainant called the police. After evaluating the situation at the scene, the police decided that no follow-up action was necessary. The Complainant was dismissed the following day.

The Complainant lodged a complaint with the Social Workers Registration Board alleging that the Subject was guilty of professional misconduct or neglect because she acted in contravention of clause 1 of the "Related to Colleagues" section of the Code of Practice for Registered Social Workers.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

Declining to communicate

#### Particulars of the Allegation

The Subject and the Complainant conducted a review of the Mid-autumn Festival function (a dinner party for the residents of the centre). The Subject's view of the Complainant's work during the Festival (which involved taking the attendance of the participants) was unfavourable. After stating her position, the Subject unilaterally stopped the conversation without giving the Complainant a chance to explain.

### Allegation 2

Acting rudely and declining to communicate

#### Particulars of the Allegation

Four days after the review, the Subject demanded an explanation from the Complainant regarding her alleged poor performance at the Festival function. While the Complainant was explaining, the Subject shouted at her in an extremely hostile and rude manner, and gave the Complainant a verbal warning.

### **Allegation 3**

Detaining the Complainant by force

#### Particulars of the Allegation

Four days after the "shouting incident" described in Allegation 2, the Subject demanded that the Complainant accept a written warning, which held her responsible for failing to take the attendance at the Festival properly. When the Complainant refused to accept the warning, the Subject detained the Complainant by force and pushed her shoulder forcibly. The Complainant called the police.

### **Allegation 4**

Dismissal and termination of Complainant's employment

#### Particulars of the Allegation

One day after the incident described in Allegation 3, the Complainant received a letter terminating her employment.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

The Disciplinary Committee recommended that all four allegations be dismissed owing to lack of proof.

### **Allegation 1**

The Complainant provided no evidence that the Subject unilaterally brought the dialogue to an abrupt end and denied her the opportunity to express her views and provide an explanation. In fact, the Complainant admitted that the conversation ended when she left the room to go to the washroom to clean her face.

### **Allegation 2**

There was no corroborative evidence provided for the Complainant's allegation that the Subject shouted rude words at her and pointed a finger close to her face in a hostile manner as alleged. None of the witnesses corroborated the allegation of rudeness and finger pointing either. Acting on the Complainant's request, the Subject invited colleagues to join the discussion. This action supports the view that the Subject was prepared to communicate with the Complainant.

### **Allegation 3**

Both the Subject and the Complainant were in a room that was locked to those on the outside, but the door could be opened by those on the inside. The Complainant did not ask for medical attention, nor did she have any bruises. The Complainant was able to call the police, despite her claim that the Subject and a welfare worker at the centre tried to stop her by force. The welfare worker and another witness, the assistant social work officer, testified that two policemen told them that the situation could not be characterized as forceful and unlawful detention.

### **Allegation 4**

Although the series of events culminating in the dismissal took place in a very short time, allowing the Complainant little opportunity to improve her performance, the dismissal was, nevertheless, a decision made by the management.

### **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## **DISCUSSION ISSUES**

1. What would the general public expect social workers behave?
2. How should social workers deal with their relationships with colleagues?
3. In what way should agency policies be formulated and implemented?

## **REFLECTION / CONSIDERATION**

1. In a work setting, social workers should ensure that they act in ways that will not leave them open to complaints that they mishandled a situation. The general public expects social workers to conduct themselves in a professional manner.
2. Physical contact can mean different things to different people. Social workers should be careful to ensure that any physical touching is appropriate and not unwelcome.
3. Agency policies should not merely encourage administrative expediency; they should also promote professional and respectful relationships.

4. Under section 25(1)(a) of the Social Workers Registration Ordinance (Cap. 505), registered social workers commit a disciplinary offence if they are guilty of professional misconduct or neglect. Interactions among colleagues should be characterized by a professional attitude. Interpersonal relationships in a professional context can lead to professional problems if they are not handled in the proper manner.
5. The Code of Practice is the primary reference, but not the only reference, that the Disciplinary Committee consults when considering complaints.
6. Good management encourages professional attitudes and practices. Proceeding "by the book" without considering human factors, may not be the best course of action. Social workers should be advised by management, in addition to following their professional codes. Often it is prudent to have third parties present in situations of potential conflict. They usually have a more objective perspective, and their presence may avert misrepresentation.
7. Managerial expediency must not be put above the best interest of our service users.
8. Good team spirit and a healthy agency culture contribute to the success of human service delivery. In this case, there was obvious conflict between team members for quite some time.
9. When there is an immediate termination of employment of staff, a member of the human resource department, as well as the supervisor or the officer-in-charge, should be present to provide emotional support. This is especially the case when the staff member who is being discharged and the supervisor are of the opposite sex.
10. It is a good practice to conduct programme evaluations to improve service delivery and provide an opportunity for reflection. The success or failure of a programme depends on the quality of team work. The management should provide guidance to members of the staff so that they will be mutually supportive and will not repeat others' mistakes.

## CASE SUMMARY

A social worker (the Complainant) asked her immediate supervisor (Subject A) if he would agree recommending compassionate housing for her service user. Subject A rejected this suggestion because he felt there was no strong evidence for its necessity. He advised the Complainant to suggest to the service user to sue her former husband for maintenance instead. The Complainant felt that Subject A's suggested course of action would not provide appropriate service to the service user. She therefore lodged a complaint against her supervisor.

The Complainant's senior supervisor (Subject B) received a phone complaint from a staff member of another agency. The complaint concerned the Complainant, who had not, according to that staff member, acted appropriately as a social worker. On the basis of the phone call, Subject B issued an advisory memo to the Complainant. The Complainant was aggrieved by the memo and maintained that Subject B had not thoroughly investigated the matter before taking action. She therefore lodged a complaint against Subject B for failing to treat her with respect.

## THE COMPLAINT

Subjects A and B might have breached the Code of Practice for Registered Social Workers and/or committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation against Subject A

Subject A has not fulfilled the duty of a social worker to help the service user obtain appropriate services, violating clause 1 of the "Basic Values and Beliefs" section and clauses 1 and 2 of the "Related to Clients" section of the Code of Practice for Registered Social Workers.

#### Particulars of the Allegation

The Complainant suggested Subject A to recommend a single mother for urgent compassionate housing. On the contrary, Subject A instructed that the Complainant help the single mother sue her former husband for maintenance and find employment despite the fact that the single mother had been out of the workforce for 16 years and that suing for maintenance would be a time-consuming process.

### **Allegation against Subject B**

Subject B did not show respect to the Complainant for her working method. When the Complainant's working method was unfairly accused of, Subject B failed to conduct an investigation before passing judgment on the Complainant, violating clauses 1 and 3 of the "Related to Colleagues" section of the Code of Practice for Registered Social Workers.

#### Particulars of the Allegation

Subject B received a telephone call from a social worker alleging that, when handling a domestic violence case, the Complainant failed to appreciate the case situation or to understand the duties of a social worker. About a month later, without conducting a detailed investigation, Subject B issued an advisory letter to the Complainant.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

#### **Allegation against Subject A**

The Disciplinary Committee concluded from available documents and information provided that Subject A had communicated with the Complainant regarding the case of the single mother, and that the advice given by Subject A was appropriate. The Disciplinary Committee decided that the Complainant had not provided sufficient evidence to prove that there was a case for Subject A to answer. The Disciplinary Committee advised the Board that the allegation was not established owing to lack of sufficient grounds.

#### **Allegation against Subject B**

The Disciplinary Committee concluded that the advisory memo issued by Subject B to the Complainant was not a warning letter, and that its contents had shown respect for the Complainant and provided some coaching. Based on these findings, the Disciplinary Committee ruled that the Complainant had not provided sufficient evidence to prove that there was a case for Subject B to answer. The Committee advised the Board accordingly.

### **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.




## DISCUSSION ISSUES

1. How important is it for supervisors to comment on their subordinates' handling of cases? What can be done to avoid misunderstandings between supervisors and their subordinates?
2. How should a clear distinction between advisory memos and warning letters be maintained? In what circumstances are they appropriate? Do you think that agencies should develop guidelines for the use of these internal documents?

## REFLECTION / CONSIDERATION

1. It is necessary for agencies to clearly define the various levels of disciplinary actions. Unclear definitions can give rise to grievances or even more extreme reactions from staff members who think they are being disciplined.
2. Before instituting a disciplinary action, the management of an agency should first undergo a due process, such as a thorough investigation.
3. An agency should follow the Service Quality Standards published by the Social Welfare Department when handling a complaint against its employees. There should be a thorough, fair, and transparent process, and the employees under investigation should have the opportunity to defend themselves. If an agency fails to ensure a fair investigation, it could easily lose the support of its employees and damage staff morale.
4. Allegation 1 was based on a professional consultation, whereas Allegation 2 was based on a complaint against a staff member. The latter case had more serious implications because it involved issues such as respect among colleagues and transparency in handling complaints against staff members. Inappropriate handling of a case can adversely affect the morale of the staff member under investigation and lead to a formal complaint.
5. Social workers should bear in mind that in the Code of Practice for Registered Social Workers, it is stated that social workers should resolve conflicts among themselves in a responsible manner. Taking a case to the Social Workers Registration Board for resolution should be a last resort when all other attempts have failed.
6. Before lodging a complaint of professional misconduct against another social worker, social workers must examine the issue fairly and objectively, and refrain from relying only on their own perspective. Consulting a mentor or an experienced professional may be very helpful in such a situation.



## Professional Competence

# 3

## CASE SUMMARY

A school for children with special needs was the target of parents' complaints for alleged abusive punishment of the students. Three parents (Complainants A, B, and C) lodged a complaint against the school social worker (the Subject) for professional misconduct. Complainants A and C cited the Subject's unfavourable comments about the school, which, they maintained, adversely affected their trust in the school and in the social work profession. Complainant B alleged that the Subject had asked her to provide the school with a flogging cane, which would be specifically used to frighten her son, a mentally challenged child with behavioural problems.

## THE COMPLAINT

Complaints had been made against the Subject for committing misconduct or neglect in a professional respect in relation to her clients and colleagues and such conducts amounted to a breach of section 25(1)(a) of the Social Workers Registration Ordinance (Cap. 505) if the following allegations were proven. The particulars are as follows:

### Allegation 1

By passing judgmental comments on School Teacher A, thereby influencing the trust of Complainant A in the said professional (clause 1 of the "Related to Colleagues" section of the Code of Practice for Registered Social Workers refers);

### Allegation 2

By teaching Student A to beat himself and kick walls to ventilate his feelings without treating his behavioural problems, falling short of reasonable professional competence;

### Allegation 3

By asking Complainant B to provide a flogging whip for the Subject's use in school to apply on Complainant B's son, purportedly to induce fear in him, falling short of reasonable professional competence;

### **Allegation 4**

By requesting psychiatric medication from Doctor A for Student A without prior consent from Complainant B; and on the same occasion, making representation to Doctor A on Student A's condition without prior factual exploration with Complainant B and the school, falling short of reasonable professional competence

### **Allegation 5**

By making representation, without proof, to Complainant C that the School has incidents of child abuse, influencing the trust of Complainant C in the school.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

#### **Allegation 1**

There was no prima facie evidence to show that the Subject had criticized the teacher unjustifiably or unreasonably. Complainant A later clarified that her dissatisfaction arose from the fact that the Subject had failed to advise her on how to help her daughter communicate with the teacher. Therefore, the Disciplinary Committee ruled that the allegation was not proven.

#### **Allegation 2**

There was not sufficient evidence to prove that the Subject had committed professional misconduct as alleged. The emotional and behavioural problems of the student were verified by teachers' comments and various school records. The Subject had provided the student with weekly counselling to control his temper and modify his behaviour. Therefore, the Disciplinary Committee ruled that the allegation was not proven.

#### **Allegation 3**

There was no evidence of physical punishment at the school. A recording of the Subject's phone conversations with Complainant B, the school principal, and the teachers revealed (1) that it was the school management's decision (involving the school principal and other teachers) to ask Complainant B to provide a flogging whip; (2) that the Subject had explained to Complainant B that the flogging whip was intended to deter her son's violent behaviour and that the school would not use it for corporal punishment; and (3) that the flogging whip was kept by one of the teachers, not the Subject. On these grounds, the Disciplinary Committee ruled that the allegation was not proven.

#### **Allegation 4**

There was not sufficient evidence to show that the Subject had requested the doctor to prescribe medication for Complainant B's son. On the contrary, the Disciplinary Committee found that the Subject had been instructed by the school principal to accompany Complainant B and her son to the clinic to provide the doctor with a more comprehensive understanding of the son's behavioural problems. Therefore, the Disciplinary Committee ruled that the allegation was not proven.

#### **Allegation 5**

The Disciplinary Committee found that the remark allegedly made by the Subject to the effect that the school allowed incidents of child abuse to exist in the school was inappropriate. Nevertheless, such remarks per se do not constitute professional misconduct. There was not sufficient evidence to show that the Subject had made representations or acted in calculated ways to influence Complainant C's and other parents' trust in the school.

In summary, the Disciplinary Committee ruled that none of the five allegations were proven and advised the Board that the complaint be dismissed.

#### **Decision of the Board**

The Social Workers Registration Board accepted the advice of the Disciplinary Committee and dismissed the complaint.

### **DISCUSSION ISSUES**

1. What guidelines should social workers follow to avoid misunderstandings with parents?
2. How should social workers who are directly employed by agencies, such as schools for students with special needs and private homes for the elderly, deal with conflicting demands of various stakeholders?
3. How can agencies, especially those in secondary settings, provide professional support for their social work employees?

## REFLECTION / CONSIDERATION

1. The Subject followed the principal's instructions and requested the parent to provide the school with a flogging cane. In doing so, however, the Subject did not exhibit the proper behaviour of a social worker because, though acting under instruction, her task was not reasonable or appropriate. In this case, the social worker should have exercised her professional judgment and rejected the instruction, despite pressure from the school.
2. Parents, school administrators, school social workers and other relevant parties should strengthen the communications among them to avoid misunderstandings and to enhance the holistic care of the students. Because they often lack professional support, social workers in secondary settings such as schools should be particularly self-disciplined and careful to avoid acts that could lead to complaints. In this case, the following points are noteworthy:
  - a. The Subject should have refused to follow the school's instructions: it is not the social worker's role to discipline students or to deal with disciplinary matters. Still, social workers in such settings should have the support and protection of their agencies<sup>1</sup> when they refuse to follow instructions that they feel are unreasonable or inappropriate. Agencies in such a setting should actively seek external support so their social work employees can receive professional supervision.
  - b. A social worker's primary duty is to abide by the principles and values of social work as set out in the Code of Practice for Registered Social Workers. Showing a flogging cane to a student in a school setting could easily be seen as provoking a confrontation with the student or intimidating the student. Such behaviour disregards the student's legal rights and dignity, and is, therefore, professionally unacceptable.
3. Social workers placed in a secondary setting may find it difficult to meet the different, sometimes conflicting, expectations of their employing agencies, the administration of the secondary setting, and their service users. It is important that the agencies and the secondary setting supervisors have clear channels of communication and agree on the guidelines that the social workers should follow. Workers need the support and co-operation of their employing agencies and their supervisors in the secondary setting. Under no circumstances, however, should the policy of schools or agencies prevail over the professional values and codes of social work practice.

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<sup>1</sup> Where school social workers are not under schools' direct employ, they are deployed there by their employing agencies.

Social workers must know how to strike a good balance when there are conflicting views. In difficult situations, they should be aware of their inadequacies and seek professional guidance.

4. Supervisors should be aware of the difference between administrative supervision and professional supervision. Administrators at secondary settings may not be in a position to provide professional support and supervision to their social work employees. To deal with the difficult circumstances that inevitably arise, they should establish an internal professional supervision mechanism and also seek external help to provide support to their social work employees.
5. New members of the social work profession should be eager to elicit the assistance and support of their peers, mentors, and supervisors in order to enhance their professional competence.
6. Social workers should uphold the principle of confidentiality at all times, regardless of instructions. According to the principle of confidentiality, one cannot presume consent. Social workers would be wise to obtain the written consent of service users before speaking to their doctors about them.
7. Depending on the circumstances, an action on the part of a social worker may be perceived as demonstrating a lack of professional competence. It may be difficult, especially for new members of the social work profession, to understand the underlying reasons for this perception. Hence, new social workers should be encouraged to familiarize themselves with the Code of Practice for Registered Social Workers and the Social Workers Registration Ordinance.

# 4

## CASE SUMMARY

A mother (the Complainant) whose daughter (Resident A) was a resident of a home found that Resident A had lost both her appetite and a significant amount of weight within a short period of time. Resident A was a moderately mentally challenged girl. She had behavioural problems and needed regular medical follow-up and medication. At the home, the staff was responsible for carefully packing and labelling the medicine. Staff members on different shifts were responsible for distributing medicine to the residents, including Resident A. The Complainant suspected that Resident A had been given an overdose of medicine by the staff and that the officer-in-charge (the Subject), who was informed of the matter, did not instigate a timely investigation.

The Complainant had knowledge that Resident A's food was disposed of after she refused to eat. She strongly suspected that Resident A had not been receiving proper care. The Complainant claimed that she was not kept apprised of Resident A's condition, and on one occasion, she was not informed after Resident A had fainted. She lodged a complaint against the Subject, alleging professional misconduct and neglect.

## THE COMPLAINT

The Subject might have committed misconduct and/or neglect in a professional respect by failing to take necessary action and to fulfill the needs of her service user as alleged in the following. The particulars are as follows:

### Allegation 1\*

Failing to make timely investigation into the drug intake or prescription of Resident A when she showed signs of physical unfitness and other witnesses mentioned that there were some problems with her prescriptions;

\* This allegation was a revised version approved by the Disciplinary Committee during the proceedings of the disciplinary inquiry.

### Allegation 2

Approximately a month after Resident A's first signs of decline (when Resident A has been non eating intermittently or otherwise), inducing or condoning the disposal of Resident A's food portion while failing to provide alternative nourishment, treatment options; or investigate into the problem; and



### **Allegation 3**

On various occasions when Resident A was quite unwell (e.g. non-eating, among others) and, especially when Resident A fainted in the Home, failing or failing to make best effort to inform the parents of Resident A in a timely manner.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

#### **Allegation 1**

Having considered the evidence, including the logbook records, the Disciplinary Committee came to the conclusion that the Subject had attempted to address Resident A's signs of physical unfitness, but that neither the Subject nor other staff members found any direct causal link between such signs and problems with Resident A's prescriptions. Regarding the Complainant's allegation that Resident A received an overdose of her prescription, the Disciplinary Committee was not convinced by the Complainant's testimony and found it unreliable. The Disciplinary Committee therefore considered Allegation 1 unfounded.

#### **Allegation 2**

The logbook showed that alternative food (e.g., milk and biscuits) was provided to residents outside usual mealtimes and that the residents also had their own snacks. The Complainant conceded that she would bring cookies to Resident A, and her witnesses also agreed that other food was available. Given the evidence of alternative food provision, the Disciplinary Committee decided that Subject A was not required to answer the case and that this allegation be dismissed.

#### **Allegation 3**

The Disciplinary Committee found that there was no written record or oral testimony showing that Resident A had fainted and that the Complainant could not specify a particular incident. In fact, the Subject did not go to work at the home on the day that the fainting was supposed to have taken place or on the next day. The Disciplinary Committee was convinced that the Subject's colleague had contacted the Complainant several times about Resident A's case after Resident A began to show signs of ill health. The Disciplinary Committee therefore recommended that Allegation 3 be dismissed.

## **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## **DISCUSSION ISSUES**

1. Which sections of the Social Workers Registration Ordinance (Cap. 505) would the Subject have breached if the allegations had been proven? What would be the possible consequences?
2. What would you do to avoid the possibility of similar complaints?

## **REFLECTION / CONSIDERATION**

1. If the Subject had been found guilty of the charges, her actions may have constituted a breach of section 25(1)(a) of the Social Workers Registration Ordinance.
2. The Subject, as a registered social worker and the officer-in-charge of the home, was not merely an administrator; she was also professionally obliged to ensure that the staff promote the residents' interests by any means possible.
3. To protect the interests of the parties concerned and to avoid disputes, accurate logbooks and records are very important. Such logbooks and records should also be properly managed and monitored.
4. Arbitrary alteration of records should not be allowed. Keeping records on the computer and backups of the records would help prevent any subsequently unauthorized alterations.
5. To avoid misunderstandings or possible complaints arising from unclear procedures or communications, agencies must establish operational guidelines for staff's reference and provide logbooks for proper record keeping.

## CASE SUMMARY

A nurse (Complainant A) and a former staff member (Complainant B) of a combined rehabilitation centre and hostel jointly lodged a complaint against the officer-in-charge of the centre (the Subject) for her brutal treatment and verbal abuse of a resident of centre (the Service User).

The complaint alleged that the Subject had grappled with the Service User and brutally dragged her to a toilet by force. Complainant B, who was working in the pantry next to the toilet, overheard the Subject yell at the Service User in an offensive and abusive manner. During their 10 to 20-minute session in the toilet, the Subject forced the Service User to drink four glasses of water, which Complainant A considered potentially harmful to the Service User's health. The two complainants considered the Subject's acts inappropriate.

There were sets of behavioural guidelines established by the caseworkers of the Centre and customized for the individual residents, but these guidelines had not been reviewed for years. The Subject alleged that her actions mentioned above with the Service User were in line with the guidelines adopted for the Service User. The guidelines for all the residents of the centre were endorsed by the Subject.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Subject was alleged to have done the following acts, which had jeopardized the Service User's well-being:

1. used abusive language towards the Service User;
2. quarrelled or/and grappled with the Service User;
3. refused to stop quarrelling or/and grappling with the Service User even after a mediator intervened;
4. pulled the Service User to the toilet by physical force; or/and
5. detained the Service User in the toilet and scolded her loudly.

## Allegation 2

In the dormitory, the Subject forced the Service User to drink a lot of water, thereby jeopardizing the Service User's well-being.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

The Disciplinary Committee ruled that as there was no sufficient evidence to substantiate the two allegations, the complaint was not established. Nevertheless, the Disciplinary Committee took the view that some social workers at the centre had handled the incident in a disappointing manner. The Committee pointed out areas of inadequacy for the agency's reference and improvement.

