

Dear Students of Social Work,



Standards of Practice in the Code

This is a follow up to the earlier letter on the code of ethics for social work. Breaching the Code is not necessarily breaking the law and the regulation of the social work profession here is not yet determined by the state through law. In the United States, it varies from state to state if the licensing of social workers incorporates the Code or not. Where the state incorporates the Code, a Licensed Clinical Social Worker who breaches the Code would not only be subjected to the Association's professional review process but the state's licensing board could also hear the case and determine the appropriate consequences.

In the States where there is legislation, one of the most severe consequences of a board determination is revocation of licence, which prohibits the worker from practicing clinical social work. One might ask, "Can a person go to jail for breaking the licensing laws?" The answer is generally, no. The law determines which consequences the regulatory board can and cannot impose. If the social worker breaks a criminal law - for instance, defrauding a client - then the worker could be charged criminally, and criminal sanctions (such as fines or jail term) could be imposed.

Whereas criminal law provides punishment and deterrence for criminal behaviours, civil law provides people who have been injured with an opportunity to sue the person who caused the injury. One area of civil law most pertinent to social work is malpractice, or professional negligence. To substantiate malpractice, the client must prove that

- (a) the social worker owed the client a duty of care,
- (b) the worker breached that duty,
- (c) the breach led to injuries suffered by the client, and
- (d) there was a reasonably close link (proximate cause) between the breach and the damages.

When determining what constitutes a duty of care, the court considers what a reasonable social worker, acting prudently, would do in a similar situation. And in making this determination, the court may consider the Code of Ethics, even if the social worker is not a member of the national association. This is because the standards of practice in the Code can be used to define what a reasonable and prudent social worker should do.

Professional Review Process



Consider a client who is suffering from an eating disorder and continues to see the social worker who relied on literature she read and what she had learnt in a few talks about eating disorders to counsel her client. A few months later, the client is hospitalised for symptoms of severe malnutrition. If the client sues the worker, the court may consider the Code. In this case, the worker has acted outside the worker's area of competence. (You can read the detailed commentary of such a scenario here: <http://ethicalsocialwork.wix.com/ethicalsocialwork>)

Although the forgoing discussion focuses on client complaints that can go to a professional association, a regulatory body, the criminal or civil court, most client complaints do not go to such formal dispute resolution processes. Consider a client who feels that a worker was disrespectful because the worker touched the client's shoulder without permission. This touching was a one-time incident. The client comes from a background in which men are expected to avoid touching women in this manner unless they are married. The worker's actions could be interpreted as a breach of the Code regarding cultural competence, as well as maintaining culturally appropriate physical boundaries.

So, will this case go to the national association professional review process? Although the client has a valid concern over the incident, she may not want to report to the national association. The client may handle the incident by speaking to the worker and handle the situation informally. If this does not work, the client may go to the worker's supervisor or program director. If the client does file a complaint with the national association, it will need to determine whether the allegations are serious enough to warrant the case going through the professional review process. The association may also consider whether the case could be handled more appropriately within the agency or through some other process. Accordingly, even though the worker may have breached the Code, the case may not go through the entire professional review process, particularly when the allegations of misconduct are not severe.

Social Worker and Obligations



As social workers, we have a range of obligations. We have moral obligations, some of which may come from our respective cultures and religions. We have ethical obligations, some of which could come from our affiliation with the association. We have legal obligations, including those that govern our agencies and profession, as well as criminal and civil laws that govern all people.

If you breach obligations, the potential consequences of the breach will depend on the nature and severity of the breach. If you spread damaging gossip about co-workers, it may be in breach of professional ethical principles and may be subject to professional review. However, the breach may not be severe enough to warrant professional review. Still, you may have breached your moral obligations of respect for the dignity and worth of all people, and the most significant consequences may be the informal reactions of your work colleagues. You may lose their trust. They may retaliate verbally or they may alienate you. You may also feel the wrath of your own conscience, perhaps feeling bad and losing sleep over hurting your colleagues.

As Social Workers, we also need to be aware of statutory obligations which