### Decision of the Board

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## DISCUSSION ISSUES

1. Even though the complaint was not established, do you think the Subject handled the case appropriately?
2. If you were the social worker, would you handle the case differently? Why?
3. What are the possible causes that led to this incident? What can be done to prevent similar incidents from happening in the future? What role should the agency or social workers play in preventing similar incidents from happening again?

## REFLECTION / CONSIDERATION

### Implications for Social Work Practice

1. The Disciplinary Committee observed the following inadequacies in the handling of the service user's behavioural problem:
  - a. It appears that the Subject resorted to using a stern tone in talking with the Service User when the Service User was emotionally unstable and had declined

to co-operate with the staff. The Subject should have tried alternative strategies that involved a friendlier attitude and softer speech.

- b. The centre should have updated its guidelines for individual service users from time to time as and when necessary and these guidelines should be endorsed by a higher-ranking supervisor. Support should be given to less experienced workers so that they can draft effective case plans.
- c. Case contingency plans for handling the Service User's emotional and behavioural outbursts should have been available for the guardians of the Service User, and written consent from the guardians concerning these handling procedures should have been sought. Such plans should be reviewed periodically in view of changes in service users' situations and the plan's functions.

The above observations suggest that social workers would perform more effectively if systemic approaches were taken to case management plans, the requirements of case recording, communication with parents/guardians, and parental involvement. The agency's policies and guidelines to coordinate employees from different service areas are also important. It is not surprising that loose guidelines without adequate coordination of service delivery lead to disputes among staff members.

- 2. The Social Welfare Department has published "best practice guidelines", for example, the "Service Quality Standards" for the Department and non-governmental organizations. It is recommended that readers visit the relevant website (provided in Appendix C) for further reference.
- 3. Shouting at service users in order to gain their co-operation is not in line with best practices. Social workers should at all times bear in mind the basic values and principles: they should respect their service users. Shouting and grappling are disrespectful acts. Although on some occasions, such acts are observed, social workers should always bear in mind that one of their main duties is to treat their service users in a respectful manner.

#### References to the Code of Practice for Registered Social Workers

- 4. Clause 1 of the "Related to Agency" section, "the social worker should be responsible to the employing agency for the efficient and effective performance of professional duties". Agencies should formulate clear guidelines for their employees in dealing with individual service users and should solicit parents' opinions and consent. Inexperienced staff should not be allowed to play a major role in drafting guidelines. The guidelines should be reviewed periodically.

5. Clause 2 of the "Related to Agency" section, "the social worker should act constructively and responsibly to influence and to improve policies, procedures, and practice of the employing agency in order to continuously improve the quality of service and to prevent the social worker from violating the Code of Practice when enforcing agency policy". Social workers should be reminded that if they act according to these guidelines, complaints may be avoided.

#### Need for Continuing Professional Development

6. At present, social work practice has expanded significantly to serve an increasing number of target groups and involves more complex means of interventions. Nevertheless, the training offered by existing institutes does not cover all aspects required for effective delivery of service. This case reflects the need for continuing professional development for all social workers.

#### Role of the Agency

7. In this case, there was no information on the agency's role and responsibility in the incident and thus the following doubts were left:
  - a. Did the agency provide the Subject with the training needed to do the job?
  - b. Was the dispute between the Subject and Complainant A brought to the attention of the agency administration?
  - c. Was the dispute resolved within the agency?

The agency should take appropriate measures and formulate rules to monitor its workers' methods of dealing with various emotional and behavioural situations.

8. In this case, improvements might be made at the following three levels:

- a. At the systems level

The Hong Kong Council of Social Service organizes regular training courses on handling provoking and difficult service users, but the places are limited. Therefore, in-service training provided by individual agencies is important. The "best practice guidelines" only outline general principles and individual agencies must work out the details appropriate for their operation. In this case, it is doubtful that the agency had set up a good system for implementing the Service Quality Standards.

b. At the agency level

Rehabilitation services are becoming more complex and the composition of the service users more varied. In this case, it appears that the agency had not provided sufficient support in the areas of occupational safety for staff, handling difficult patients, and crisis management. Demand for services with enhanced productivity will aggravate the situation.

c. At the personal level

In this case, the situation arose not only from the Subject's personal conduct but also from stress as a result of a heavy workload. It is a common phenomenon nowadays that the officers-in-charge of service units have an overly heavy workload. The stress may take a toll on their sensitivity.

Additional Areas for Consideration

9. The establishment of an updated logbook to facilitate communication among staff is very important.
10. Workers' difficulties in dealing with mentally challenged service users are understandable. Under these circumstances, clearly written guidelines, codes, and regulations prepared by the agency are invaluable.
11. If social workers are in a position where they realize that they are losing control of their emotions, they should leave the scene and ask a colleague to take over. While at work, social workers should be constantly aware of their own emotions and the level of tension.
12. Social workers' actions when handling hyperactive service users can easily be misunderstood. Social workers should not treat these service users as if they were capable of high levels of cognitive and interpersonal functioning. A disturbed service user needs more personal space. Social workers' reaction to the service users' behaviour should communicate care, respect, and a willingness to listen. Social workers should handle any possible physical contact with the service user carefully and tactfully.
13. The Subject's emotional reaction to the Service User was not only driven by personal feelings but also influenced by the system, the agency, the work setting, and the values imposed by the agency. In general, social workers internalize their agencies' values and culture, which are therefore reflected in the workers' behaviour when discharging duties. Agencies that provide good training will be more likely to instill a proper value system in their staff.

14. In this case, there was discord among the staff and a misuse of power. Teambuilding should be based on a common philosophy. The Subject should have been open to her colleagues' opinions (even if these colleagues were his subordinates). She could have relaxed the tension at the scene or delegated a nurse to handle the situation.
15. Agencies should provide sufficient training to support to their staff, and to find ways to nurture them and ease their stress. Such training should not be compromised because of financial difficulties or heavy workloads.
16. Social workers should work co-operatively with other helping professionals in their work setting, particularly if physical constraints or manipulations are necessary with service users. However, acceptable behaviour should be well defined, and there should be consensus among colleagues. For example, rude attitudes and foul language are definitely not permitted.
17. Social work employees of a specific agency or secondary setting should take extra care because they often do not have access to the same supervision and training resources as their counterparts in multi-service agencies. Therefore, small and medium-sized agencies should provide more supervision and support (even if it involves hiring outside consultants) to enhance service quality and safeguard the welfare of service users.
18. After any incident involving strong physical force or violence, agencies should hold debriefing sessions for their staff members. These sessions are not intended to assign blame but to review what has happened and to explore means of improvement. The debriefing sessions should be multidisciplinary and involve all relevant levels of staff.



## CASE SUMMARY

A resident (Resident A) of a hostel for the mentally challenged was scalded by hot water during a shower. After the incident, his mother (the Complainant) was anxious to obtain more information on the incident from the agency in charge of the hostel, but none was forthcoming. She lodged a complaint with the Social Workers Registration Board against the social worker in charge of the hostel (the Subject) for handling the case improperly and withholding information. The staff member who was the primary caregiver of Resident A was a registered social worker but was not occupying a social work post in the agency when the incident occurred. The Subject was the primary caregiver's supervisor.

## THE COMPLAINT

The Subject might have breached clauses 1 and 4 of the "Related to Profession" section and clause 1 of the "Related to Clients" section of the Code of Practice for Registered Social Workers and/or committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

In relation to the incident in which Resident A was scalded by hot water, the Subject provided misleading and/or untrue information on the incident, demonstrating a lack of integrity.

### Allegation 2

In her handling of the incident in which Resident A was scalded by hot water, the Subject failed to fulfill her responsibilities as a manager.

#### Particulars of the Allegations

1. When the Subject was in charge of handling the incident in which Resident A was scalded by hot water, she failed to truthfully inform the Complainant of the facts of the incident. She also provided the Complainant with misleading information on Resident A's injuries.
2. When the agency launched an investigation into the incident in which Resident A was scalded by hot water, the Subject was not truthful in her presentation of what had happened.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

Since the Complainant did not show up at the scheduled disciplinary inquiry and thus failed to provide evidence in support of her allegations against the Subject, the Disciplinary Committee unanimously allowed the Subject's application for "no case to answer". The Disciplinary Committee therefore recommended dismissing the complaint.

### Decision of the Board

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## DISCUSSION ISSUES

1. What are the main issues involved in this case?
2. What can be done to prevent similar incidents in future?
3. What roles should agencies and social workers play in such cases?

## REFLECTION / CONSIDERATION

1. Since the Complainant did not attend the inquiry to present her case, it is difficult to draw any conclusions on ways to improve the social work practice involved in the case. However, if the agency had handled the matter in a more transparent manner and had dealt more openly with the Complainant, the Complainant might not have turned to the Social Workers Registration Board.
2. For agencies, especially for those providing residential service, regular inspection on and maintenance for their facilities and equipment are indispensable. This is particularly important if such facilities and equipment are related to utilities, fire precaution and dangerous tools. To protect all parties concerned, professional service should be employed for regular inspection and maintenance. Records of the same should also be properly kept.
3. When this type of incident occurs, a report should be made to the insurance company and the subsequent investigation (involving the insurance company, equipment manufacturers, and/or any other interested parties) should have been made available. Social workers have a duty to protect the interests of their service users, and, in cases of dispute, social workers should consider all the factors and provide the service user with as much information as possible.



## CASE SUMMARY

A case conference was arranged for a service user (the Service User). The social worker assigned to the case (the Subject) asked the Service User's foster mother (Complainant A) to attend the meeting. Before the meeting, the Subject told Complainant A that the Service User's foster father (Complainant B) was also asked to participate in the case conference, but that he had told the Subject that it was not convenient for him to do so. (According to information provided by Complainants A and B, Complainant B, at that time, was under police investigation for sexual and physical abuse of the Service User.) Complainant A later claimed that when she asked Complainant B, he denied that had told the Subject about his inconvenience to attend the conference.

The Service User had told the Subject that she had been sexually abused by a man she met through ICQ. Complainant B believed that the Subject had given the Service User inappropriate advice without acquiring a sufficient knowledge of the facts.

Against the above background, Complainants A and B lodged a complaint against the Subject for breaching the Code of Practice for Registered Social Workers and having committed a disciplinary offence.

## THE COMPLAINT

The Subject might have breached the Code of Practice for Registered Social Workers and/or committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

In handling the Service User's case, the Subject provided Complainant A with misleading and/or untrue information, and, therefore, showed a lack of integrity.

#### Particulars of the Allegation

At the time of the incident described in the allegation, Complainant B was under investigation for suspected sexual abuse of the Service User (which had allegedly occurred four years earlier) and physical abuse of the Service User (which had allegedly occurred three months earlier). According to the allegation, the Subject called Complainant A to notify her of a meeting that was to be held at a community centre. Later, at a police station, the Subject told Complainant A that Complainant B said it was not convenient for him to attend the meeting. However, Complainant B had not said anything to that effect.

## Allegation 2

When handling the Service User's case, the Subject rendered inappropriate and/or mistaken advice to the Service User before confirming details of the case.

### Particulars of the Allegation

About two months before the incident mentioned in Allegation 1, the Service User told the Subject that she had been sexually abused by a man. Later, during a telephone conversation, the Subject told Complainant B that when the Service User confided in her, she immediately persuaded the Service User to report the case to the police. The Subject told the Service User, "Although putting him on trial is impossible because the incident happened a long time ago and there was no evidence, it would be good to make him scared".

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

For the reasons set out below, the Disciplinary Committee decided that the two allegations were not proven and that the Subject did not commit misconduct or neglect in any professional respect.

### Allegation 1

After hearing the submissions from both parties, the Disciplinary Committee took the following points into consideration:

1. The communications between the Subject and Complainants A and B were frequent and complicated.
2. The case involved a number of departments, and the relationship between the Subject and the Service User had been relatively short at the time of the incidents.
3. There were no reliable records of phone conversations, so mistakes could be easily made.
4. Complainant B's sense of grievance regarding his investigation by the police might have adversely affected his communication with the Subject.

The Disciplinary Committee therefore believed that when the Subject and Complainant B talked on the phone regarding the upcoming meeting, there might have been a misunderstanding. As there was no corroborative evidence regarding their phone conversation, the Subject was given the benefit of the doubt. The Disciplinary Committee therefore decided that the allegation was not proven.

## **Allegation 2**

The Disciplinary Committee observed that submissions by the Subject and Complainants A and B involved the following three points:

1. The Service User might have been sexually abused by a man.
2. The Subject believed that reporting the case to the police would be a means of "deterring" that man.
3. The Subject used the words "deterring him" or similar words in her conversation.

Based on the above points, the Disciplinary Committee agreed that the Subject's advice to report the incident to the police was intended to protect the Service User and demonstrated that she put the Service User's interests first. Although the Subject may have used inappropriate wording and may have failed to explain the purpose of the police report to Complainants A and B in sufficient detail, she did not act inappropriately. The Disciplinary Committee decided that the allegation was not proven.

## **Decision of the Board**

The Board accepted the Disciplinary Committee's advice and decided that the complaint lodged by Complainants A and B against the Subject was not established and should be dismissed.

## **DISCUSSION ISSUES**

1. Discussing sexual matters always requires sensitivity. Service users would benefit from the opportunity to gain a better understanding of general guidelines for sensitive situations. How can service users be better prepared in this area?
2. The relationship with service users is one of the most important elements in service provision. Social workers must be careful to maintain good working relationships with service users and co-workers. How can working relationships be established and improved?
3. Good social work practice is supported by good documentation. Unfortunately, paperwork takes time. Is there an equivalent method of record-keeping that is less time-consuming?

## REFLECTION / CONSIDERATION

1. Agency guidelines should specify that, after appointments or conversations have taken place, written confirmation of the event and a record of the content of the discussion should be provided. Written confirmations and memorandums help prevent misunderstandings and settle arguments.
2. Written records on cases are vitally important. They may reduce the number of complaints and also protect the agency and social workers when there are disagreements.
3. When important decisions are made, the analysis and reasoning used to determine the decision should also be recorded. This will protect the interests of both service users and social workers when disputes arise.
4. Service users and co-workers should be given the opportunity to express doubts and ask questions if they experience uneasiness at any issue and decision. Good lines of communication will prevent misunderstandings and calm potential conflicts.
5. In this case, the dispute was primarily between the Subject and the Service User's foster parents. A good working relationship between social workers and parents or delegated guardians contributes significantly to the well-being of the children under care. As this case illustrates, service users' interests may be jeopardized as a result of poor communication between social workers and guardians.
6. Protecting children from sexual harassment should be a priority. All service providers, including foster parents, should be well aware of this.



## CASE SUMMARY

A registered social worker (the Subject), who was the officer-in-charge of a small group home, was dismissed from her post after her employing agency found that she had not performed her duties properly. After she left the home, her former supervisor (the Complainant) lodged a complaint against her with the Board for professional misconduct.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Subject failed to adequately perform her duty when inspecting the "Child Cases Progress Records" of the children's home. (Ref: clause 1 of the "Related to Agency" section and clause 1 of the "Related to Clients" section of the Code of Practice for Registered Social Workers, as well as clause 1.1 of the "Related to Clients" section of the Guidelines on Code of Practice for Registered Social Workers.)

#### Particulars of the Allegations

For a period of about eleven months, the Subject had not inspected the "Child Cases Progress Records" in relation to Residents A and B. For a period of about eight months, the Subject had not inspected the "Child Cases Progress Records" in relation to Resident C.

### Allegation 2

The Subject failed to adequately perform her duty to regularly inspect the "Child Cases Progress Records" in relation to Resident D. (Ref: clause 1 of the "Related to Agency" section and clause 1 of the "Related to Client" section of the Code of Practice for Registered Social Workers, as well as clause 1.1 of the "Related to Clients" section of the Guidelines on Code of Practice for Registered Social Workers.)

#### Particulars of the Allegation

1. On page 1 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the latter part of that month. In fact, she did so approximately one year later.

2. On page 2 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month at the middle of that month. In fact, she did so about ten months later.
3. On page 2 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the latter part of that month. In fact, she did so approximately nine months later.
4. The Subject did not inspect and countersign Resident D's "Child Cases Progress Records" for a certain month until approximately seven months later (page 6 of the record).
5. On page 7 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the early part of that month. In fact, she did so approximately six months later.
6. On page 9 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the latter part of that month. In fact, she did so approximately six months later.
7. On page 11 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the latter part of that month. In fact, she did so approximately five months later.
8. On page 12 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the middle part of that month. In fact, she did so approximately four months later.
9. On page 14 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the middle part of that month. In fact, she did so approximately three months later.
10. On page 16 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the early part of that month. In fact, she did so approximately two months later.
11. On page 17 of the "Child Cases Progress Records" in relation to Resident D, the Subject alleged that she inspected and countersigned the record for a certain month in the latter part of that month. In fact, she did so approximately two months later.



### **Allegation 3**

The Subject dishonestly stated the dates on which she inspected the "Child Cases Progress Records". (Ref: clauses 1 and 4 of the "Related to Profession" section of the Code of Practice for Registered Social Workers, as well as clauses 1.2 and 4.3 of the "Related to Profession" section of the Guidelines on Code of Practice for Registered Social Workers.)

#### Particulars of the Allegation

The particulars of allegation are the same as items 1 to 3 and 5 to 11 under Allegation 2.

### **Allegation 4**

The Subject instructed a colleague not to sign attendance records in accordance with the actual attendance. (Ref: clause 1 of the "Related to Agency" section and clauses 1 and 4 of the "Related to Profession" section of the Code of Practice for Registered Social Workers, as well as clauses 1.2 and 4.3 of the "Related to Profession" section of the Guidelines on Code of Practice for Registered Social Workers.)

#### Particulars of the Allegation

The Subject instructed one of her subordinates not to sign attendance records in accordance with the actual attendance of the subordinate.

### **Allegation 5**

The Subject did not properly keep the attendance records of her colleague as required by the agency and/or employment legislation. (Ref: clause 1 of the "Related to Agency" section of the Code of Practice for Registered Social Workers.)

#### Particulars of the Allegation

When the Subject was asked by the agency regarding instructing her subordinate not to sign attendance records in accordance with actual attendance situation, she told the investigation officer that she had discarded the attendance records of her colleague for the previous months.

### **Allegation 6**

The Subject was investigated by the agency regarding improper accommodation arrangements for two girl residents when the home was under renovation during the summer holidays. In the course of the investigation, the Subject withheld facts and failed to disclose fully and frankly. (Ref: clause 1 of the "Related to Agency" section and

clauses 1 and 4 of the "Related to Profession" section of the Code of Practice for Registered Social Workers, as well as clauses 1.2 and 4.3 of the "Related to Profession" section of the Guidelines on Code of Practice for Registered Social Workers.)

#### Particulars of the Allegation

During the summer holidays, when the children's home was under renovation, the Subject arranged two girl residents to sleep in the sitting room. About two months later, the agency held a meeting to investigate into the matter. The Subject alleged that she made the arrangement because of delays in the renovation works, not disclosing that the cause was her reluctance to allow the girls to stay in vacant and available boys' rooms.

### **Allegation 7**

The Subject failed to return or to account for the cake coupons belonging to the children's home that she took without consent. (Ref: clause 1 of the "Related to Agency" section and clause 1 of the "Related to Profession" section of the Code of Practice for Registered Social Workers, as well as clause 1.2 of the "Related to Profession" section of the Guidelines on Code of Practice for Registered Social Workers.)

#### Particulars of the Allegation

1. The Subject bought 476 cake coupons with a value of HK\$15,796 for the children's home.
2. Three months later, when the Subject left her post, she failed to return the cake coupons as mentioned in (1) to the home.
3. About six months later, the superintendent of the children's home sent a letter to the Subject inquiring about the cake coupons. The Subject never replied.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

#### **Allegation 1**

The Disciplinary Committee took the view that there was not sufficient evidence to support the allegation that the Subject had failed to perform her duty of conducting spot checks on the progress records of Residents A, B and C. The Disciplinary Committee also noted that the Subject had at that time, in addition to her duties as supervisor of the home, the responsibility of monitoring more than thirty cases in four children's homes and, therefore, might not have been able to fulfill the agency's requirements for paperwork.

## **Allegations 2 and 3**

The Disciplinary Committee carefully considered the evidence of the witness who claimed that when she gave the progress record in question to the Subject one year after it should have been completed, the column that should have been filled by the Subject was still blank. When the record was returned to her the next day, the witness saw that the column had been filled with the Subject's comments and dates. Although the Subject contradicted the witness's testimony, the Disciplinary Committee finally accepted the evidence of the witness because it found her truthful and reliable. Furthermore, the Disciplinary Committee also examined the original record and found that the remarks written by the Subject, which were supposed to have been written over the course of a year, appeared to be written with one pen during one session.

The Disciplinary Committee concluded that the Subject had failed to perform her professional duty properly: by backdating her comments in the record, she falsified the dates of her report. The Disciplinary Committee decided that these two allegations were established. The Subject was guilty of professional misconduct, which constituted a disciplinary offence under section 25(1) of the Social Workers Registration Ordinance (Cap. 505).

## **Allegations 4, 5, and 6**

The Disciplinary Committee found that there was not sufficient evidence to support these allegations.

## **Allegation 7**

The Disciplinary Committee observed that the cabinet in which the cake coupons had been kept was accessible to other people after the Subject left the agency. Moreover, the police, who conducted an investigation into the coupons' disappearance, did not charge the Subject. In consideration of these factors, this allegation was considered unproven.

In conclusion, the Disciplinary Committee found that allegations 2 and 3 were proven and recommended the Board to issue to the Subject the disciplinary order, that is, "order that the Chairperson of the Board admonish the social worker orally", according to section 30(1)(d) of the Social Workers Registration Ordinance.

## **Decision of the Board**

The Board accepted the Recommendations of the Disciplinary Committee and issued a disciplinary order under section 30(1)(d) of the Social Workers Registration Ordinance in respect of the Subject, that is, "order that the Chairperson of the Board admonish the social worker orally".

## DISCUSSION ISSUES

1. What is the implication of this decision made by the Social Workers Registration Board?
2. Do you consider that the key issue in this case was the Subject's fabrication of information to cover up her failure to fulfill her professional responsibilities?
3. Is sufficient time allowed for social workers, especially those in a casework setting for paperwork? How can the current situation be improved?
4. Do you think the Subject's acts justified a dismissal instituted by the agency and disciplined by the Board? What can social workers learn from this case?
5. In this case, who has the responsibility to advise the agency of the inadequacy of its practices and procedures for keeping and protecting its assets?

## REFLECTION / CONSIDERATION

1. The Subject may have fulfilled her administrative tasks, but she did not fully satisfy the requirements of the Service Quality Standards published by the Social Welfare Department. It is noteworthy that the Disciplinary Committee held that administrative incompetence does not constitute professional misconduct. The Subject's integrity, however, was called into question by the establishment of allegations 2 and 3. She would not have been severely criticized if, instead of providing falsified dates, she had put down the exact dates of her recording and admitted that she had been late in the fulfillment of her duties.
2. Social workers may occasionally backdate records. However, professional negligence would be suspected because the social worker did not conduct regular reviews as required by the agency. The practice of backdating records is, unfortunately, not uncommon in the social work field. The fact that records were written long after services had been rendered should lead to a general re-evaluation of the workloads of social workers. This case shows that it is important to refrain from doing so. The accuracy and completeness of records are in doubt if they are written even one month after contact with service users.
3. Although disciplinary orders of oral admonition by the Chairperson of the Board are kept in the personal file of the registered social worker concerned, social workers should be aware that such an addition to their file could be detrimental to their

future prospects because their file may be disclosed to a third party with their consent. For example, when social workers apply for new posts, their disciplinary information may be disclosed to prospective employers with their consent.

4. The Subject was not only dismissed by the employer but also orally admonished by the Chairperson of the Board as recommended by the Disciplinary Committee. These consequences show that the acts of the Subject led to disciplinary actions on the part of the agency for administrative failure and also on the part of the Board for professional misconduct. Registered social workers should be aware that they might violate the Code of Practice for Registered Social Workers if they do not provide constructive advice to their employing agencies in order to improve policies, practices, and procedures for the enhancement of service quality. If a complaint is lodged with the Board against a social worker in this regard, the decision as to whether the social worker's omission constitutes professional misconduct will depend on the facts of the case and the perspective of the Disciplinary Committee.
5. With regard to the disappearance of the cake coupons, the Subject's supervisor may be held partially responsible. The supervisor failed to oversee the Subject's actions and to implement measures to ensure the safeguarding of the agency's property. It appears that the agency had no rules in place for the proper handing over of property after a staff member's dismissal, nor had it established a system of safeguarding its property on the premises. According to clause 2 of the "Related to Agency" section of the Code of Practice for Registered Social Workers, social workers are responsible for providing their employing agency with constructive advice when they notice bad practices that may lead to the agency's loss. Failure to do so might constitute a violation of the Code of Practice if the loss adversely affected the quality of service of the agency.
6. Agencies must ensure that their employees work in an environment where they are not likely to be guilty of professional misconduct. In this case, the agency's failure to set up a proper system to protect its assets and thus also created a potential pitfall for the employees. All agency heads, whether or not they have social work training, have a professional obligation to help their colleagues perform their duties properly.
7. Agencies have an obligation to ensure that communication with their staff is efficient and effective so that any feedback or grievances will be conveyed in a timely manner.

## CASE SUMMARY

A small child was admitted to the hospital and, after investigation by doctors and a multi-disciplinary case conference, the child's situation was identified as a case of neglect. The child's mother (Complainant A), whose brother maintained that she had suffered from post-partum depression, was later found to be mentally challenged. She was eventually admitted to a hospital for assessment and treatment. Pursuant to a care or protection order of the Juvenile Court, the child was committed to the care of a social worker (the Subject), and placement in a foster home was arranged by the agency that handled the case.

It was alleged that when Complainant A was due to be discharged from hospital, an officer from the hospital recommended that she be admitted to a halfway house. This Recommendations, however, was not well received by Complainant A or her sister (a resident of mainland China, who visited Hong Kong from time to time on an exit-entry permit to help take care of Complainant A) who had promised to continue taking care of her.

A man who claimed to be the child's biological father (Complainant B) repeatedly attempted to visit the child at the foster home. The Subject did not recognise Complainant B's status as the child's biological father until he provided the result of a DNA test. For various reasons, Complainant B was not able to take care of Complainant A and the child. He, however, disagreed with the Subject about her arrangements for Complainant A and her Recommendations of Complainant A's admission to a halfway house. He also objected to the foster care arrangements for the child and was keen to return the child to the care of Complainant A. The Juvenile Court did not accede to Complainant B's request that the child be committed to Complainant A's care; instead, it extended the care or protection order. Complainants A and B then jointly lodged a complaint against the Subject for breaching the Code of Practice for Registered Social Workers.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect under section 25(1)(a) of the Social Workers Registration Ordinance (Cap. 505) if the following allegations were proven. The particulars are as follows:

### Background

1. Complainants A and B had a six-year-old child.

2. Complainant A had suffered from depression after giving birth to the child and was admitted to the hospital for treatment. For this reason, she was not able to take care of the child, who was eventually placed in a foster home arranged by the agency.
3. The Subject was a registered social worker employed by the agency and was responsible for the child's case.

### **Allegation 1**

Complainant A learned from the neighbour of the foster home where the child had been placed that the child had been physically abused. The Subject did not follow up on this report but let the child continue staying in the foster home.

### **Allegation 2**

Nine months after the events in Allegation 1, when Complainant B was discharged from the hospital, the Subject committed her to a halfway house without providing any reason. When Complainant A refused to accept the arrangement, the Subject terminated the lease of Complainant A's residence. It was only at Complainant B's strong insistence that Complainant A was able to return to her flat.

### **Allegation 3**

When Complainant A was discharged from the hospital, the doctor indicated that she was not yet able to take care of her child. Complainant A had an understanding that her child would be allowed to spend two days a week at home (with her). However, the Subject told Complainant A and her elder sister that the child could only be allowed to spend time at home with her if her sister was staying with her. The Subject did not give any reason for insisting on this arrangement.

### **Allegation 4**

In the month when Complainant A was discharged from the hospital, the child was injured after falling onto the floor at the foster home twice. The Subject did not inform Complainant A or Complainant B immediately after the incidents. The (persons in charge of the) foster home admitted that the child had fallen twice. The child claimed that he had not been taken to see a doctor. The injury was not a minor one: the area was still swollen three months after the falls.

### **Allegation 5**

The Subject told Complainant A that she intended to commit the child to "an orphanage" (a children's home) without giving any reason.

### Allegation 6

Two months after the child's fall, the Subject indicated that the child would be committed to a children's home and that Complainant A would be arranged to return to and live in mainland China. Again, the Subject did not give reasons for the arrangements and therefore Complainants A and B refused to accept.

### Allegation 7

Complainant B asked the Subject for information on child protection cases and related regulations but the Subject refused to provide it.

### Allegation 8

The above allegations, if proven, constitute a possible breach of the following clauses of the Code of Practice for Registered Social Workers:

1. Clause 1 of the "Basic Values and Beliefs" section, "The social worker's primary mission is to help people in need and to strive to address social problems."; and /or
2. Clause 4 of the "Basic Values and Beliefs" section, "The social worker accepts responsibility to advance social justice and to safeguard the cause of human rights."; and/or
3. Clause 5 of the "Basic Values and Beliefs" section, "The social worker believes that each society, regardless of its form, should provide maximum benefits to its members."; and/or
4. Clause 7 of the "Basic Values and Beliefs" section, "The social worker recognises the central importance of human relationships and seeks to strengthen relationships among people in a purposeful effort to promote, maintain and enhance the well-being of individuals, families, social groups, organizations and communities for the prevention and relief of hardship and suffering."; and/or
5. Clause 1 of the "Related to Clients" section, "The social worker has a primary responsibility to the clients."; and/or
6. Clause 2 of the "Related to Clients" section, "The social worker acknowledges a responsibility to inform the clients of their rights and help them to obtain appropriate services. Clients should also be informed of, as far as possible, obligations and possible consequences associated with services provided to them."; and/or



7. Clause 1 of the "Related to Profession" section, "The social worker should maintain honesty, integrity and responsibility in professional practice."; and/ or
8. Clause 3 of the "Related to Society" section, "The social worker recognises the need to prevent and eliminate discrimination and recognises the need to strive for a more reasonable distribution of resources and to ensure that all persons should have equal opportunity to access to the necessary resources and services.".

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

#### Allegations 1 through 5 and Allegation 7

These allegations were not proven due to a lack of evidence.

#### Allegation 6

The decision to refer Complainant A to a halfway house was not solely that of the Subject but was a joint decision of the doctors, the occupational therapists, and the social workers involved in Complainant A's case. The Disciplinary Committee considered that the allegation was not proven owing to a lack of evidence.

#### Allegation 8

The Disciplinary Committee concluded that the Subject had not breached the Code of Practice for Registered Social Workers.

In summary, the Disciplinary Committee was of the view that the Subject had maintained her proper professional judgment and had not breached the Code of Practice for Registered Social Workers although she had not acceded to all the requests of Complainant B. The Committee decided that the allegations were not proven and recommended that the Board dismiss the complaint.

### Decision of the Board

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint lodged by Complainants A and B.

## DISCUSSION ISSUES

1. Some people may see the complaint mechanism as imperfect and subject to abuse. They think that the profession should do away with it. What is your view on this issue?
2. Service users, especially those who are underprivileged and are unfamiliar with the social welfare system, may sometimes be unsatisfied by the services provided. On one hand, it is the right of service users to choose the services that best suit their needs. On the other hand, social workers do not always have access to all the resources required by service users' demands. How can our profession deal with this dilemma?
3. When dealing with service users who are mentally challenged, social workers have an obligation to take the time necessary to help them to understand the process and the service arrangements. However, in view of social workers' heavy workload, this obligation is often difficult to fulfill. What can the agency do to help social workers in this regard?

## REFLECTION / CONSIDERATION

1. A complaint mechanism is necessary, but no mechanism is perfect. Its minor flaws, however, should not overshadow its contribution as an instrument of justice. The complaint mechanism of the social work profession is still fairly young and the best practice is still being developed. There is clearly room for improvement in the system, and improvements are being made. It is expected that the mechanism will work more smoothly over time.
2. It is important to keep accurate and up-to-date records. Every detail of an event or decision should be clearly recorded.
3. Social workers must help service users understand that social work involves teamwork, that decisions are shared by team members, and that their resources are limited. At the same time, social workers should not forget their obligation as advocates for service users whose needs are not being met.
4. Social workers should communicate with their service users in a patient and friendly manner, regardless of their mental state or abilities. Agencies should be flexible when allocating duties so that social workers who need to make an extra effort to help mentally challenged service users can adjust their workload accordingly.

5. Social workers should remember clause 1 of the "Basic Values and Beliefs" section of the Code of Practice for Registered Social Workers, "The social worker's primary mission is to help people in need and to strive to address social problems." Also, they should bear in mind clause 2 of the "Related to Clients" section, which states, "The social worker acknowledges a responsibility to inform the clients of their rights and help them to obtain appropriate services." In view of these duties, social workers should strive to provide service users with the services that best suit their needs. Social workers should also act as advocates for their service users with their agencies and with government bodies so that they can effect changes in social policy.

## CASE SUMMARY

A social worker (the Subject) and his colleague were assigned to supervise a summer programme of a community centre. They were required to select instructors for the summer school for primary students, which was part of the programme. Five instructors, four female and one male, were employed, and all worked under the supervision of the Subject and his colleague. The instructors were all university students or Form 7 graduates.

Throughout the programme, it was obvious to the students and the instructors that the Subject was particularly fond of one of the female instructors (the Complainant). It was clear that he was attracted to her, and he took every possible opportunity to approach her. He frequently called her mobile phone, sent her text messages, excessively monitored her teaching, whispered to her in front of the class, and tried to seek her attention by playing tricks on her in front of others. His activities interfered with the progress of her classes. On one occasion, he even committed unwelcome conduct of a sexual nature in relation to her that made her feel offended. The students and other instructors, at the same time, felt that they received unfair treatment as a result of the Subject's fondness for the Complainant.

The Complainant and two other instructors initially lodged a complaint against the Subject with the agency running the programme. The agency began an internal investigation, which it put on hold after learning that the instructors were planning to lodge a complaint with the Social Workers Registration Board. Eventually, all five instructors each lodged a complaint against the Subject with the Board, maintaining that his professional misconduct breached the Code of Practice for Registered Social Workers. The evidence presented at the disciplinary inquiry revealed that the agency later withdrew its verbal agreement to renew the Subject's employment contract for another one year.

## THE COMPLAINT

The Subject might have breached clause 1 of the "Related to Clients" section and/or clauses 1 and/or 2 of the "Related to Agency" section of the Code of Practice for Registered Social Workers, and/or committed a disciplinary offence for misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### **Allegation 1**

The Subject committed unbecoming conduct by using his authority and position to harass the Complainant at work and to subject her to unfair treatment. The Complainant's work was obstructed as a result.

#### Particulars of the Allegation

One evening, the Subject called the Complainant and asked her to dine with him, but she refused. Afterwards, the Subject repeatedly offered her invitations, and urged her to see him alone. The Subject later revealed his passion for her. In the process of pursuing the Complainant, the Subject sent her a number of short messages, which she ignored. The Complainant clearly indicated her reluctance to listen whenever the Subject tried to flatter her. However, the Subject did not stop pursuing her.

The Subject frequently monitored the Complainant's classes. The Complainant considered the Subject would disrupt her teaching and asked him to leave the classroom. He then told her that if she did not go out for a meal with him, he would stay in the classroom until the end of the class.

When monitoring the Complainant's classes, the Subject repeatedly whispered to her ear, "Come out for a meal with me." This act caused misunderstanding in the students, and every time the Complainant asked the Subject not to do it anymore.

During an outing, the Subject allowed the Primary 6 students only five seconds to line up, while other grades were given ten seconds. Whenever the Primary 6 students did not line up properly, he would punish the Complainant by forcing her to sing and dance publicly, which made her embarrassed. Later, the Subject punished the whole class as well as the Complainant, and the students as well as the Complainant were aggrieved by his unfairness.

During a musical chair game in an outing, the music stopped whenever the ball reached the Complainant. She and the youth ambassadors on the same coach considered this unfair.

The Subject repeatedly encouraged the students to ask the Complainant to sing or perform for them. As a result, the Complainant found it difficult to establish the image of a teacher.

## Allegation 2

The Subject deliberately instigated unnecessary and unwelcome physical contact with the Complainant, causing the Complainant to feel offended, humiliated or intimidated.

### Particulars of the Allegation

One day, the Complainant bought lunch for the Subject, but the Subject did not reimburse her. In a classroom of Secondary School X which was the office of the instructors of the summer programme, the Complainant and another instructor (Witness 4) took the Subject's wallet away. When Witness 4 threw the wallet to the Complainant, the Complainant and the Subject rushed towards it. During the chase, the Subject held and tickled the Complainant's waist.

On the day after the incident described above, the Complainant ignored the Subject when she met him. The Subject told the Complainant, "If you keep ignoring me, I will tickle your waist again," which confirmed that the tickling on the previous day had been deliberate.

## Allegation 3

The Subject acted unfairly, which caused the students to feel aggrieved.

### Particulars of the Allegation

During an outing organized by the Centre, the Subject allowed the Primary 6 students only five seconds to line up while other grades were given 10 seconds.

Whenever the Primary 6 students did not line up properly, the Subject would punish the Complainant by forcing her to sing and dance publicly, which made her embarrassed. Later, the Subject punished the whole class, along with the Complainant, which heightened their grievance of being unfairly treated.

## Allegation 4

The Subject often talked to the female volunteers while he was monitoring classes, thus affecting order in the classroom.

## Allegation 5

The Subject gave orders to students in the capacity as the principal, but sometimes the orders were frivolous.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

#### Allegation 1

After considering the evidence, the Disciplinary Committee decided that the allegation was established and that the Subject had committed misconduct in a professional respect which constituted a disciplinary offence. The Disciplinary Committee therefore recommended that the Board issue a disciplinary order to the Subject under section 30(1)(d) of the Social Workers Registration Ordinance (Cap. 505), that is, "order that the Chairperson of the Board admonish the social worker orally".

#### Allegation 2

The Disciplinary Committee decided that the allegation was not established.

#### Allegation 3

The Disciplinary Committee fully accepted the defence of the Subject and considered that his conduct could be described as mismanagement and misjudgment, but not misconduct in a professional respect. On the basis of the evidence provided, the Disciplinary Committee decided that the allegation was not established.

#### Allegation 4

After considering the evidence adduced by the Complainant and the witnesses, the Disciplinary Committee found that the alleged conduct of the Subject was too trivial to constitute professional misconduct. There was no prima facie evidence to support the allegation and thus no case for the Subject to answer. The Disciplinary Committee recommended that the allegation be dismissed.

#### Allegation 5

After considering the evidence of the Complainant, the Disciplinary Committee found that there was no prima facie evidence to support the allegation and thus no case for the Subject to answer. The Disciplinary Committee recommended that the allegation be dismissed.

### Decision of the Board

The Board accepted the Disciplinary Committee's Recommendationss and issued a disciplinary order under section 30(1)(d) of the Social Workers Registration Ordinance in respect of the Subject, that is, "order that the Chairperson of the Board admonish the social worker orally".

## DISCUSSION ISSUES

1. What constituted inappropriate behaviour in this case?
2. What were the proper roles of the agency, the supervisor, and the co-workers in this case?
3. What can be done to prevent similar incidents from happening in the future?

## REFLECTION / CONSIDERATION

### The Expectation of High Moral Standards on the Part of Social Workers

1. The general public and service users have high expectations of social workers' moral standards and conduct. Social workers should refrain from any unnecessary and unwelcome physical contact with their service users and colleagues, even when their intentions are good.
2. Social workers should adopt high moral standards and be self-disciplined at all times and in all service settings. As a result of the increasing openness of society, many entrants to the social work profession may be uncertain as to how to properly handle relationship with service users and may have difficulty in drawing the line between professional relationship and personal relationship. In this case, the Subject's conduct was unwelcome to the Complainant: he attended her classes for personal reasons and hindered the progress of the class. In all circumstances, social workers must ensure that the professional relationship comes first. They should always be careful to avoid abusing their professional status in the pursuit of their personal interests.

### Supervision of New Staff and Recent Graduates


3. In this case, the agency supervisor knew nothing about the incidents occurring at the school until she received the complaints lodged by the instructors. It appeared that there had been little supervision for the Subject and other employees from a higher-ranking supervisor. If appropriate and effective supervision had been provided, the supervisor would have warned the Subject that he must act more professionally.
4. Agencies should make clear guidelines for supervisors conducting staff recruitment. Regardless of their size and resources, agencies must provide their employees with appropriate and sufficient supervision. In this case, the Subject, a new entrant in the field, should have received closer supervision on staff recruitment.



5. If the Subject and the instructors at the school had been given clear and comprehensive guidelines, the agency would have learned about the problems in time to take remedial action.
6. Before taking up a social work post, entrants to the profession should be provided with special guidance that focuses on sensitive issues they may encounter in the workplace.
7. The Code of Practice for Registered Social Workers is a good reference for guidelines applicable to all social workers.
8. Social workers should take into account not only the standards set out in the Code of Practice for Registered Social Workers but also the values of the general public. Sexual behaviour is regulated by the law. Social workers should pay careful attention when interacting with co-workers of the opposite sex. Guidelines are available in the provisions of the Sex Discrimination Ordinance (Cap. 480): section 2(5) of the Ordinance provides an interpretation of "sexual harassment" and section 23 deals with sexual harassment of employees.

#### Suggestions to Training Institutions

9. The case could serve as a warning to social work students: similar behaviour could lead to a breach of the Code of Practice that constitutes a disciplinary offence under the Social Workers Registration Ordinance.
10. Training institutions should address any conflicts of interest that students might encounter in their professional relationships with different parties.
11. Students should be reminded that when they become social workers, they must exercise due care in situations where their personal interests are involved to ensure that their professional judgment and quality of service are not compromised, and they should seek advice from their supervisors when they encounter any problem.



## Honesty and Integrity

### Principles of Practice

#### Related to Clients

1. The social worker has a primary responsibility to the client.
2. The social worker acknowledges the client's right to self-determination and helps them to obtain appropriate services for as positive, effective and possible as provided to them.
3. The social worker should inform clients fully, in understandable, in a given situation, and the client should have a right to refuse, to participate, should make the necessary and appropriate information and to work contracts, as far as the employing agency.
4. The social worker should not abuse the worker's personal interests.
5. The social worker should not have sexual contact with clients.
6. If and when the for services is required, the social worker should not be denied timely services they need to

## CASE SUMMARY

The officer-in-charge (the Subject) of an integrated service centre (Centre X) resigned from the centre of his own accord. It was found that he had close affiliations with a new centre (Centre Y), which ran programmes similar to those of Centre X. It was not known, however, whether he was the owner or an employee of Centre Y. After the Subject had resigned from Centre X, staff of Centre X was told by a member's parent that a person using the name of the Subject called her and promoted the services of Centre Y.

The Subject's former supervisor at Centre X (the Complainant) later spoke to a number of parents of the members of Centre X and found that many of them had received similar phone calls from the Subject. The agency in charge of Centre X (the Agency) suspected that the Subject had contacted his previous service users at Centre X, disclosed their personal data to Centre Y without their consent, and abused his former relationship with these service users to recruit them to Centre Y for personal gain. The Complainant, representing the Agency, lodged a complaint against the Subject for breaching the Code of Practice for Registered Social Workers.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

After his resignation from Centre X, the Subject obtained, retained, possessed, and/or used service users' personal data (including the names and/or the telephone numbers, etc.) without the consent of Centre X and/or its service users (including children, youth, and their parents).

### Allegation 2

In the month subsequent to his departure from Centre X, without the consent of Centre X and/or its service users, the Subject disclosed the above-mentioned personal data to third parties (including persons related to Centre Y, such as its agents, proprietors, and employees), thus infringing on the privacy rights of the service users of Centre X.

### **Allegation 3**

In the month subsequent to his departure from Centre X, the Subject used his relationships with his service users established during his employment at Centre X to recruit service users to Centre Y and/or to solicit or attempt to solicit benefits for personal gain.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

After considering all evidence, the Disciplinary Committee concluded as follows:

#### **Allegation 1**

The Subject had contacted the parents after his resignation from Centre X, and also obtained, retained, and/or possessed the personal data of service users after his resignation without authorization from Centre X or the consent of the service users. Therefore, the allegation was established.

#### **Allegation 2**

There was insufficient evidence to substantiate the allegation.

#### **Allegation 3**

It was more likely than not that the Subject would benefit from recruitments to Centre Y. The allegation was therefore established.

The Disciplinary Committee decided that the Subject's acts mentioned in both allegations 1 and 3 constituted a disciplinary offence under section 25(1)(a) of the Social Workers Registration Ordinance (Cap. 505). It recommended the following disciplinary actions against the Subject:

1. Under section 30(1)(d) of the Social Workers Registration Ordinance, the Social Workers Registration Board issued to the Subject a disciplinary order, that is, "order that the Chairperson of the Board admonish the social worker orally".
2. Pursuant to section 32(1)(b) of the Social Workers Registration Ordinance, the disciplinary order should be published in the newsletter of the Social Workers Registration Board with the name of the Subject fully disclosed.

## Decision of the Board

The Board accepted the Disciplinary Committee's Recommendations. A disciplinary order, that is, "order that the Chairperson of the Board admonish the social worker orally", was issued in respect of the Subject, and the disciplinary order was published in the Board's newsletter accordingly.

## DISCUSSION ISSUES

1. How well do social workers know about the disciplinary orders set out in section 30(1) of the Ordinance?
2. Are there guidelines for social workers on handling service users' information and pursuing relationships with service users after termination of service?
3. Is it common for social workers to keep service users' personal data inadvertently?
4. What could be done to prevent social workers from keeping service users' personal data inadvertently after the working relationship has been terminated?
5. Under what circumstances would social workers be allowed to maintain contact with their service users after a change of position, dismissal, or resignation?

## REFLECTION / CONSIDERATION

1. There are four levels of censure under sections 30(1)(a) to (d) of the Social Workers Registration Ordinance: removing the social worker's name from the Register permanently - the most severe disciplinary action under the Ordinance; removing the social worker's name from the Register for a specified period (not more than five years); reprimanding the social worker in writing and recording the reprimand in the Register; and oral admonition by the Chairperson of the Social Workers Registration Board.
2. Guidelines for social workers on handling service users' information and pursuing relationships with service users after termination of service are available in the Guidelines on Code of Practice for Registered Social Workers. Clause 3.9 of the "Related to Clients" section of the Guidelines states that, after termination of service relationship, social workers should not continue to possess or keep files or information about the service users, in any records or form of storage, whether electronic,

literal, or audio-visual. Clause 4.2 of the Guidelines states that social workers should not exploit their professional relationships with service users for monetary gain.

3. Social workers should be aware of the possible consequences of keeping service users' information intentionally or unintentionally.
4. There is not much that social workers can do to stop their former service users from contacting them. They should, however, act according to a high moral standard and not initiate any contacts with former service users. If uncertain, social workers should seek clarification from their former and current employers. In all cases, social workers should be very careful of their relationship with former service users and exercise due care to avoid conflict of interests.
5. Agencies should provide their employees with clear guidelines on data retention and on classifications for confidential data.

## CASE SUMMARY

A resident (Resident A) of a juvenile home hanged himself in the home. The night before he committed suicide, he was interviewed by a senior staff member of the home (Subject A). After the incident, a number of staff members responsible for Resident A (including Subject A) provided statements to the police. The statements given by some of these staff members (but not Subject A) revealed that after Subject A had interviewed Resident A on the night before the suicide, he had instructed a staff member on duty to keep a close eye on Resident A, who, he felt, was at high risk of attempting suicide.

As a senior staff member of the home, Subject A was summoned to testify in a coroner's court. In his verdict, the coroner noted that Subject A's statement given at the inquest was inconsistent with that given by another witness (a colleague of Subject A). Subsequently, Subject A and his colleagues were asked to provide information on the incident for an internal investigation launched by the agency (the Agency) in charge of the juvenile home. After the internal investigation, the agency referred the matter to the police for a second round of investigation. The police investigation did not find evidence to warrant a criminal case. Subject A and two of his subordinates, however, were disciplined by the agency.

The suicide incident was widely reported by the press and raised concern in the general public. A member of the social work field (the Complainant) lodged a complaint against Subject A and another agency staff member (Subject B) for professional misconduct, dishonesty and lack of integrity.

## THE COMPLAINT

Allegations were made against Subjects A and B for committing misconduct or neglect in a professional respect (during the inquiries conducted by the Agency and/or the Coroner's Court into the suicide of Resident A). These allegations (listed below), if proven, would amount to a breach of section 25(1) of the Social Workers Registration Ordinance (Cap. 505). The particulars are as follows:

### Allegation 1

In procuring to withhold and/or withholding relevant facts and/or information and/ or evidence pertinent to the suicide of Resident A;

### **Allegation 2**

In procuring the provision of false information or providing false information in relation to the suicide of Resident A;

### **Allegation 3**

In lacking honesty and integrity;

### **Allegation 4**

Not alerting appropriate bodies any violation of the Code of Practice by colleagues that puts the interests of service recipients at risk.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

#### **Against Subject A**

#### **Allegation 1**

The Disciplinary Committee decided that Subject A had been guilty of misconduct in procuring to withhold and/or withholding relevant facts and/or information and/or evidence pertinent to the suicide of Resident A. The said misconduct constituted a disciplinary offence under section 25(1)(a) of the Social Workers Registration Ordinance. The Disciplinary Committee recommended that a disciplinary order of oral admonition by the Chairperson of the Social Workers Registration Board under section 30(1)(d) of the Ordinance be instituted against Subject A. The Disciplinary Committee also recommended that the Social Workers Registration Board publish the disciplinary order in the Board's newsletter as provided under section 32(1)(b).

#### **Allegations 2 to 4**

The Disciplinary Committee found that the allegations were not proven. However, the Disciplinary Committee remarked that, although there was not sufficient evidence to prove that Subject A lacked honesty and integrity as alleged in allegation 3, the integrity of Subject A, as shown in this case, was in great doubt.



## **Against Subject B**

### **Allegations 1 to 4**

The Disciplinary Committee found that, in the case of Subject B, allegations 1 to 4 were not proven. The Disciplinary Committee recommended that the allegations be dismissed accordingly.

## **Decision of the Board**

### **Subject A**

The Social Workers Registration Board accepted the Disciplinary Committee's Recommendations. A disciplinary order of oral admonition by the Chairperson of the Board was administered to Subject A, and the order was published in the Board's newsletter accordingly.

### **Subject B**

The Social Workers Registration Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint accordingly.

## **DISCUSSION ISSUES**

1. What qualities must registered social workers possess in order to deal with life-threatening situations?
2. What measures must agencies take to monitor the practice of their staff?
3. What are the possible causes that led to this complaint? What can be done to prevent similar incidents from happening in the future? What roles should be assumed by the agency and the social worker?

## **REFLECTION / CONSIDERATION**

1. Readers may not have been given the necessary background information on this case to comprehend the reason that Subject A intentionally covered up the facts, nor are they in a position to speculate on it. Nevertheless, Subject A's actions to procure withholding of evidence to be given to the Coroner's Court represent a serious misconduct and a possible offence. If Subject A were ignorant of the legal process or lacked access to legal advice, the agency should have provided him

with free legal support and advised him on any possible consequences of his actions. If agency for some reason had failed to provide legal support, he should have sought advice from social work professional bodies or unions to protect his interest. It is advisable that social work professional bodies should set up funds for such purposes. It is also recommended that registered social workers consider taking out professional liability insurance to further protect their interests in case of professional indemnity by other parties.

2. This case study demonstrates, once again, the importance of good management of records. Generally speaking, if there is a good system for keeping logs and records, the acquisition of factual information will not rely solely on a person's memory.
3. Subject A had consumed alcohol at a wedding banquet before he returned to the home and interviewed Resident A. The extent to which alcohol affected the judgment of Subject A was not determined. Subject A's previous behaviour on the job demonstrated his commitment to his work. However, the fact that he was under the influence of alcohol during the performance of his duties raises some questions. It is advisable that social workers should assess carefully their condition after consuming alcohol in order to determine whether they are capable of performing their duties properly. Agencies should also formulate a clear policy on staff members' alcohol consumption before and during the performance of duty.
4. Assessing whether a person is likely to commit suicide is very difficult; it requires professional and clinical knowledge and skill, good judgment and relevant practical experience. Ongoing professional training in this area will surely help social workers who must deal with these kinds of situations.
5. While to err is human, all who have erred must take quick action to rectify their mistakes. This case shows that admission of wrongdoing at the outset is very important and that attempts at concealment can have serious consequences.
6. After such an incident, an agency should hold debriefing sessions for all staff members involved, not to assign blame but to understand the reasons for the incident and suggest improvements to prevent recurrence.

## CASE SUMMARY

A former member of the teaching staff (the Complainant) of a tertiary institute lodged a complaint against a current member of the teaching staff of the same institute (the Subject) for inappropriate acts, which could constitute professional misconduct or neglect. These acts included inappropriately requesting the student to discuss the latter's sexual life and failing to report to the organizations concerned the results of three funded research.

The evidence before the Disciplinary Committee showed that the alleged misconduct took place some years ago and that the Complainant had been aware of the details of his allegations for more than two years before he lodged his complaint with the Social Workers Registration Board. The Complainant failed to provide a clear explanation of his delay in filing the complaint.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

In the course of supervising a social work student, the Subject inappropriately requested her to discuss her sexual life. This act caused the student emotional distress and made her feel that her privacy had been invaded.

### Allegation 2

The Subject stated in his curriculum vitae that he had participated in the following three funded research projects, but he did not provide an account of the results of these projects to the sponsors or the persons concerned. The Subject's conduct in this regard constituted a breach of trust and showed a lack of integrity. The three projects are as follows:

1. Project 1: sponsored and partially funded by University X, in co-operation with two hospitals;
2. Project 2: funded by University Y; and
3. Project 3: undertaken in co-operation with an agency.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

After hearing the objection on a point of law<sup>2</sup> submitted by the Subject and considering all the circumstances of the case, the Disciplinary Committee noted that the Complainant had lodged the complaint two years after he had obtained actual knowledge of the disciplinary offences without citing special circumstances to explain the delay. On this ground, the Disciplinary Committee recommended that the complaint be dismissed.

### Decision of the Board

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint accordingly.

## DISCUSSION ISSUES

1. What are the main issues involved in this case?
2. How should sensitive issues that arise in the supervisory process be dealt with? Should there any guidelines? Could these guidelines be usefully applied to the relationship between social workers and service users?
3. What is the rationale behind the two-year time limit for complaints under section 25 (3)(a) of the Social Workers Registration Ordinance (Cap. 505)?

## REFLECTION / CONSIDERATION

1. Social workers and the general public must strictly observe the two-year time limit established by the Social Workers Registration Ordinance: if they lodge a complaint

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<sup>2</sup> Under section 25(3) of the Social Workers Registration Ordinance:

Any complaint concerning any disciplinary offence shall be made in the specified form to the Registrar who shall, in accordance with rules made by the Board under section 9, submit the form to 2 members of the Board appointed by the Board for the purpose, and the members, in accordance with such rules, shall refer the complaint to the Board unless-

(a) the members are satisfied that-

- (i) the complainant has had actual knowledge of the disciplinary offence complained of for more than 2 years immediately preceding the date on which the Registrar received the complaint; and
- (ii) there are no special circumstances which explain the delay in making the complaint.

against a registered social worker after the two-year period has elapsed, their complaint is likely to be rigorously challenged. For the benefit of the parties concerned and in the interest of fairness, a complaint should be filed with the Social Workers Registration Board as soon as possible.

2. Sexual and gender-related issues are highly sensitive. Social workers should be sensitive when handling cases of the kind.
3. Fewer misunderstandings may result if social workers are knowledgeable and exhibit a high standard of professionalism when dealing with gender-related issues.
4. When a sexual matter arises during treatment, the parties involved must understand the implications of discussing the issue and determine whether they wish to proceed. Training institutes and agencies should formulate relevant guidelines to help their staff members deal with such issues.
5. This case illustrates the need to ensure continuing professional development in the social work field. A continuing professional development programme should be designed to enable social workers to understand the moral standards of their profession, improve their attitude, and increase their knowledge and skills.
6. Professional integrity is one of the most valuable characteristics of social workers. It is vitally important to safeguard the honour and reputation of social workers, and to avoid unnecessary misunderstandings.

## CASE SUMMARY

The Subject, a social worker, applied for a post at Agency X. At the agency's request, in the final stage of the recruitment, he provided the agency with the mobile phone number of his supervisor at the agency where he previously worked (Agency Y), who would act as a reference.

The human resource officer of Agency X (Witness A) called the person whom the Subject identified as his previous supervisor (Witness B). Witness A received a very favourable account of the Subject's past performance from Witness B. Witness A asked Witness B to complete and return an appraisal form, which he faxed to the office of Agency Y after the phone conversation. However, when Witness A received the completed appraisal form from Agency Y later, he was surprised to find that the written evaluation of the Subject's performance was very different from Witness B's appraisal on the phone earlier.

After investigation, Agency X found that the appraisal form was completed by the Subject's real former supervisor at Agency Y (the Complainant). Witness B, who claimed to be the Subject's supervisor, was actually a former colleague of the Subject at Agency Y. In light of this finding, Agency X did not offer the job to the Subject. His real former supervisor at Agency Y lodged a complaint against the Subject with the police and the Board, accusing him of providing false information in his job application. The police concluded that there was no case to pursue after a preliminary investigation of the Subject and Witness B.

## THE COMPLAINT

The Subject might have breached clauses 1 and 4 of the "Related to Profession" section of the Code of Practice for Registered Social Workers and clauses 1.2 and 4.3 of the "Related to Profession" section of the Guidelines on Code of Practice for Registered Social Workers, and/or committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

In a certain month, when the Subject submitted a job application to Agency X, the agency required a personal reference. On a certain day, the Subject provided the agency with false information, namely a phone number falsely represented as the Complainant's, purporting to make the agency believe that the owner and/or user of that phone number was the Complainant.

### **Allegation 2**

On the same day, the agency purported to contact the Complainant using the number provided by the Subject. In the hope to obtain employment by the agency, the Subject conspired with and/or counselled and/or procured a certain person to falsely represent to be the Complainant, and to orally provide the agency with a reference of the Subject, attempting to make the agency believe that the person providing the reference was the Complainant.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

#### **Allegation 1**

1. After careful consideration of all the evidence presented, the Disciplinary Committee was of the following views:
  - a. The evidence given by the Complainant and Witness A was credible.
  - b. It is commonly understood that only a former or current supervisor of an applicant is in a position to give a reference. The Disciplinary Committee held that Witness B should have been aware of this understanding and therefore the evidence given by Witness B was not credible.
  - c. The Subject's defence that he confused the phone numbers of the Complainant and Witness B because of his faulty memory was not credible.
  - d. The Subject intended to mislead Witness A so that the latter would assume that the telephone number belonged to Witness B because the Subject was eager to be hired.
2. The Disciplinary Committee concluded that the Subject had deliberately given to Agency X a phone number that was falsely identified as belonging to the Complainant. Therefore, the Disciplinary Committee decided that the allegation was established and that the Subject had committed misconduct in a professional respect, which constituted a disciplinary offence under section 25(1)(a) of the Social Workers Registration Ordinance (Cap. 505).

3. The Disciplinary Committee recommended that the Board issue to the Subject a disciplinary order under section 30(1)(d) of the Social Workers Registration Ordinance, that is, "order that the Chairperson of the Board admonish the social worker orally". The Disciplinary Committee also recommended that, in accordance with sections 32(1)(b) and 32(2) of the Ordinance, the Board publish the disciplinary order in its newsletter with the identities of all parties withheld.

## **Allegation 2**

Having considered all the evidence presented, the Disciplinary Committee decided that the allegation was not established on the following grounds:

1. There was not sufficient evidence to prove that the Subject had a plan to collaborate with and counsel Witness B to provide a positive reference for the Subject to Agency X.
2. The evidence provided by the Complainant was not sufficient to establish that there was a premeditated conspiracy between the Subject and Witness B.

## **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and decided as follows:

1. to issue to the Subject a disciplinary order under section 30(1)(d), that is, "order that the Chairperson of the Board admonish the social worker orally"; and
2. to publish, in accordance with sections 32(1)(b) and 32(2) of the Ordinance, the disciplinary order in its newsletter with the identities of all parties withheld.

## **DISCUSSION ISSUES**

1. Is the Subject's provision of false information to his potential employer for personal gain a criminal act? What is your opinion of the gravity and severity of this kind of behaviour?
2. What attitude should social workers adopt when presenting their personal information or providing references for their colleagues?



## REFLECTION / CONSIDERATION

1. Social workers should be careful when providing personal information. Their integrity should not be compromised by the slightest inaccuracy. There is no excuse for providing mistaken information.
2. Social workers should maintain a high level of honesty and integrity, and take full responsibility for their actions. There is no excuse for failing to meet the expectations of the general public and the ethical code of the profession.
3. Social workers should be entirely truthful in their references and give Recommendations for their colleagues according to their capacity. It is the responsibility of social workers to ensure that the recipient of their information understands in what capacity they are making such appraisals. They should also be clear about the source and background of the information they provide.
4. Social workers should not underestimate the consequences of providing misleading or untrue information to others. Such an act constitutes a breach of the Code of Practice for Registered Social Workers and section 25(1)(a) of the Social Workers Registration Ordinance. Clause 1 under the "Related to Profession" section of the Code of Practice for Registered Social Workers requires social workers "to maintain honesty, integrity and responsibility in their practice", and clause 4, "to make no misrepresentation or false claim regarding their professional qualifications". This principle extends to social workers' dealings with their employers, other social work agencies, and the community.
5. As a matter of courtesy, it should be common practice to obtain the consent of a referee before submitting a reference in an application for employment, admission to school, or other purposes. This practice is understood among social work agencies. Therefore, they assume that consent has been obtained from referees and that the information provided is true. Social workers should not abuse this trust.



## Service Quality

### Principles of Practice

#### Related to Clients

1. The social worker has a primary responsibility to the client.
2. The social worker acknowledges the client's right to self-determination and helps them to obtain appropriate services for as positive, effective and possible outcomes as possible.
3. The social worker should inform clients fully, in understandable, in a given situation, and the client should have a right to refuse, to participate, should make the necessary and appropriate information and to seek consent, as far as the employing agency.
4. The social worker should act above the worker's personal interests.
5. The social worker should not have sexual contact with clients.
6. If and when the for service is required, the social worker should not be deemed ready services they need to

## CASE SUMMARY

A resident (the Complainant) of a residential rehabilitation centre was requested to leave the centre as a punishment for contravening the regulations. The Complainant had experienced earlier conflicts with residents of the centre and had asked the rehabilitation officer (the Subject) to mediate in these disputes on the day that he left the centre. The Subject did not refuse the Complainant's request, but, following the instructions of the Acting Superintendent of the centre, she did not become involved in the matter. She, however, did not notify the resident that she was unable to help.

The Complainant claimed that on the day he left the centre, the Subject failed to offer any help and did not even let him use the telephone in her office to contact his caseworker. The Subject did not provide him with any follow-up services. He lodged a complaint against the Subject for her failure to provide the help he requested, which jeopardized his interests.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

Before the Complainant was requested to leave the centre, he asked the Subject to contact his caseworker for assistance. The Subject did not help as requested and, as a result, the Complainant's interests were jeopardized.

### Allegation 2

Before the Complainant was requested to leave the centre, when the Complainant informed the Subject that a complaint he had lodged with the Acting Superintendent against the Deputy Supervisor had not been accepted, the Subject had not rendered appropriate mediation in the matter. As a result, the Complainant's interests were jeopardized.

### Allegation 3

After the Complainant had been requested to leave the Home, the Subject failed to provide him with follow-up services. As a result, the Complainant's interests were jeopardized.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

The Subject was alleged to have breached clause 1 of the "Related to Clients" section of the Code of Practice for Registered Social Workers. The clause stipulates that "the social worker has a primary duty to the clients". After considering the evidence presented and taking into account all circumstances, the Disciplinary Committee recommended that all three allegations be dismissed owing to lack of proof.

### Decision of the Board

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## DISCUSSION ISSUES

1. What attitude should social workers adopt when handling service users' complaints and grievances?
2. What are possible causes that can lead to complaints?
3. How can the agency's services and policies be most effectively communicated to service users?
4. What can be done to prevent similar incidents in the future?

## REFLECTION / CONSIDERATION

1. Though the complaint was not established, there were evident problems in the communication between the Complainant and the Subject.
2. With regard to allegation 1, as the evidence revealed, the security policy of the centre required that residents make all telephone calls in the security room. The Subject was not under any obligation to allow the Complainant to make a phone call in her office. As the Subject had agreed to investigate the conflicts between the Complainant and the staff, the Subject should have respected the rights of the Complainant and kept him informed.
3. The Subject did not inform the Complainant that she was instructed by the Acting Superintendent not to intervene in the incident referred to in allegation 2. Failing to

tell the Complainant about this development does not demonstrate the proper attitude towards communicating with service users. Respect and transparency are important factors in fostering positive changes.

4. Though allegation 3 was not established, there was clearly room for improvement in terms of outlining of duties of the Subject as a rehabilitation officer. The management should follow the requirements of the Service Quality Standards published by the Social Welfare Department and should acquaint all residents and staff with the job description for rehabilitation officers so as to avoid any future misunderstandings. The job description should be available for residents' perusal upon request.
5. The Complainant indicated that there was a lack of effective communication between service users and the service provider. Security regulations, complaint procedures, and the rights of service users should be documented and made available to service users.

## CASE SUMMARY

A service user (the Complainant) with family problems went to a family services centre to meet with his caseworker, but the caseworker had been transferred. The supervisor of his caseworker (the Subject) interviewed the Complainant instead. While she talked with the Complainant at the reception area, he was very upset that the centre had not notified him that his caseworker had been deployed to another service unit. The Complainant later alleged that during the argument, the Subject slapped his face after claiming that his saliva had sprinkled her face. Police were called. A woman at the scene had witnessed the incident.

The Complainant lodged a complaint against the Subject for misconduct. At a late stage in the Disciplinary Committee's proceedings, it was revealed that the case had been brought to Court and that the Complainant had been charged with, and subsequently convicted of, common assault. The Subject was indeed the victim in that court case.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegation were proven. The particulars are as follows:

### Allegation

While the Subject was interviewing the Complainant, the Subject claimed that the Complainant's saliva sprayed her face. The Subject then slapped the left side of the Complainant's face, causing his spectacles to fall to the ground and inflicting injury.

## THE CONSEQUENCES

### Event before the Hearing

The Complainant attended the Disciplinary Committee's hearing in person. The Subject did not attend the hearing or send any written or verbal notification to the Disciplinary Committee in advance. During the hearing, no witnesses were called. The evidence and statements admitted by the Disciplinary Committee included the Complainant's written complaint, the signed submission of the Subject and the court documents relating to the common assault case.

## **Recommendations of the Disciplinary Committee**

The Disciplinary Committee found that the Complainant had not been able to produce a prima facie case against the Subject, and concluded that the Subject had not committed the alleged disciplinary offence. The Disciplinary Committee recommended that the complaint be dismissed.

## **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## **DISCUSSION ISSUES**

1. What should social workers do when facing a disciplinary inquiry into their professional performance? In this case, the Subject did not show up at the disciplinary hearing. Do you agree with this decision of hers?
2. What are the possible causes that led to the conflict described in this case? What can be done to prevent similar incidents from happening? What should the agency and the social worker bear in mind in such situations?

## **REFLECTION / CONSIDERATION**

1. This case demonstrates that some registered social workers fail to co-operate with the Social Workers Registration Board during disciplinary proceedings. In this case, the Subject did not give advance notice to the Disciplinary Committee regarding her intention to be absent. Her absence could have cast her in a very unfavorable light because she did not have the opportunity to tell her version of events. Her failure to attend also made a negative impression on the Disciplinary Committee members, who felt that the Subject did not respect disciplinary procedures. It is advisable that social workers co-operate with the Social Workers Registration Board even if they disagree with the Board regarding a disciplinary proceeding. It should also be noted that it may be a disciplinary offence under section 25(1)(d) of the Social Workers Registration Ordinance (Cap. 505) if a social worker, "without reasonable excuse, refuses or fails to attend before a disciplinary committee when summoned either as a witness or as a person in respect of whom the disciplinary committee is meeting".

2. In this case, the verdict of the Court was directly opposed to the allegation made by the Complainant. If the Board members had been informed of the court case during the initial screening process, the disciplinary inquiry might have been unnecessary.
3. The Disciplinary Committee recommended that the complaint be dismissed given the court documents. If the Subject had attended the hearing, she could have submitted evidence of the conviction of the Complainant to the Disciplinary Committee.
4. The Subject neither submitted the relevant court documents to the Disciplinary Committee nor attended the hearing. Under section 29(1) of the Social Workers Registration Ordinance, the Disciplinary Committee has the power to summon her to the hearing. If this had happened, it would have reflected unfavourably on her.
5. The Complainant in this case appeared to be emotionally upset because he had not been informed of the transfer of his caseworker. The way that he was informed of this fact is an area worthy of attention. People coming to social service agencies are often in some kind of trouble and are therefore more sensitive and irritable than usual. It is advisable for agencies to set up guidelines to provide service users with timely information about changes in the services they are receiving, for example, staffing changes, changes in appointments, suspension of services. Such changes have an impact on service users.



## CASE SUMMARY

A resident (the Complainant) of a rehabilitation centre (the Centre) run by an agency signed up for an excursion organized by the centre. When he signed up (about one or two weeks before the excursion), he realized that the gathering time was 15 minutes earlier than the usual time for past excursions. The Complainant then requested the centre van to wait until he had collected his allowance from the workshop, which opened at 9 a.m. (the usual gathering time), so that he could catch the van. However, he was told he must go to another location and catch another coach heading for the destination. On the day of the excursion, when the Complainant was ready to leave the centre, the van intended for the excursion was still waiting outside the centre. He asked permission to board the van. Although there were vacant seats, the staff refused to allow the Complainant to board the van because his name was not on the passengers' list. The Complainant then went to the other location by MTR and boarded the coach there.

About nine months after the above incident, the Complainant was informed by another resident of the centre that there would be a birthday party that evening. He immediately asked if he could participate, but he was refused because his request was too late. The Complainant felt that he was being discriminated against by the staff member who was responsible for the decision. He claimed that previous requests to participate in similar activities had been accepted even when they were late. The Complainant then lodged a complaint against the officer-in-charge the centre (the Subject), claiming discrimination.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Subject consented or/and permitted his subordinate, to unreasonably refuse the Complainant's participation in the birthday party organized by the Centre for members whose birthdays fell during a three-month period on the grounds that the party was fully booked and that the Complainant was late for enrollment, thereby jeopardizing the Complainant's interest.

## Allegation 2

The Centre organized an excursion. While there were vacant seats on the van for the excursion before its setting off, the Subject consented or/and permitted his subordinate to refuse the Complainant's request to board the van on the ground that the van was full, thereby jeopardizing the Complainant's interest.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

#### Allegation 1

The Complainant did not provide cogent evidence to substantiate his claim that there was misconduct on the part of the Subject in his refusal to allow the Complainant to join the birthday party. Rather, the Complainant had missed the deadline for participation. The Disciplinary Committee allowed the Subject's application for "no case to answer" and recommended that the allegation be dismissed.

#### Allegation 2

As the Complainant did not produce sufficient evidence to support his allegation, the Disciplinary Committee decided that the allegation was not proven and recommended dismissing it accordingly.

### Decision of the Board

The Social Workers Registration Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## DISCUSSION ISSUES

1. It seems difficult to link the alleged offences to any of the clauses of the Code of Practice for Registered Social Workers. Why, then, was this case referred to the Board and why was a Disciplinary Committee appointed to conduct an inquiry against the Subject?
2. When admitting service users to programmes and activities, are there any guidelines for staff to follow? Do staff members have any discretionary leeway?
3. What are the possible causes of the complaints described in this case study? What can be done to prevent similar incidents from happening in the future?

## REFLECTION / CONSIDERATION

1. Prima facie, there was no obvious offence identified in the complaint. However, under the provisions of sections 25(3)(a) to (h) of the Social Workers Registration Ordinance (Cap. 505), the two Board members who conduct an initial screening have very limited leeway to dismiss a complaint. It is of paramount importance for agencies to set up a transparent and responsive feedback mechanism for handling complaints to avoid subjecting their employees to a disciplinary inquiry. It would be helpful for social workers and public relation officers to attend courses on how to handle complaints.
2. An agency or centre should follow the Service Quality Standards published by the Social Welfare Department in setting out reasonable participation procedures and regulations in writing and making them known to service users. The procedures and regulations should be clear and concise. When dealing with treatment groups or clinical services, participation may not be determined on a first-come-first-served basis but according to the level of need. To arrange fair admission will inevitably involve professional judgment. Social workers may be the subjects of complaints if they are assigned to make such a judgment. A clearly written guideline on participation and assessment criteria should be given to service users in advance. Where necessary, social workers responsible for deciding on the participants should seek advice from senior staff.
3. This case underlines the importance of careful management of records. If the centre had kept a list of participants in the event and had provided promotional pamphlets that stated the criteria for participation, problems of the kind could have been avoided.
4. Agencies should formulate clear guidelines for staff who must exercise discretion in a selection or screening process. Social workers who must exercise discretion should declare any interest and, if possible, put together a team to make the final decision. A review mechanism may help to protect potential participants from discrimination and protect workers from charges of favouritism.
5. Admission tickets printed with details such as date, time, gathering place, and destination serve as very helpful reminders for participants.

## CASE SUMMARY

A resident of a drug rehabilitation centre (the Service User) discharged himself from a mid-way hostel without completing the six-month treatment programme. On arriving home, he told his wife (the Complainant) that when he went to a social worker (the Subject) to request a discharge, he had argued with the Subject because he refused to sign a paper. He also claimed that the Subject had punched him. The Complainant later found two bruises on her husband's chest, which she photographed. The next day, the Service User went to the hospital for a medical examination and also reported the case to the police. Later, the Service User and the Subject agreed with the police's findings that no "assault" had been committed, and that the case should be classified as a "dispute". Three days after the Service User was discharged from the centre, he committed suicide. The Complainant lodged a complaint against the Subject for assaulting the Service User and for disclosing the Service User's information to others without the Service User's consent.

## THE COMPLAINT

The Subject might have breached clause 1 of the "Related to Clients" section of the Guidelines on Code of Practice for Registered Social Workers, not treating the interests of clients as of paramount importance and the principle of confidentiality in clause 3 of the same section; and/or committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

At the mid-way hostel, the Subject had a dispute with the Service User and assaulted him; and

#### Particulars of the Allegation

A few days after the Service User was admitted to the centre for a six-month rehabilitation treatment programme, he was dissatisfied and demanded his discharge. However, he refused to sign a voluntary discharge agreement at the request of the Subject. The Service User alleged that during the argument that ensued, the Subject slapped the Service User on the chest twice.

## **Allegation 2**

At the mid-way hostel, without the Service User's consent, the Subject publicly disclosed the Service User's personal information.

### Particulars of the Allegation

The Complainant privately disclosed to the Subject that the Service User had always worried that she might desert him owing to his drug addiction and that she might have intimate relationships with other men. At the time of this disclosure, the Subject promised the Complainant that he would not mention the Service User's worries to the Service User himself. The next day, however, during a sharing session at the centre, the Subject told all the participants (including the Service User) that someone who had been a drug addict for years was worried that his wife might have intimate relationships with other men.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

#### **Allegation 1**

The Disciplinary Committee maintained that the Complainant had not provided sufficient evidence to establish a prima facie case and that the information provided in the papers from the police and the doctor at the hospital Service User visited did not support the Complainant's allegation. The Disciplinary Committee therefore decided that the Subject had no case to answer and recommended that the allegation be dismissed.

#### **Allegation 2**

The Disciplinary Committee ruled that the Complainant had not provided sufficient evidence for a prima facie case with respect to this allegation. The Committee therefore decided that the Subject had "no case to answer", and recommended that the allegation be dismissed.

### **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and decided that the Subject was not guilty of a disciplinary offence under section 25(1)(a) of the Social Workers Registration Ordinance (Cap. 505). The complaint was dismissed.

## DISCUSSION ISSUES

1. What can be done to prevent similar incidents from happening in the future?
2. What protocols should be adopted when sharing real life examples with service users for educational purposes?

## REFLECTION / CONSIDERATION

1. Social workers can lose their registration status and consequently their job if found guilty of a disciplinary offence. Personal professional indemnity insurance, which usually covers legal representation, is therefore important to them. While social workers should proactively take out such professional indemnity insurance, employers may consider providing such protection for their social work staff.
2. Social workers should be aware that under section 25(1)(e) of the Social Workers Registration Ordinance, social workers can commit a disciplinary offence if they are convicted of any offence that would bring the profession of social worker into disrepute and is punishable with imprisonment (and whether or not the person was sentenced to imprisonment).
3. Even when social workers have been found not guilty in criminal proceedings, the Social Workers Registration Board can still conduct disciplinary proceedings if a complaint of professional misconduct or neglect was lodged. For example, in this case, the alleged assault could have resulted in criminal prosecution and also a complaint of professional misconduct. It may not be easy to prevent similar incidents but the social worker could consider taking the following measures to reduce the possibility to the minimum:
  - a. To let service users know as far as possible that the social workers respect and value service users' rights; and they would collaborate with service users for the best solution;
  - b. If possible, to arrange the presence of a third party at the scene for controlling over the situation more easily, maintaining objectivity and having someone as a witness;
  - c. To seek consent from service users to tape recording or video recording on the process for protecting the interests of both parties and, as a trial measure, for improving the agency's services.

4. Social workers should act with great sensitivity when sharing case examples and anecdotes for educational purposes in situations where service users or their family members are present. Even when the names and defining characteristics of service users are not mentioned, service users may react strongly to examples that closely resemble life situations they have mentioned to their caseworkers in confidence. This is particularly true if the service users requested that these incidents not be revealed to outsiders. Social workers should declare in advance that those examples and anecdotes are not relevant to any service users in presence. They may disclaim that those examples are from their case archives or other agencies' and thus any resemblance to actual events or persons is entirely coincidental. The resemblance, if any, may help service users realize that many service users in the case examples have similar situations but have benefitted from the service.

## CASE SUMMARY

A service user (the Complainant) who sought help from a family service centre was aggrieved because she felt that the caseworker (the Subject) assigned to her had not taken her case seriously. She repeatedly urged the caseworker to refer her husband to a clinical psychologist for assessment. The Complainant was not happy when her request was denied. Her sense of grievance was increased when she learned that her case had been closed after having no contact with the Subject for a long while. She then lodged a complaint with the Social Workers Registration Board on the grounds that the Subject had failed to discharge her social work duties properly and had provided misleading information.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Subject failed to be accountable to the Complainant: she did not properly discharge the duties of a social worker and help the Complainant obtain appropriate services. The Subject therefore violated clauses 1 and 2 of the "Related to Clients" section of the Code of Practice for Registered Social Workers.

#### Particulars of the Allegation

During the period when the Complainant received family service through the agency, the Subject, who was the social worker handling the Complainant's case, failed to discharge the duties of a social worker to listen to the Complainant's needs, nor did she seriously consider the Complainant's request that her husband be referred to a medical social worker or a clinical psychologist.

### Allegation 2

The Subject failed to properly discharge the duties of a social worker in giving an account to the Complainant on the progress of the case. She therefore violated clauses 1 and 2 of the "Related of Clients" section of the Code of Practice for the Registered Social Workers.



### Particulars of the Allegation

During the period that the Complainant received service from the agency, the Subject, being the social worker providing service to the Complainant, closed the case without properly responding to the Complainant's needs or notifying the Complainant of the closure.

### **Allegation 3**

The Subject provided misleading and/or untrue information when she handled the recordings of the Complainant's case, and therefore violated clauses 1 and 4 of the "Related to Profession" section of the Code of Practice for Registered Social Workers.

### Particulars of the Allegation

During the period that the Complainant received service from the agency, the Subject, being the social worker handling the Complainant's case, made untrue recordings in the file.

## **THE CONSEQUENCES**

### **Recommendations by the Disciplinary Committee**

Based on the submissions made by the Subject's legal representative and the oral testimony of the Complainant, the Disciplinary Committee noted the following points regarding the allegations:

### **Allegation 1**

The Subject had provided services to the Complainant.

### **Allegation 2**

The Subject did inform the Complainant that the service would be terminated if the latter no longer needed any further services. This exchange was documented in the records.

### **Allegation 3**

The Subject and the Complainant provided different accounts of the dates of interviews conducted by the Subject. The Complainant's testimony about the dates was inconsistent.

In summary, the Disciplinary Committee concluded that, for all three allegations, the Complainant had not submitted sufficient evidence to prove that "there was a case

to answer". The Disciplinary Committee therefore considered the three allegations unfounded and recommended that the complaint be dismissed.

### **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## **DISCUSSION ISSUES**

1. If you were in the Subject's position, would you feel that you had sufficient preparation and training to help a service user clearly understand the reasons for case termination?
2. What principles should guide you and what strategies should you adopt if you were going to decline your service user's request?
3. Why are complete, accurate, and updated records of social work practice necessary?

## **REFLECTION / CONSIDERATION**

1. One of the reasons that this case was eventually dismissed was that the Subject kept complete records. Updated and accurate records are useful not only in helping workers develop a comprehensive view of the case but also in protecting social workers in the event of subsequent complaints. Also, keeping updated and accurate records is one of the requirements of the Service Quality Standards published by the Social Welfare Department.
2. It is good practice to promptly record any instance when a social worker declines a service user's request. Social workers should also report these instances to their supervisors as soon as practicable. If necessary, they should explore channels for further referral. The difficulties involved in referring cases to clinical psychologists should be explained to the parties concerned. Documents and case records should be accurate and up to date. Agencies should formulate clear guidelines and procedures for dealing with similar occurrences.
3. Agencies should formulate guidelines and procedures for writing case records. They should also provide their employees with training in appropriate ways to handle service terminations and service users' requests for additional resources.

4. If possible, agencies should provide new social work employees with training and models to emulate, in order to ensure that they have the competence to write proper case records and prepare court documents.



## Personal Conduct

### Principles of Practice

#### Related to Clients

1. The social worker has a primary responsibility to the client.
2. The social worker acknowledges the client's right to self-determination and helps them to develop appropriate decisions for as possible, obligations and possible risks provided to them.
3. The social worker should inform clients fully, in confidentiality in a given situation, and the client should, and have a right to, be informed. The social worker should make the necessary and appropriate information and to work content, as far as the employing agency.
4. The social worker should not share the worker's personal interests.
5. The social worker should not have sexual contact with clients.
6. If and when the for services is required, the social worker should not be denied timely services they need to

## CASE SUMMARY

The fieldwork placement of a social work student (the Complainant) was in a community centre. The officer-in-charge of the centre (the Subject) was also the Complainant's administrative supervisor. After graduation, the student maintained her affiliation with the centre as an occasional volunteer. One day, soon after her graduation, she visited her ex-colleagues at the centre and brought her graduation robes, so she could have some photos taken with them. When she was about to leave, she accepted the Subject's invitation to go for a foot massage. After leaving the foot massage parlour, the Subject took the Complainant to the vicinity of a park and behaved in ways that the Complainant considered inappropriate: he held her hand, embraced her, and attempted to kiss her, despite her objections.

The Complainant lodged a complaint against the Subject for abusing the trust between a social worker and a volunteer by taking her to the vicinity of the park without her knowledge and consent, and committing the above-mentioned acts.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Subject, relying on the trust between social worker and volunteer, enticed the Complainant to the vicinity of a certain park without her knowledge or consent, causing her fear that she would be assaulted.

### Allegation 2

On the same occasion, at the vicinity of a certain park, the Subject engaged in the following unwelcomed conducts:

- a. He attempted to hold the Complainant's hand or held her hand by force; and/or
- b. He attempted to embrace the Complainant or embraced her by force; and/or
- c. He attempted to kiss the Complainant or kissed her by force.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

#### Allegation 1

The Disciplinary Committee found that the allegation was not proven for the following reasons:

1. The Complainant was not a volunteer at the centre but a friend of the Subject when he invited her to lunch and a foot massage. The Subject's invitation to the Complainant was an open invitation: the other colleagues present could have also taken part.
2. The Complainant visited her ex-colleagues at the centre, intending to take photos with them. Therefore, her capacity on that day was not a volunteer, although she had been a volunteer at the centre earlier.

#### Allegation 2

The Disciplinary Committee concluded that there was sufficient evidence to prove the allegation on the following grounds:

1. The Complainant's submission in her written statement was well supported by evidence, whereas the Subject could not furnish the Disciplinary Committee with persuasive explanation of his failure to provide details of his own case in his written statement.
2. The Subject failed to give any credible explanation to the Disciplinary Committee regarding the allegation that he held the Complainant's hand. The Disciplinary Committee's findings supported the view that the Subject had held the Complainant's hands tightly. The Disciplinary Committee's findings also supported the view that the Subject had embraced and attempted to kiss the Complainant, although he did not succeed in kissing her.
3. The Subject said that the short messages of apology that he sent to the Complainant were regarding his abrupt departure and not his inappropriate behaviour. However, his evidence was contradictory and failed to support his account of the reason for the messages. The Disciplinary Committee found the Subject's evidence not credible and the Complainant's evidence on this point credible.

4. The evidence of the two witnesses called by the Complainant to testify to her distress resulting from the Subject's behaviour was credible.

The Disciplinary Committee further determined that the acts committed by the Subject described in allegation 2 constituted professional misconduct and that such acts would bring the social work profession into disrepute. After considering the Subject's mitigating circumstances, his efforts to remedy the situation with the Complainant, and his character references, the Disciplinary Committee recommended that the Board issue a disciplinary order in respect of the Subject under section 30(1)(d) of the Social Workers Registration Ordinance (Cap. 505), that is, "order that the Chairperson of the Board admonish the social worker orally". The Disciplinary Committee also recommended that details of the case (with the Subject's name removed) be published in the Board's newsletter.

## **Decision of the Board**

### **Allegation 1**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the allegation.

### **Allegation 2**

The Board accepted the Disciplinary Committee's Recommendations and issued the disciplinary order under section 30(1)(d) of the Social Workers Registration Ordinance in respect of the Subject, that is, "order that the Chairperson of the Board admonish the social worker orally". The Board also published the details of the case, with the Subject's name removed, in the next issue of its newsletter.

## **DISCUSSION ISSUES**

1. If you were the Complainant, how would you characterize your relationship with the centre and with the officer-in-charge? What guidelines could you use to help you decide how to deal with your relationship with your co-workers and with the service users at the centre?
2. Some may say that the Subject was off duty at the time of the incident and that the Subject's act was personal, not professional. How would you respond to this statement?
3. What obligation do agencies have to their volunteers? Are they service users or unpaid workers? What rights and what responsibilities do volunteers have?

4. What insights have you gained from the decision of the Board in this case? How will these insights affect your working relationship with various people in your workplace?
5. The Complainant felt that the Subject's acts were sexually motivated and that she was offended by these acts. In view of the fact that many people are very sensitive to sexual issues and that sexual behaviour can have serious implications, do you feel confident that you are able to handle sexually sensitive issues? How could you become more aware and sensitive about these issues?

## REFLECTION / CONSIDERATION

### Implications for Social Workers

1. The Complainant should not have waited more than two years before lodging the complaint with the Board. Registered social workers have a duty to report irregularities to the appropriate body promptly. There was no excuse for procrastination.
2. Since volunteers could be regarded as service users, social workers should exercise caution if they intended to develop a personal relationship with them. Social workers should avoid role ambiguity and do their utmost to avoid exploiting a worker-service user relationship. If necessary, they should clearly state the nature of the relationship and their responsibilities as a social worker. In particular, they should be very cautious about avoiding any potentially questionable physical contact with their service users.
3. Social workers should be aware of the provisions of the Social Workers Registration Ordinance: Professional misconduct or criminal offences, which may bring the social work profession into disrepute and which are punishable with imprisonment, are disciplinary offences.

### Implication for Agencies

4. To avoid confusion, agencies and social workers should clearly specify the time frame of a volunteer's service, and thus the period in which social workers and volunteers are involved in a worker-service user relationship.

### Implication for Complainants

5. Complaints should be lodged as early as possible after an instance of professional misconduct involving a registered social worker.



### Code of Practice in Relation to Continuing Professional Development

6. Ethical practice involves competence and values. In view of its importance, ethical practice, as outlined in the Code of Practice for Registered Social Workers and the Guidelines on Code of Practice for Registered Social Workers, should be vigorously promoted and part of the continuing professional development of social workers. Social work professionals therefore should support the move to make continuing professional development a requirement for registration and renewal of social workers registration.

### Position of the Profession

7. The relationship between the Complainant and the Subject was complicated. Was it best described as officer-in-charge and subordinate, officer-in-charge and volunteer, or social worker and service user? Still it could be argued that the Complainant's position in the service unit at the time was immaterial. It could also be argued that the Complainant and Subject's relationship was many-sided.
8. Since the Complainant had been a volunteer at the service unit, the relationship could be characterized as a worker-service user relationship. The Complainant and the Subject first came to know each other while at work at the centre. The Complainant then occasionally returned to work as a volunteer at the centre, by request, so it appeared that the worker-client relationship had not ceased.

### Expectations towards Higher Moral Standard

9. A decision of the Board reflects the judgment and standard of the profession on a given issue. The decision of the Board in this case reflects that the profession has adopted a very stringent moral standard for matters of this nature. Social workers should take note of this decision as a guideline.
10. Social workers should avoid any ambiguity concerning their role and do their utmost to avoid exploiting the worker-service user relationship. Caution should be exercised in all human relationships, especially when they involve sensitive acts or are liable to sexual interpretations.
11. The use of power and/or position to obtain sexual advantage is not acceptable in any circumstances.

## CASE SUMMARY

A service user (the Complainant) belonging to a single-parents group did not feel well during one of the group sessions. The Complainant alleged that the social worker responsible for the group (the Subject) accompanied her home and had sexual intercourse with her. After that, the Subject treated the Complainant as if they had never had an intimate relationship. The Complainant lodged a complaint against the Subject with the Social Workers Registration Board.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegation were proven. The particulars are as follows:

### Allegation

The Subject had sexual relations with the Complainant at her home.

### Particulars of the Allegation

The Subject was a social worker responsible for a single-parents counselling group of which the Complainant was a group member and therefore under the Subject's counselling. As a result, the Subject had gained the trust of the Complainant.

The counselling group organized a Christmas party. Before and after the party, the Subject repeatedly approached the Complainant in an intimate manner. He then had a sexual relationship with the Complainant at her home.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

Neither the Complainant nor the Subject attended the hearing. The Disciplinary Committee concluded that for the following reasons, it had no alternative but to recommend dismissing the complaint "for want of prosecution":

1. Both the Complainant and the Subject did not turn up at the scheduled hearing and did not respond to the Disciplinary Committee's requests to contact it.

2. The Complainant had been given sufficient opportunity to prepare and present her case.
3. The burden of proof rested with the Complainant.

### **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint for want of prosecution.

## **DISCUSSION ISSUES**

1. Although the complaint against the Subject was dismissed, what can we learn from this case?
2. What can the Board do to ensure a complainant's ongoing co-operation with the Board after lodging a complaint?
3. Given the background of this case and the fact that the Subject was an experienced and skilful social worker, it is possible that he might have unduly influenced the Complainant during their "mediation process". Should there be rules preventing subjects from contacting complainants?

## **REFLECTION / CONSIDERATION**

1. The allegation in this case was serious, but as neither the Complainant nor the Subject showed up at the hearing as scheduled, the Board could not proceed with the case further.
2. Although the Complainant did not turn up at the hearing, the Subject could have come forward to present his defence and clear his name.
3. By not making any assumption on what had happened to any party in this case, as a preventive measure, agencies should consider whether they should establish policies to deter social workers who are the subjects of complaints from contacting the complainants. It is important to avoid giving the general public the impression that social workers would use their professional background to take advantage of complainants.

## CASE SUMMARY

A member of an integrated service team (the Complainant) felt offended, humiliated, and intimidated by the unwelcome remarks and behaviour of a team leader, who was also her direct supervisor (the Subject), on the following three occasions:

1. The Complainant went to another country for a study tour with the Subject and two other male colleagues (Witnesses A and B). At a pre-tour meeting at the Subject's home, the Subject made an unwelcome remark to the Complainant while discussing the room arrangements for their tour. It was revealed to the Disciplinary Committee later that the Subject made the same unwelcome remark when he and the Complainant argued about the room arrangement inside a hotel room in that country.
2. Approximately fifteen months later, before an agency meeting, the Subject made unwelcome remarks and gestures with regard to the Complainant's dress.
3. Approximately two years after the Subject made the alleged comment with regard to the Complainant's dress, the Complainant was responsible for coordinating a Sunday basketball match for her service users. She wore a top with shoulder straps. The Subject joked and made unwelcome remarks about her clothing again.

The Complainant lodged a complaint against the Subject for the unwelcome remarks and acts that caused her to feel offended, insulted, and intimidated.

## THE COMPLAINT

The Subject might have breached clause 1.3 of the "Related to Colleagues" section of the Guidelines on Code of Practice for Registered Social Workers and might have been guilty of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1\*

At his home and in a hotel room in that country, the Subject committed an unwelcome act of a sexual nature by saying to the Complainant, "Either you pick any one of us (her male colleagues) to sleep with you, or we draw lots to take turns to sleep with you!" At the hotel room, the Subject also asked the Complainant to share a room

with any one of her male fellow workers according to the result of a drawing of lots. These acts made the Complainant feel offended, insulted, and intimidated.

(\*The allegation was amended during the inquiry with the approval of the Disciplinary Committee.)

#### Particulars of the Allegation

The Subject, together with the Complainant and two other male colleagues, signed up for a study tour to another country. Before they set off, the colleagues met at the Subject's home to discuss the sharing of expenses and hotel room arrangements. The Subject disagreed to Complainant's suggestion that she either occupy a single room or share a room with the other two colleagues and made the alleged remark.

### **Allegation 2**

About fifteen months after the above incident, before a meeting at a service unit of the agency, the Subject committed an unwelcome act of a sexual nature, namely, by saying to the Complainant, "Huh! Let's see if your dress would fall if the butterfly knot is untied!" making the Complainant feel offended, insulted, and intimidated.

#### Particulars of the Allegation

On the alleged occasion, the Complainant attended a work meeting wearing a dress with a butterfly knot. Before the meeting, the Subject made the alleged remark in front of other participants.

### **Allegation 3**

About two years after making the comment about the Complainant's dress, the Subject committed an unwelcome act of a sexual nature at the kitchen of a service unit, making the Subject feel offended, humiliated, and intimidated, namely, when the Complainant noticed that the Subject was staring at her strangely, the Complainant said to him, "I have to work outdoors and, therefore, I have dressed in this way." The Subject responded, "Okay, no problem. I do not blame you for that. Even if I do, I would scold you only after I have finished looking." The Subject then added, "Huh! I would like to know what would happen if your butterfly knot were untied!" while simulating the action of unfastening the knot. The Complainant responded that the knot would not untie itself.

#### Particulars of the Allegation

On the alleged occasion, the Complainant was wearing a top with a butterfly knot. The Subject committed the alleged acts in front of other fellow workers.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

#### Allegation 1

1. Having considered all the written and oral evidence presented by the two parties and witnesses, including the Subject's wife, the Disciplinary Committee decided that there was not sufficient evidence to prove that at the pre-tour meeting at his home, the Subject had made the alleged unwelcome remark, "Either you pick any one of us to sleep with you, or we draw lots to take turns to sleep with you."
2. With regard to the alleged actions of the Subject in the hotel room in the country concerned, the Disciplinary Committee believed that the Subject was focusing on saving money when he ignored the Complainant's request to have her own room. The Disciplinary Committee also believed that the atmosphere while discussing room allocation was serious rather than pleasure-seeking as alleged by the Subject. The Disciplinary Committee considered that Witnesses A and B were credible, and that the lots for determining who would share a room with the Complainant were prepared by the Subject using the hotel's memo paper. The Disciplinary Committee shared the view that the Subject's proposal to draw lots to decide who would share a room with the Complainant, regardless of the gender difference, was an unwelcome conduct of a sexual nature. Therefore, the Disciplinary Committee determined that the Subject had committed an unwelcome conduct of a sexual nature.

#### Allegation 2

There was not sufficient evidence to prove that the Subject made the alleged comment. Therefore, the Disciplinary Committee ruled that the allegation was not proven.

#### Allegation 3

1. The Disciplinary Committee found that there was not sufficient evidence to prove that the Subject had said the sentences, "Okay, no problem. I do not blame you for that. Even if I do, I will scold you only after I have finished looking." Nevertheless, the Disciplinary Committee believed that the Subject did make the comment, "Huh! I would like to know what would happen if your butterfly knot were untied!" The Disciplinary Committee considered that the eye-catching clothing of the Complainant led to the Subject's comments. The Subject may have intended to convey to the Complainant that her way of dressing on that day was inappropriate. Nevertheless, a reasonable person would consider the Subject's remark to be of a sexual nature and unwelcome. It was evident to the Disciplinary Committee that this comment was associated with exposure of the Complainant's body and was sex-related,

and, therefore, made her feel offended, humiliated, and even intimidated. The Disciplinary Committee ruled that the Subject had committed an unwelcome and sex-related conduct.

2. Regarding the allegation that the Subject simulated unfastening the butterfly knot of the Complainant's top, the Disciplinary Committee ruled the allegation could not be established owing to lack of witnesses and cogent evidence.

In summary, the Disciplinary Committee ruled that the Subject had committed a disciplinary offence as a result of committing misconduct in a professional respect because allegations 1 and 3 were partially established. It recommended that a disciplinary order under section 30(1)(d) of the Social Workers Registration Ordinance (Cap. 505), "order that the Chairperson of the Board admonish the social worker orally", be issued in respect of the Subject. Noting that the Subject needs guidance and supervision when dealing with colleagues of the opposite sex, the Disciplinary Committee also recommended that a letter be sent to the Subject's employer, stating the details of the complaint against him, the penalty, and the reasons that led to its Recommendations.

### **Decision of the Board**

The Board accepted all the Disciplinary Committee's Recommendations. It dismissed allegation 2, but considered allegations 1 and 3 established in part. The Board issued the disciplinary order cited in section 30(1)(d) of the Social Workers Registration Ordinance in respect of the Subject and sent a letter to the Subject's employer, which contained the information provided by the Disciplinary Committee.

## **DISCUSSION ISSUES**

1. How should social workers communicate with each other and behave in their work relationships, especially when there are differences in gender and rank?
2. How should social workers deal with colleagues of the opposite sex, especially when they disagree?

## **REFLECTION / CONSIDERATION**

1. As the Complainant's supervisor, the Subject should have been aware that the room allocation was a highly sensitive issue and ensured that male and female colleagues

were given separate rooms. He should have respected and considered the needs and feelings of a female colleague, especially since the tour was partially sponsored by the agency. Despite the objections of the Complainant, the Subject still proposed and arranged drawing lots; this contravenes the rule prescribing the professional relationship between colleagues in clause 1 of the "Related to Colleagues" section of the Code of Practice for Registered Social Workers, "The social worker should pay due respect to the differences of opinion and practice of other social workers, other professionals and volunteers. Any suggestion or criticism should be expressed and conflicts resolved in a responsible manner."

2. The general public expects social workers to demonstrate exemplary moral standards. Social workers should behave well in all places, on all occasions (on duty or off duty), and in all capacities (personal or official).
3. Social workers should be gender sensitive and be aware of the kinds of behaviour and language that constitute sexual harassment. Agencies have an obligation to help their social work employees be gender sensitive and to discourage any language or behaviour that may be construed as sexual harassment. In addition, agencies should have clear guidelines and proper mechanisms in place for staff members to resolve disputes among themselves.
4. This case illustrates the need to enhance social workers' sensitivity to the feelings of colleagues, awareness of sexual harassment, and ability to engage in crisis management and damage control when dealing with disputes among colleagues.



## CASE SUMMARY

A health-care worker (the Complainant) at a private home for the physically and mentally challenged (the Home) alleged that she had been indecently and sexually assaulted by her supervisor (the Subject) on various occasions and in various locations in the Home. The Subject was one of the shareholders of the Home. After the Complainant told the Subject's wife about the assaults, the Subject dismissed the Complainant. The Complainant then lodged a complaint against the Subject with the Social Workers Registration Board with regard to the assaults and her unfair dismissal.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Subject assaulted the Complainant.

### Allegation 2

The Subject indecently assaulted the Complainant.

### Allegation 3

The Subject raped the Complainant.

### Allegation 4

The Subject threatened and intimidated the Complainant, warning her not to disclose his acts as cited in allegations 1 to 3.

### Particulars of Allegations 1-4

The Complainant had recently settled in Hong Kong. In the month following her arrival in Hong Kong, she joined the Home as a health-care worker as a result of a referral from the Labour Department. Shortly after the Complainant was hired, the Subject took her to a room, pushed her onto a couch and, without her consent, took off her clothes, inserted his genital into her vagina and ejaculated. The Subject then threatened the Complainant, telling her that if she disclosed the assault, he would dismiss her.

### **Allegation 5**

On another occasion, the Subject assaulted the Complainant.

### **Allegation 6**

On another occasion, the Subject indecently assaulted the Complainant.

#### Particulars of Allegations 5-6

Fourteen months after the assault alleged in allegations 1 to 3, the Subject asked the Complainant to clean up a certain room of the Home. When the Complainant arrived at the site, the Subject stopped her from leaving and pressed himself onto the upper part of her body, and demanded her to have sexual intercourse with him.

### **Allegation 7**

The Subject dismissed the Complainant after learning that she had told his wife that he had assaulted her.

#### Particulars of the Allegation

The Complainant phoned the Subject's wife and told her that she had been assaulted by the Subject, hoping that the Subject's wife would stop her husband from assaulting her again. Two days later, the Subject dismissed the Complainant and explicitly told her that her dismissal was due to her disclosure to his wife.

### **Allegation 8\***

On the occasions alleged in allegations 1 to 4, the Subject, being a registered social worker, abused his position as the officer-in-charge of the Home to exert pressure on a member of his staff or by improper means to obtain sexual benefits from her.

### **Allegation 9\***

On the occasions alleged in allegations 5 to 6, the Subject, being a registered social worker, abused his position as the officer-in-charge of the Home to exert pressure on a member of his staff or by improper means to obtain sexual benefits from her.

(\*During the proceedings of the disciplinary inquiry, with the approval of the Disciplinary Committee, the Complainant entered these additional allegations.)

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

#### Allegations 1-6 and 8-9

These eight allegations against the Subject were very serious. The evidence adduced by the Complainant, however, did not meet the required standard of proof which, as agreed by the Disciplinary Committee, should be commensurate with the gravity of the respective allegations. In the circumstances, the evidence did not suffice to establish any of the eight allegations. The Disciplinary Committee therefore recommended that the allegations be dismissed.

#### Allegation 7

Based on the evidence adduced by the Complainant and the Subject, the Disciplinary Committee was not able to determine the reason behind the dismissal, and there was evidence that the Subject had fully paid the required amount for the dismissal. The Disciplinary Committee also agreed that even though the Subject had committed the alleged act, the act itself did not constitute misconduct in a professional respect. Therefore, the Disciplinary Committee recommended that the allegation be dismissed.

### Decision of the Board

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## DISCUSSION ISSUES

1. Has the number of social workers registering complaints about sex-related behaviour in the context of their workplace increased? If so, what should the Social Workers Registration Board do to deal with issues of this kind?
2. What can social workers and agencies do to prevent similar incidents from happening?

## REFLECTION / CONSIDERATION

1. If the allegations against the Subject had been proven, the Subject would have been found guilty of committing a disciplinary offence under section 25(1) of the Social Workers Registration Ordinance (Cap. 505). The penalty could include

removal of their names from the register. In this case, although the complaints were dismissed, the Subject's emotion might have been greatly disturbed. Careful handling of relationships with the opposite sex would certainly help prevent similar situations.

2. It is difficult to determine whether the number of sex-related complaints has been increasing. Nevertheless, the number of reported cases is on the rise. This phenomenon may be attributable to the courage of victims to report cases and to the increased openness of society, i.e. more acceptances to complainants.
3. Social workers should adopt a high moral standard and be self-disciplined at all times. Their behaviour in their professional and private lives should be consistent. Social workers should refrain from taking advantage of others.
4. Social workers have to be very careful when handling issues that involve service users of the opposite sex. They should report any situations that might involve sexual conduct or temptation to their supervisors, undergo adequate training to deal with issues related to sex, strengthen their awareness of the nature of their relationships with service users of the opposite sex, and ask for the presence of a third party when in doubt. Agencies should not only provide guidelines but also ensure that proper complaint procedures are in place.
5. It is often difficult to draw a line between professional relationships and personal relationships. In some cases, a personal relationship between social workers and their former service users may develop after their professional relationship has come to an end. Allowing for a "cooling-off period" may not be sufficient to avoid problems arising from this in the future. Nevertheless, "concurrent relationships" should not be encouraged because, inevitably, social workers will be perceived as taking advantage of or exercising undue influence over their service users for personal benefit.

## CASE SUMMARY

A social worker (the Complainant) worked in a day centre for the elderly which was overseen by an officer-in-charge (the Subject). The Complainant, however, was not under the Subject's direct supervision. One day, when the Complainant was working at her desk, the Subject walked into the room. The Complainant alleged that the Subject did an inappropriate act to her, which she considered as sexual harassment.

Before lodging a complaint with the Social Workers Registration Board, the Complainant had filed a complaint with her employing agency and had reported the case to the police, who referred the case to the Equal Opportunities Commission. The Complainant, however, alleged that she had not received support from either the police or the Equal Opportunities Commission for her case.

## THE COMPLAINT

The Subject might have breached the "Basic Values and Beliefs" section and/or the "Related to Colleagues" section of the Code of Practice for Registered Social Workers, and/or committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegation were proven. The particulars are as follows:

### Allegation

In the computer room of the centre, the Subject engaged in conduct of a sexual nature in relation to her, namely, lightly touching the Complainant's right shoulder with his hand for three to four seconds, thereby making the Complainant feel offended and/or humiliated.

## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

For the following reasons, the Disciplinary Committee decided that the allegation was not founded:

1. Although the Complainant felt unhappy about the Subject's behaviour, she did not consider his conduct to be sexually motivated at the time of the event.

2. There was not sufficient evidence to prove that the Subject had engaged in conduct of a sexual nature as alleged in the complaint.

### **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## **DISCUSSION ISSUES**

1. Some people are not concerned about engaging in physical contact when communicating with others. Is this attitude appropriate for social workers in Hong Kong? Should we regard physical contact as inappropriate and as something to be avoided in our professional relationships with service users or colleagues?
2. How should we regard the use of physical contact for expression in the helping process? Under what circumstances is such contact acceptable to service users? For instance, would it be appropriate for a male social worker to hold the hand of a female service user if he believes he must calm her down?
3. When agencies receive complaints related to sexual harassment, how should they deal with those complaints?

## **REFLECTION / CONSIDERATION**

1. The Disciplinary Committee has been given the responsibility under the Social Workers Registration Ordinance to advise the Board whether a disciplinary offence has been committed. In performing its function, the Committee looks at the case from the perspective of the social work profession.
2. The Subject was not sufficiently sensitive to the Complainant's feelings of offence and humiliation. Social workers should not use cultural differences or lack of training as excuses for a lack of sensitivity in interactions with colleagues.
3. The general public and service users have high expectations of social workers' moral standards. Social workers should be sensitive to gender differences and to the appropriateness of using body language. They should also, at all times, respect others' feelings and refrain from any unnecessary physical contact with their service users and colleagues.

4. Agencies should set up a complaint mechanism to allow staff members to air their grievances.
5. In this case, the Subject's supervisor and employing agency should have been able to pay special attention to his conduct.
6. Courses provided by training institutes do not adequately equip social workers to cope with an ever-changing social environment. Social workers should undertake continuing professional development, for example, learning about cultural differences and how to deal with them. With regard to this case, further training in the legal aspects of sex discrimination would have been beneficial.

## CASE SUMMARY

A social worker (the Subject) and a nurse (the Complainant) were both employed at a centre for the elderly. The Complainant was supervised by a social worker under the Subject's supervision. The Complainant alleged that on two occasions, the Subject had made unwelcome advances and inappropriate remarks to her, which she perceived as sexual harassment. The Complainant therefore lodged a complaint with the Social Workers Registration Board. The alleged incidents occurred when the Complainant was working in her office.

## THE COMPLAINT

The Subject might have breached the clauses of the "Basic Values and Beliefs" and/or "Related to Colleagues" sections of the Code of Practice for Registered Social Workers; and/or committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Subject engaged in conduct of a sexual nature in relation to the Complainant, which made the Complainant feel offended and/or humiliated.

#### Particulars of the Allegation

The Subject said to the Complainant to the effect that, "Your shape was become plumper recently." When the Complainant disagreed, the Subject said, "Maybe normally I have not paid attention to your lower body." and, at the same time, stared at the lower part of the Complainant's body.

### Allegation 2

Two months later, the Subject engaged in conduct of a sexual nature in relation to the Complainant, which made the Complainant feel offended and/or humiliated.

#### Particulars of the Allegation

The Subject inappropriately touched the Complainant's left shoulder with his hand without any prior notice.



## THE CONSEQUENCES

### Recommendations of the Disciplinary Committee

Having considered all the evidence cited by both parties, the Disciplinary Committee had the following Recommendations:

#### Allegation 1

Although the Subject's behaviour was inappropriate and unwelcome to the Complainant, his comments and act were not sufficient to constitute sexual harassment or conduct of a sexual nature. The Disciplinary Committee decided that the allegation was not proven.

#### Allegation 2

The Disciplinary Committee responded to the allegation as follows:

1. The Subject may have touched the Complainant's shoulder for 3 to 4 seconds.
2. Although the touching was unwelcome to the Complainant, her evidence did not prove that the Subject's act had made her feel offended or humiliated.
3. The said touching in itself is not sufficient to constitute sexual harassment or conduct of a sexual nature.

Based on the above conclusions, the Disciplinary Committee decided that the allegation was not proven.

### Decision of the Board

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## DISCUSSION ISSUES

1. Although the allegations were not proven, what can we learn from this case?
2. What can social workers and agencies do to prevent similar incidents from happening?

## REFLECTION / CONSIDERATION

1. Social workers should be sensitive and should respect others' feelings at all times. Social workers should also be careful about any form of bodily contact.
2. Regardless of their background, social workers should be conscious of their relationships with their colleagues.
3. Agencies should establish a complaint mechanism so staff members can air their grievances.
4. Formal social work training might not provide social workers with adequate tools to cope with an ever-changing social environment. Social workers should undertake continuing professional development, for example, more learning in cultural and gender differences and the methods to deal with them. Greater knowledge of relevant areas of the law would also be helpful.

## CASE SUMMARY

On one occasion, when a member of the clerical staff at a centre for the elderly (the Complainant) was busy with her work, the officer-in-charge of the Centre (the Subject) interrupted her and touched her shoulder with his hand, asking her why it was red there.

One year later, a production crew was shooting a video in one of the rooms at the centre. The Subject asked the people in the adjacent computer room to lower their voices so that they would not disturb the shoot. While he was making his request, he lightly touched the Complainant's arm.

The Complainant said that the Subject had touched her shoulder, breast, and arm on different occasions. The case had been reported to the police. The Complainant also lodged a complaint against the Subject for committing misconduct or neglect in a professional respect.

## THE COMPLAINT

The Subject might have breached the clauses of "Basic Values and Beliefs" and/or "Related to Colleagues" sections of the Code of Practice for Registered Social Workers; and/or committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Subject engaged in conduct of a sexual nature in relation to the Complainant, namely, touching the swollen area on the Complainant's shoulder with his hand, which made the Complainant feel offended and/or humiliated.

### Allegation 2

One year later, the Subject engaged in conduct of a sexual nature in relation to the Complainant, namely, squeezing the Complainant's arm close to her left breast twice, which made the Complainant feel offended and/or humiliated.

## **THE CONSEQUENCES**

### **Events before the Hearing**

On the morning that the disciplinary hearing was scheduled to commence, the Complainant called the Disciplinary Committee to request a postponement because she was sick and needed to receive medical treatment. The Committee counter-proposed that the hearing be postponed to 1 p.m. and that the Complainant seek medical treatment that morning. The Complainant, however, did not agree to the committee's suggestion. At 1 p.m., she informed the Committee by phone that she was unable to attend owing to illness and again requested for a postponement to a later date. After taking into account the Subject's objection to the proposed postponement and the rights of the Complainant and the Subject, the Disciplinary Committee decided to proceed with the hearing in the absence of the Complainant. The Committee used the written statements already submitted by the Complainant and her witness as evidence for the hearing.

### **Recommendations of the Disciplinary Committee**

#### **Allegation 1**

The written statement of the Complainant did not contain a detailed description of the substance of the complaint. The Complainant's statement given to the police, which was submitted at the hearing, did not state the nature of the touch. The written statement of the witness did not mention any touching. The Disciplinary Committee was of the view that even if the Subject did touch the swollen part of the Complainant's shoulder and the Complainant considered the act unwelcome, the act was not sufficient to constitute sexual harassment or conduct of a sexual nature. The Disciplinary Committee decided that the allegation was not proven.

#### **Allegation 2**

The statements of both the Complainant and the witness indicated that the Subject did touch the Complainant's arm in the computer room. However, their statements were inconsistent. Since filming was in progress at the time and the centre was noisy, the Disciplinary Committee believed that the Subject may have touched the Complainant's arm to get her attention. The Disciplinary Committee decided that the allegation was not proven.

### **Decision of the Board**

The Board accepted the Disciplinary Committee's Recommendations and dismissed the complaint.

## DISCUSSION ISSUES

1. What are the main issues involved in this case? Was sexual harassment apparent in this case? If yes, should it have been referred to any other appropriate body?
2. People may have different interpretations about what constitutes "physical contact". What steps should be taken to prevent similar incidents in future?

## REFLECTION / CONSIDERATION

1. The Disciplinary Committee seemed to deal with this case by considering whether the Subject's behaviour constituted sexual harassment according to the definition in the Sex Discrimination Ordinance (Cap. 480).
2. The general public and service users have high expectations of social workers' moral standards and conduct. Social workers should refrain from any unnecessary physical contact with service users and colleagues.
3. Although the complaint was not established, the Subject's act, intentional or not, elicited a negative response and caused concern in another person. Social workers should pay special attention to sensitive issues and at all times respect others' feelings.
4. It is likely that the case was known to the Subject's supervisor. The supervisor should have intervened at an early stage. It would be helpful even if the supervisor only advised the Subject to pay special attention to the latter's conduct.
5. The supervisor of the Subject should look into the working relationship of the team and closely monitor any circumstances in working relationships that may affect the operation of the agency.

## CASE SUMMARY

A social worker (the Subject) and his colleague were put in charge of a summer programme run by a community centre. Their duties included selecting instructors for the summer school for primary students, which was part of the programme.

When the summer school opened, the Subject spent some time with one of the five instructors (the Complainant), purchasing materials for activities and dining in a restaurant. When they were in the restaurant and again when they were travelling on a bus, the Subject held the Complainant's hand several times without her consent. He even attempted to kiss her without success. Although the Complainant was unhappy about these incidents, she did not tell others about the Subject's advances or lodge a complaint about his behaviour because she still had to work under his supervision for another month. She did, however, try to avoid him as much as possible, although this was sometimes difficult because they worked together in the centre. The Complainant also cautioned another female instructor who was repeatedly approached by the Subject to be on guard with him.

The Complainant was also upset by the way the Subject supervised the summer school and, on one occasion, by his comments. She considered that he was not performing his duties properly or presenting his views appropriately. She lodged a complaint with the Board against the Subject for breaching the Code of Practice for Registered Social Workers.

## THE COMPLAINT

The Subject might have breached clause 1 of the "Related to Colleagues" section and/or clause 1 and/or 2 of the "Related to Agency" section of the Code of Practice for Registered Social Workers, and/or committed a disciplinary offence of misconduct and/or neglect in a professional respect if the following allegations were proven.

### Allegation 1

The Subject deliberately committed unwelcome conducts of a sexual nature in relation to the Complainant, which caused her to feel offended or humiliated.

#### Particulars of the Allegation

1. One day, the Subject and the Complainant met for a discussion on school business and later continued their discussion at a cafe located in another district.

2. In the cafe, the Subject sat beside the Complainant and stroked her back with his hand repeatedly. The Complainant moved away from him, but he persisted in his action.
3. The Subject then held the Complainant by her shoulders, kissed her lips, and thrust his tongue at her. When the Complainant pushed the Subject away, he said that he liked to hold her in his arms.
4. The Subject then held the Complainant's hand in his and put it on his private part. The Complainant withdrew her hand and did not know how to react.

### **Allegation 2**

The Subject made a statement of an indecent nature to the Complainant, causing her to feel offended or humiliated.

#### Particulars of the Allegation

On the day of the summer school's graduation ceremony that was one month after the incident referred to in allegation 1, the Complainant and the Subject rehearsed their speeches on the stage. The Subject said he would wear a business suit to the ceremony, and the Complainant said she would wear a yellow dress. The Subject then said, "It must be a dress with deep V-neck." When the Complainant replied that it was not, the Subject said, "Then it must be a dress with shoulder straps!" The Complainant replied that she would be wearing a jacket, and the Subject said, "Ai-ya, then there is nothing to look at!"

### **Allegation 3**

The Subject made a statement of an indecent nature to the Complainant, causing her to feel offended or humiliated.

#### Particulars of the Allegation

During the rehearsal of her speech before the graduation ceremony, the Complainant read the words "elder Gor Gor (brothers) and elder Je Je (sisters) programme." The Subject then repeated her words loudly in the microphone, "What? Elder Gor Gor and elder 'Jer Jer' programme?" The Subject's pronunciation of the term "Jer Jer" made it sound like the term for the male sexual organ.

### **Allegation 4**

The Subject deliberately initiated unnecessary and unwelcome physical contact, which made the Complainant feel offended or humiliated.

#### Particulars of the Allegation

Before the graduation ceremony, the Subject and the Complainant sat side by side at the teacher's desk in the Primary 2 classroom. Rather than equally sharing the space, the Subject moved closer and closer to the Complainant. He then spread his legs and moved even close to the Complainant. The Complainant avoided by moving aside to the corner of the seat but the Subject ignored her reaction and even shook his legs.

### **Allegation 5**

The Subject read comic books in the staff room during working hours rather than performing his duties.

### **Allegation 6**

The Subject frequently went to Instructor A's class for personal reasons (he was pursuing Instructor A as well). Consequentially, whenever the Complainant needed to deal with teaching matters with the Subject, she could not find him.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

#### **Allegation 1**

The Disciplinary Committee concluded that the allegation was established and that the Subject had committed a disciplinary offence under section 25(1)(a) of the Social Workers Registration Ordinance (Cap. 505). The Disciplinary Committee recommended a disciplinary order be issued to the subject under section 30(1)(c) of the Ordinance, that is, "reprimand the social worker in writing and order the Registrar to record the reprimand on the Register."

#### **Allegation 2**

The Disciplinary Committee found that there was no prima facie evidence to support the allegation and therefore recommended that the allegation be dismissed.



### **Allegation 3**

The Subject argued that he did not deliberately make the remarks. The Disciplinary Committee accepted his defence and concluded that the allegation was not established.

### **Allegation 4**

The Disciplinary Committee found that a prima facie case had not been established and therefore recommended that the allegation be dismissed.

### **Allegation 5**

The Disciplinary Committee found that there was no prima facie evidence to support the allegation and therefore recommended that the allegation be dismissed.

### **Allegation 6**

The Disciplinary Committee considered the complaint trivial. Further, a prima facie case had not been established. The Committee therefore recommended that the allegation be dismissed.

### **Decision of the Board**

The Board fully endorsed the Disciplinary Committee's Recommendations concerning allegations 2-6 but only partially endorsed those concerning allegation 1. Rather than issuing a disciplinary order under section 30(1)(c) of the Ordinance, the Board issued a disciplinary order under section 30(1)(b), that is, "to order the Registrar to remove the name of the social worker from the Register for a period of two years" .

[Note: Under section 32(1)(a), "the Board shall, where a disciplinary order is made under section 30(1)(a), (b) or (c) and may, where any other disciplinary order is made, publish a copy of the order or, if the order is varied on appeal, the order as so varied in at least one English and one Chinese language newspaper circulating generally in Hong Kong."]

## **DICSUSSION ISSUES**


1. What should social welfare agencies do to avoid similar incidents? Do you think the agency involved in this case could have provided its employees with more appropriate channels to lodge their complaints?
2. Should social workers, especially those in supervisory positions, be forbidden to engage in romantic relationships with their subordinates?

3. What would you do if you were a supervisor and wanted to pursue a romantic relationship with one of your subordinates?
4. Why should social workers maintain higher professional and moral standards and greater self-discipline than the general public?

## REFLECTION / CONSIDERATION

1. The Board decided that the Subject had committed a disciplinary offence and that his name had to be removed from the Register of registered social workers for a period of two years. However, it should be noted that under the Social Workers Registration Ordinance, there are even more severe disciplinary orders, including permanent removal of a name. If the Subject had been prosecuted for a criminal offence for his conduct, such as for indecent assault under the Crimes Ordinance (Cap. 200), upon conviction his name might have been removed from the Register permanently under section 30(1)(a) of the Social Workers Registration Ordinance. Social workers are expected to show professional and responsible judgment in their practice. This judgment is the product of their training, their professional values, and their consultations with their supervisors.
2. According to the available information, the Subject was in a position of authority with the Complainant. He had made use of his power to arrange private meetings where he committed unwelcome acts. When registered social workers abuse the professional status and authority vested in them by their positions, the consequences are extremely serious. Social workers should maintain higher moral standards and exhibit greater self-discipline than lay persons. They should also be aware that their inappropriate acts could lead to the removal of their names from the Register of registered social workers permanently.
3. More supervision should have been provided for the Subject, as well as for other employees at the school. Guidelines should have been given to the staff so that they would know when to lodge complaints. As it was, the employees were not aware of their rights, and they were not sure whether they would be protected if they complained.
4. Social welfare agencies must formulate policies and guidelines to ensure that their employees are given regular professional supervision. Agencies should set up a monitoring system and a mechanism for handling complaints. Moreover, the procedure for lodging complaints should be documented and made known to all parties concerned.

5. When drafting guidelines for their complaint procedures, agencies should have regard to the relevant statutory provisions and guidelines on sexual harassment, for example, section 23 of the Sex Discrimination Ordinance (Cap. 480). The guidelines will alert the staff to the necessity to report inappropriate acts promptly, especially acts that may be criminal offences.
6. Social workers should pay close attention to their own emotions and those of the people around them. When they are involved office romance, special sensitivity is required. The supervisor-supervisee relationship must be taken into account. Others are likely to resent any perceived favoritism. Therefore, the parties involved in the relationship should exercise the utmost care to ensure that professionalism is never jeopardized.
7. Social workers should be self-disciplined at all times and cautious not to become involved in any behaviour that may lead to a breach of the Code of Practice for Registered Social Workers. They should bear in mind that the consequences of inappropriate acts could be very serious: their names could be removed from the Register permanently.



## Confidentiality

### Principles of Practice

#### Related to Clients

1. The social worker has a primary
2. The social worker acknowledges the client's right to privacy and helps them to obtain appropriate services for as possible, obligations and provide services provided to them.
3. The social worker should inform clients fully, in confidentiality in a given situation, and the client should, and have a right to use, in publication should make the necessary and appropriate of information and to work content, as far as the employing agency.
4. The social worker should not share the worker's personal interests.
5. The social worker should not have sexual contact
6. If and when the for services is required, the social worker should not be denied timely services they need to

## CASE SUMMARY

A member of an integrated service team (the Complainant) submitted case reports to the leader of the team, who was also her supervisor (the Subject). She later found that, without obtaining her consent, the Subject passed her report on to other members of the team to read. Later, the Complainant discovered that the Subject had passed on another one of her case reports to a member of the team for amendment. The Complainant lodged a complaint against the Subject for disclosing her service users' personal information to others without their consent.

## THE COMPLAINT

The Subject might have committed a disciplinary offence of misconduct or neglect in a professional respect if the following allegations were proven. The particulars are as follows:

### Allegation 1

The Complainant alleged that on two occasions, the Subject breached the principle of confidentiality cited in clause 3 of the "Related to Clients" section of the Guidelines on Code of Practice for Social Workers.

#### Particulars of the Allegation

1. Without the consent of the service user or/and the subject of the personal information, the Subject passed on the personal information contained in Case File 1 to Colleagues A, B, and C to read, without providing a reasonable explanation for doing so.
2. Two months later, without the consent of the service user or/and the subject of the personal information, the Subject passed on the personal information contained in Case File 2 to Colleague C to read, without providing a reasonable explanation for doing so.

### Allegation 2

The Complainant alleged that on two occasions, the Subject breached the "Related to Profession" section of the Guidelines on Code of Practice for Social Workers by failing to fulfill his professional responsibility properly or/and that the Subject breached clause 2.1 of the "Related to Colleagues" section of the Guidelines on Code of Practice for Registered Social Workers by failing to supervise the Complainant, and to share knowledge, skills and experience with her.

### Particulars of Allegation

1. The Subject asked Colleagues A, B, and C to provide amendments to Case File 1, which the Complainant had submitted to him for perusal, without providing a reasonable explanation for doing so.
2. The Subject asked Colleague C to provide amendments to Case File 2, which the Complainant had submitted to him for perusal, without providing a reasonable explanation for doing so.

## **THE CONSEQUENCES**

### **Recommendations of the Disciplinary Committee**

Taking into account all the evidence and circumstances of the case, the Disciplinary Committee concluded that it was likely that the Subject had committed the alleged acts. The Disciplinary Committee, however, unanimously agreed that the acts, though inappropriate, did not amount to disciplinary offences under section 25(1)(a) of the Social Workers Registration Ordinance (Cap. 505) for the following reasons:

1. The people who read the documents were professional social workers who belonged to the same team as the Complainant, which was supervised by the Subject.
2. Throughout the process, no information was disclosed to parties outside the team.
3. The Subject's intention was to ensure that the task could be completed before the deadline, and he ensured that the people involved possessed the degree of responsibility required to read the document. Therefore, the principle of confidentiality was not violated.

In summary, the Disciplinary Committee decided that the Subject had committed inappropriate acts, but that such acts did not amount to a disciplinary offence due to professional misconduct or neglect. While recommending that the Board dismiss the complaint, the Disciplinary Committee suggested that both the Complainant and the Subject make efforts to improve their work habits.

### **Decision of the Board**

The Board accepted the Recommendations of the Disciplinary Committee and dismissed the complaint.

## DISCUSSION ISSUES

1. Guidelines for handling cases and case records are necessary. Do you think these guidelines should be the exclusive responsibility of the administration? What input should frontline workers and middle managers have in the development of guidelines?
2. What can be done to ensure that the claims of both professional values in social work and administrative expediency are met in order to serve the best interests of service users?

## REFLECTION / CONSIDERATION

1. This complaint case could be attributed to any one or combination of the following factors:
  - a. the absence of adequate agency guidelines for handling cases, files, reports, and records;
  - b. bad relationships among co-workers;
  - c. lack of management skills and confidence on the part of the Subject;
  - d. lack of mutual understanding and common agreement among team members on how service users can be best served.
2. At the agency level, clear policies and guidelines such as the following are always helpful:
  - a. Information and case sharing among fellow workers in an agency for the purposes of improving service quality and enhancing professional competence should be encouraged.
  - b. Obtaining service users' consent to the collection of information and information sharing should be a standard practice.
  - c. Social workers should pay attention to the provisions of the Personal Data (Privacy) Ordinance (Cap. 486). Before providing personal information, service users should be informed of the purpose of data collection and the possible sharing of data among social workers in the agency.

- d. It is common practice for supervisors to peruse the case files handled by their subordinates. The chain of authority within an agency should be established and respected.
  - e. The safekeeping of files containing service users' personal information should be a priority. No one should be allowed to peruse a service user's file without following established guidelines; and the worker responsible for the case should have the knowledge of the whereabouts of the service user's file at all times.
3. Common goals, proper guidelines, good working relationships, clear communication, and common sense all contribute to effective teamwork. At the management level, the following measures are recommended:
- a. In everyday practice, the sharing of information among social workers within an agency for the purpose of providing service is common. It would be reasonable to consider that consent for such sharing is implied. However, it is prudent to ensure that the service user concerned has consented to this sharing of information.
  - b. A supervisor should have the authority to pass on case files to other social workers for follow-up if necessary. In such cases, however, the supervisor should communicate clearly with all colleagues concerned and ensure that they understand the necessity of such an arrangement so as to avoid unpleasant consequences.



## **Appendix A**

### **Code of Practice for Registered Social Workers**

16 October 1998

#### **Preamble**

In accordance with section 10 of the Social Workers Registration Ordinance (Chapter 505), the Social Workers Registration Board approves and issues this Code of Practice for the purpose of providing practical guidance in respect of the professional conduct of registered social workers (including ethical matters relating to such conduct).

The primary objective of the Code of Practice is for the protection of clients and other members of society. In order to enhance public trust and confidence in the social work profession, the issue of a code of practice is essential.

This document serves as a guide to the everyday conduct of a Registered Social Worker (social worker). In accordance with section 11 of the Social Workers Registration Ordinance, this Code of Practice will be used as a basis for adjudication when the conduct of a social worker is alleged to violate the standards specified in this document. It represents standards of ethical behaviour for a social worker in professional relationships with clients, with colleagues, with agency, with profession, and with society as a whole. It is applied to all the individual conduct which is associated with an individual's status as a social worker.

Social workers are required to cooperate in the implementation of this code and abide by any disciplinary rulings based on it. Social workers should take adequate measures and action to prevent, discourage, correct, or expose the unethical conduct of colleagues. Social workers should take reasonable and appropriate measures to ensure all staff under their supervision and persons assisting them (including volunteers) to avoid violating the Code of Practice and harming the benefits of clients.

#### **Basic Values and Beliefs**

- (1) The social worker's primary mission is to help people in need and to strive to address social problems.

- (2) The social worker respects the unique value and dignity of every human being irrespective of one's family origin, ethnicity, nationality, sex, sexual orientation, age, family status, beliefs, political affiliation, mental and physical abilities, social and economic status or contribution to society.
- (3) The social worker believes that individuals have the potential to develop and, thus accepts a responsibility to encourage and facilitate the self-realization of individuals with due regard to the interest of others.
- (4) The social worker accepts responsibility to advance social justice and to safeguard the cause of human rights.
- (5) The social worker believes that each society, regardless of its form, should provide maximum benefits to its members.
- (6) The social worker accepts responsibility to devote professional knowledge and skills to the betterment of individuals and society, with the aim to empower people to act on their own behalves as far as possible.
- (7) The social worker recognises the central importance of human relationships and seeks to strengthen relationships among people in a purposeful effort to promote, maintain and enhance the well-being of individuals, families, social groups, organizations and communities for the prevention and relief of hardship and suffering.

## **Principles of Practice**

### **Related to Clients**

- (1) The social worker has a primary responsibility to the clients.
- (2) The social worker acknowledges a responsibility to inform the clients of their rights and help them to obtain appropriate services. Clients should also be informed of, as far as possible, obligations and possible consequences associated with services provided to them.
- (3) The social worker should inform clients fully, as far as possible, about the limits of confidentiality in a given situation, and the purpose for which information is obtained, and how it may be used. In publication of case material, the social worker should make the necessary and responsible efforts to remove all identification information and to seek consent, as far as possible, from the client and the employing agency.

- (4) The social worker should not abuse the worker-client relationship in the pursuance of personal interests.
- (5) The social worker should not have sexual contact with client(s).
- (6) If and when fee for service is required, the social worker should ensure that the clients would not be denied timely services they need due to financial constraints.

### **Related to Colleagues**

- (1) The social worker should pay due respect to the differences of opinion and practice of other social workers, other professionals and volunteers. Any suggestion or criticism should be expressed and conflicts resolved in a responsible manner.
- (2) The social worker should co-operate as far as possible with other social workers to enhance service effectiveness.
- (3) The social worker should bring to the attention of appropriate bodies any violation of the Code of Practice that puts the interests of social work service recipients at risk, and should be ready to defend other social workers against unjust accusations.
- (4) The social worker respects the clients' right of choice and should not, with due respect to other agencies and colleagues, solicit the clients of other social workers.
- (5) For joint practice, confidential communication other than that related to the clients that are shared by other co-workers should not be conveyed to clients without the explicit permission from the authors of such communications.

### **Related to Agency**

- (1) The social worker should be responsible to the employing agency for the efficient and effective performance of professional duties.
- (2) The social worker should act constructively and responsibly to influence and to improve policies, procedures, and practice of the employing agency in order to continuously improve the quality of service and to prevent the social worker from violating the Code of Practice when enforcing agency policy.
- (3) The social worker should make clear in any public statements or when undertaking public activities whether one is acting in a personal capacity or on behalf of a group or an organization.

- (4) The social worker should not use institutional affiliation to recruit clients for private practice without the consent of the institution.

### **Related to Profession**

- (1) The social worker should maintain honesty, integrity and responsibility in professional practice.
- (2) The social worker should uphold the values and ethics, and advance the knowledge of the profession.
- (3) In criticizing the profession, the social worker should do so in a responsible and constructive manner.
- (4) The social worker should make no misrepresentation and/or false claim as to professional qualifications, nature of service, method of service or results to be achieved.
- (5) The social worker should accept responsibility for upgrading his/her professional skills and knowledge.
- (6) The social worker should take responsibility to help those who are entering the profession to establish, strengthen and develop their ethics, values, skills and knowledge.

### **Related to Society**

- (1) The social worker recognises the need to bring to the attention of policy makers or the general public any policies, procedures or activities of governments, societies or agencies which create, contribute to, or militate against the relief of hardship and suffering.
- (2) The social worker recognises the need to advocate changes in the formulation of policies and legislation to improve social conditions, to promote social justice and general welfare of the society. The social worker also recognises the need to contribute to the implementation of policies for human welfare and should not allow one's knowledge, skills or experience to be used to further unjust policies or inhuman practices.
- (3) The social worker recognises the need to prevent and eliminate discrimination and recognises the need to strive for a more reasonable distribution of resources and to ensure that all persons should have equal opportunity to access to the necessary resources and services.

- (4) The social worker recognises the need to promote conditions that encourage respect for diversity of cultures in the society.
- (5) The social worker recognises the need to encourage informed participation by the public in formulating and developing social policies and institutions.

(Remarks : Chinese version prevails English version if there is any discrepancy.)

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Note 1 Clients

Referring to direct service recipients (including their immediate family members and next of kin) receiving individual, group services or program activities provided by the social worker.

2 Interest of clients

Social workers should make professional judgement after considering and levelling the interest of clients and other related bodies (including family members, agency, community and society, etc.).

## **Appendix B**

### **Guidelines on Code of Practice for Registered Social Workers**

#### **Foreword**

The Code of Practice for Social Workers (the Code) came into force following its gazettal on 16 October 1998. Subsequently, the Social Workers Registration Board drew up the Guidelines on Code of Practice for Social Workers (the Guidelines) to help social workers deepen their understanding of the Code, and through the specific provisions in the Guidelines, to enable social workers to better grasp the main provisions of the Code and their interpretation so as to implement and observe the standards as laid down in the Code.

The Guidelines is not part of the Code of Practice. It is a mere reference document to the Code of Practice. It will not be used by the Registration Board as the basis for determining whether or not a social worker has violated professional conduct. However, the Disciplinary Committee (DC) may use the Guidelines in ways pertinent and appropriate, including to analyse the various issues in the complaint cases, etc. When the DC refers to the Guidelines for such purposes, it shall take into account all the facts and circumstances of the case and will not fetter its discretion by its reference to the Guidelines.

As the Guidelines may be used by the DC in disciplinary hearings as a reference material, the Board will make all necessary arrangements to ensure that all registered social workers are informed of or are in possession of the latest version of the Guidelines. In this respect, the Board will consult RSWs on any proposed amendments to the Guidelines. After approval of the proposed amendments, the Board will promulgate the latest version of the Guidelines through various channels to RSWs.

As the Guidelines is a reference document, it cannot set out exhaustively all possible circumstances or cover every incident. Therefore, when providing services, social workers should use the Code as the guiding principle and the Guidelines as a reference. To provide their clients with appropriate and professional service, the social workers should, in the light of the circumstances, make professional and responsible judgments after considering and balancing the individual interests of the clients with the rights of their significant others (including other family members, the agency, the community and the society at large).

## Principles of Practice

### I) Related to Clients

#### 1. The social worker has a primary responsibility to the clients.

##### Guidelines

- 1.1 The interests of clients are of paramount importance unless the safety and rights of others would be jeopardized.
- 1.2 Social workers should provide services to their clients within their competence, based on their education, training, supervised experience, and relevant professional knowledge and skills.
  - 1.2.1 When experimenting new techniques and methods is required, social workers should inform their clients, obtain the clients' consent, and secure endorsement from workers' supervisors and agencies. Even if the social workers have obtained consent from their clients, the interests of the clients cannot be compromised in any circumstances.
  - 1.2.2 Social workers should make appropriate referral if their clients' problems are beyond the social workers' competence, or the agency's resources or scope of service.
  - 1.2.3 In cases of emergency, even if the service requested is beyond the agency's scope of service, the social workers should attend to the cases, provide immediate and necessary services and make referrals as and when necessary.
- 1.3 Social workers should refrain from providing services to clients when the social workers are aware of their personal reasons and value conflict which may lead to inappropriate or inadequate service or may cause harm to the clients.
- 1.4 Social workers should avoid as far as possible relationships and/or commitments that may conflict with the interests of clients. If a conflict of interest is likely or unavoidable, the social workers should as far as possible declare and make such conflict of interests known to the clients and inform the clients of their rights to terminate the service or to request transfer.
- 1.5 In cases of a change of post or job, or termination of service, social workers should, except under unusual circumstances or situations beyond their control,

make proper arrangement for the preparation of the clients and the handing-over of the work to another colleague, giving careful consideration to possible negative factors in the situation and taking care to minimize possible adverse effects.

- 1.6 Social workers should make reasonable effort to foster self-determination and autonomy on the part of clients. In cases of small children or people who are mentally incapacitated, the social workers should respect their rights and their ability in making choices related to their own interests.

**2. The social worker acknowledges the responsibility to inform the clients of their rights and help them to obtain appropriate services. Clients should also be informed of, as far as possible, obligations and possible consequences associated with services provided to them.**

Guidelines

- 2.1 Social workers should as far as possible inform clients of their rights, obligations, opportunities and risks associated with the social service delivered to them at the initial stage and in a language and manner which are appropriate to the clients' background and ability.
  - 2.1.1 Social workers should not knowingly withhold information or give false information so that the clients are deprived of their fair share of benefits entitled or make a major decision without being aware of the impact of the result.
- 2.2 Social workers should duly inform clients of workers' names, positions, roles, and the status as registered social workers.
- 2.3 Social workers should inform clients of the channels for them to make complaints. Workers should not deter clients from lodging complaints with the employing agency or other authorities against them.

**3. The social worker should as far as possible inform clients fully about the limits of confidentiality in a given situation, the purpose for which information is obtained, and how it may be used. In publication of case material, the social worker should make the necessary and responsible efforts to remove all identification information and to seek consent, as far as possible, from the clients and the employing agency.**



### Guidelines

- 3.1 Social workers employed in a particular social welfare agency are agents of the agency to provide services to clients. Unless the social workers are assigned to handle a particular case or to assist (including supervising) other colleagues to handle that particular case, the social workers have no right of access to that client's case file.
- 3.2 Sharing of information with other colleagues should be purposeful, such as in order to obtain advice and support from colleagues about the case. In case of conferences within agency, information sharing should be purposeful and relevant to professional exchange.
- 3.3 When it is necessary for other non-professional colleagues (e.g. typist) to have access to confidential information, social workers should take reasonable steps to keep them informed of the need of confidentiality of the information they may acquire. If the social workers view that this principle is not complied with, they should take reasonable action to prevent recurrence of such an event. Individual social workers should be alert and, when necessary, remind co-operating colleagues to avoid the possibility of disclosing confidential information.
- 3.4 All identifiable information of clients (e.g. name, address, name of school or work place etc.) should not be provided in any form of communication except for transferring cases or case referrals.
- 3.5 Informed consent has to be obtained from the clients and the employing agency for the release of clients' information. If the social workers are of the view that the clients are not capable of making an appropriate decision, informed consent from the clients' guardians should be obtained. Social workers should make reasonable efforts to remove any information contained in the case material that may reveal the identity of the clients to someone who is casually related to the clients (e.g. neighbours, workmates, school teachers, etc.). If personal information of clients should be disclosed, the social workers should obtain the clients' prior consent and assess whether the clients might have the ability to estimate the consequences of making such a decision.
- 3.6 In circumstances where there is sufficient evidence to raise serious concern about the safety or interests of clients or of others who may be affected by the clients' behavior, social workers should take such steps as are judged necessary to inform appropriate third parties even without the prior consent of the clients. Whether the social workers should alert the clients about going beyond the limits of confidentiality depends on the judgment of any reasonable person that the

serious concern under consideration may exacerbate or transform into something even worse.

- 3.7 Seeking information from other people who know the clients may reveal that the clients are currently receiving service from the social workers. Unless there is sufficient evidence to raise serious concern about the safety or interests of the clients, the social workers should obtain the informed consent of the clients before making such contacts.
- 3.8 The clients have the right to know about the information relating to themselves that are being stored in their own case files and to access the information that is provided by themselves or consequential to the information provided by the clients, (e.g. opinions of the social workers, diagnosis, treatment plan, etc.) Information obtained from other sources, or their consequentials, should also be accessible to the clients and consent of the clients have to be sought before the relevant contacts are made, except when the clients have given up such a right prior to the social workers' action to obtain such information. The access of the clients to such information may only be limited in the circumstances where there is sufficient evidence to raise serious concern that the safety or interests of clients or concerned persons will be jeopardized. If the guardians of the clients wish to obtain information about the clients, they must first seek the consent of the clients. At the same time, the social workers must make a judgment as to whether or not the clients have the capability to make an appropriate decision and whether or not the decision so made is in the interests of the clients.
- 3.9 After termination of the service relationship, the social workers should not continue to possess or keep files or information about the clients, in any records or form of storage, whether electronic, literal or audio-visual.
- 3.10 Should the social workers receive a request from the police to provide personal information about their clients, the social workers should first seek the consent of the clients. When necessary, the social workers should make a professional judgment, after considering whether or not provision of the information would cause damage to the personal safety or interests of the clients or other people. If the police hold a search warrant, the social workers should cooperate with the police and provide information that is basic and necessary.

**4. The social worker should not abuse the worker-client relationship in the pursuance of personal interests.**

### Guidelines

- 4.1 Social workers should terminate service to and professional relationships with clients, when such service and relationships are no longer required or no longer serve the clients' needs or interests.
- 4.2 Social workers should not exploit professional relationships with clients for monetary gain.
- 4.3 Social workers should not use the professional relationship to pursue political interests.
  - 4.3.1 Social workers should not influence clients to vote for them or for a particular candidate/political party of their own political affiliation.
  - 4.3.2 Social workers should take steps to ensure as far as possible that their employing agency adopts non-discriminative policies and procedures in accepting sponsorship, services or assistance from politicians or political parties.
  - 4.3.3 Social workers should not use their relationship with the clients in enlisting their help as volunteers in political election campaigns for them or for their own political affiliation.
- 4.4 Social workers should consider withdrawing from the situation to protect clients' benefit and to arrange alternative services if there is conflict of interests when the social workers are involved in the case.
  - 4.4.1 Social workers should make arrangements to transfer the clients to another worker when they find there are signs of transference and counter-transference, which are likely to hinder or damage the working relationship.
  - 4.4.2 Social workers should avoid as far as possible to provide service to people who have with them prior or existing intimate, familial, personal, business or political relationship.

## **5. The social worker should not have sexual contacts with clients.**

### Guidelines

- 5.1 Social workers should not have sexual intercourse with their clients.
- 5.2 Social workers should not caress or by any means stimulate the sexual organs of their clients.

- 5.3 In cases where social workers, due to the need of their work, inspect the private parts of their clients, the presence of a third party should be arranged by the concerned agency.

**6. If and when fee for service is required, the social worker should ensure that the clients would not be denied timely services they need due to financial constraints.**

#### Guidelines

- 6.1 Social workers should take steps as far as possible to ensure that their employing agency establishes an alternative funding or waiving policy and has the policy and procedure in place to review the charge for any service that is beyond the reasonable means of the target clients.
- 6.2 In cases where individual clients have difficulties to pay, social workers should assess the cases concerned and as far as possible seek approval of their employing agency to waive the service charge or explore alternative funding for the clients as appropriate.
- 6.3 For those clients who indicate their inability to pay, social workers should assess the urgency of the clients' need for service. In cases of urgent need for the service, social workers should attend to the clients and provide the service as far as possible. If there is no urgent need for the service, social workers should provide information on appropriate services and relevant resources or make necessary referrals.

## **II) Related to Colleagues**

**1. The social worker should pay due respect to differences of opinion and practice of other social workers, other professionals and volunteers. Any suggestion or criticism should be expressed and conflicts resolved in a responsible manner.**

#### Guidelines

- 1.1 In case of differences of opinion with other social workers, professionals or volunteers in dealing with specific practice related to clients, social workers should take steps to share their views and attempt to resolve the conflict with the individuals, organizations, and other relevant parties concerned before expressing criticisms in public.

- 1.2 Social workers should avoid as far as possible criticizing other social workers, professionals and volunteers in front of clients. Social workers may express different opinions, but not criticizing the opinions, practices and personal character of other social workers, professionals and volunteers who are serving the same clients.
- 1.3 No personal attack, including the use of vulgar language and insulting remarks directed towards an individual's personality and integrity, should be made against other social workers, professionals and volunteers. Criticism should be based on actual event and action.

## **2. The social worker should co-operate as far as possible with other social workers to enhance service effectiveness.**

### Guidelines

- 2.1 Social workers should readily share knowledge, skills, and experience with other social workers with the objective of enhancing professional interests, concerns, and service effectiveness.
- 2.2 When dealing with the same clients, social workers should, where appropriate, share relevant information and coordinate plans and actions with other social workers (whether or not of the same agency) to serve the needs and interests of clients.

## **3. The social worker should bring to the attention of appropriate bodies any violation of the Code of Practice that puts the interest of social work service recipients at risk, and should be ready to defend other social workers against unjust accusations.**

### Guidelines

- 3.1 Social workers should not knowingly withhold information concerning malpractice by other social workers when called upon to give information in any inquiry on malpractice. Social workers should report only those facts that are known to them personally.
- 3.2 Social workers should as far as possible report facts known to them when being called upon to give information in defence of other social workers against unjust accusations.
- 3.3 Social workers should bring the malpractice by other social workers to the attention of appropriate bodies such as the Social Workers Registration Board, or the relevant agencies which are in a position to stop such malpractice.

- 4. The social worker respects the clients' right of choice and should not, with due respect to other agencies and colleagues, solicit the clients of other social workers.**

#### Guidelines

- 4.1 Social workers should not solicit the clients of other social workers by persuading the clients to leave the service being rendered by other social workers. If the social workers believe, in good faith, that said service will lead to disadvantage or disservice to the client, workers should express concern according to the guidelines set forth under Part II, paragraph 1.

- 5. For joint practice, confidential communication other than that related to the clients that are shared by other co-workers should not be conveyed to clients without the explicit permission from the authors of such communications.**

### **III) Related to Agency**

- 1. The social worker should be responsible to the employing agency for the efficient and effective performance of professional duties.**

#### Guidelines

- 1.1 Social workers should draw to the attention of the employing agency when they view that the policies, rules and regulations of the agency are undermining the efficiency and effectiveness of the service.

- 2. The social worker should act constructively and responsibly to influence and to improve policies, procedures, and practice of the employing agency in order to continuously improve the quality of service and to prevent the social worker from violating the Code of Practice when enforcing agency policies.**

#### Guidelines

- 2.1 Social workers should give constructive comments, feedback and suggestions to the employing agency to uphold social work values and clients' rights.
- 2.2 Social workers should alert the employing agency of any possible violation of the professional code of practice and related legislation.

- 2.3 If inappropriate practices by the employing agency still persist and the interests of the clients are put at risk despite the social workers' effort to give feedback to the employing agency, the social workers should bring this matter to the attention of an appropriate body such as the Social Workers Registration Board.

**3. The social worker should make clear in any public statements or when in undertaking public activities whether one is acting in a personal capacity or on behalf of a group or an organization.**

Guidelines

- 3.1 In expressing personal views or undertaking action in personal capacity, social workers should avoid using any identity or documentation associated with the employing agency and affiliated group unless consent from the said party has been obtained.

**4. The social worker should not use institutional affiliation to recruit clients for private practice without the consent of the institution.**

## IV) Related to Profession

**1. The social worker should maintain honesty, integrity and responsibility in professional practice.**

Guidelines

- 1.1 When performing their duties, social workers should be free from the negative influence of drugs and alcohol.
- 1.2 Social workers should inform concerned parties of all the necessary details of the situation without withholding important information, falsifying or selectively presenting information so as to purposely deceive or mislead the parties concerned to make uninformed decisions.
- 1.3 In case of conflict of interests or conflict of roles, social workers should withdraw from the professional relationship or remove the source of conflict before continuing their involvement in the professional engagement.
- 1.4 In case of differences of opinion within a professional context, social workers should confine any debate to the facts and views around the issue, without personal attack.

**2. The social worker should uphold the values and ethics, and advance the knowledge of the profession.**

Guidelines

- 2.1 Social workers should consciously and critically examine the value base and ethical standard of their practice to see whether they are consistent with those of the profession. In such examination, the social workers should identify and attempt to overcome any personal or organizational barriers and seek ways and means to bring about the realization of social work values and ethics.
- 2.2 Social workers should as far as possible contribute to the generation of knowledge from their practice experience through professional exchanges.

**3. In criticizing the profession, the social worker should do so in a responsible and constructive manner.**

Guidelines

- 3.1 Social workers should refrain from making negative criticisms of the profession that are not based on facts.
- 3.2 Social workers should perceive making constructive suggestions and ideas as part of their professional obligation.

**4. The social worker should make no misrepresentation and/or false claim as to professional qualifications, nature of service, method of service or results to be achieved.**

Guidelines

- 4.1 Social workers should give accurate information of their own professional qualifications which pertain to those conferred by academic institutions and professional bodies. They should readily provide documentary evidence of being registered if required.
- 4.2 When promoting the service, social workers should refrain from claiming results which have not been properly researched.
- 4.3 Social workers should explain clearly and accurately the nature of service and method of service provided.



**5. The social worker should accept responsibility for upgrading his/her professional skills and knowledge.**

Guidelines

- 5.1 Social workers are recommended to attend professional enhancement activities of not less than 24 hours a year aiming at upgrading their professional skills and knowledge. Professional enhancement activities may include training courses/programmes, talks, conferences, seminars, forums, workshops and other related activities.

**6. The social worker should take responsibility to help those who are entering the profession to establish, strengthen and develop their ethics, values, skills and knowledge.**

Guidelines

- 6.1 Social workers should as far as possible be ready to give information and advice in response to the enquiries of their new colleagues.

## **V) Related to Society**

**1. The social worker recognises the need to bring to the attention of policy makers or the general public any policies, procedures and activities of governments, societies or agencies which create, contribute to, or militate against the relief of hardship and suffering.**

Guidelines

- 1.1 Social workers should as far as possible refrain from hindering the dissemination of such information to the attention of policy makers or the general public.

**2. The social worker recognises the need to advocate changes in the formulation of policies and legislation to improve social conditions, to promote social justice and general welfare of the society. The social worker also recognises the need to contribute to the implementation of policies for human welfare and should not allow one's knowledge, skills or experience to be used to further unjust policies and inhuman practices.**

3. The social worker recognises the need to prevent and eliminate discrimination and recognises the need to strive for a more reasonable distribution of resources and to ensure that all persons have equal opportunity to access to the necessary resources and services.
4. The social worker recognises the need to promote conditions that encourage respect for diversity in the society.
5. The social worker recognises the need to encourage informed participation by the public in formulating and developing social policies and institutions.

(Remarks : Chinese version prevails English version if there is any discrepancy.)

7 December 2000

## **Appendix C**

### **Websites for Reference**

#### **1. Crimes Ordinance (Cap. 200)**

- a) Section 122 "Indecent assault":

[http://www.legislation.gov.hk/blis\\_ind.nsf/CurEngOrd/CB873503A7E80210C8256483003225EE](http://www.legislation.gov.hk/blis_ind.nsf/CurEngOrd/CB873503A7E80210C8256483003225EE)

(Website of the Department of Justice: Bilingual Laws Information System)

#### **2. Sex Discrimination Ordinance (Cap. 480)**

- a) Section 2 "Interpretation":

[http://www.legislation.gov.hk/blis\\_ind.nsf/CurEngOrd/B922C9E69C79A5FD482574F600087757](http://www.legislation.gov.hk/blis_ind.nsf/CurEngOrd/B922C9E69C79A5FD482574F600087757)

(Website of Department of Justice: Bilingual Laws Information System)

- b) Section 23 "Employees, etc.":

[http://www.legislation.gov.hk/blis\\_ind.nsf/CurEngOrd/FB273BD7AC76CD09C82564830033ED41](http://www.legislation.gov.hk/blis_ind.nsf/CurEngOrd/FB273BD7AC76CD09C82564830033ED41)

(Website of Department of Justice: Bilingual Laws Information System)

#### **3. Personal Data (Privacy) Ordinance (Cap. 486)**

[http://www.legislation.gov.hk/blis\\_ind.nsf/WebView?OpenAgent&vwpg=CurEngOrd\\*486\\*486\\*486.1#486.1](http://www.legislation.gov.hk/blis_ind.nsf/WebView?OpenAgent&vwpg=CurEngOrd*486*486*486.1#486.1)

(Website of Department of Justice: Bilingual Laws Information System)

#### **4. Service Quality Standards (published by the Social Welfare Department)**

[http://www.swd.gov.hk/en/index/site\\_ngo/page\\_serviceper/sub\\_serviceper/id\\_servicequa/](http://www.swd.gov.hk/en/index/site_ngo/page_serviceper/sub_serviceper/id_servicequa/)

(Website of Social Welfare Department)

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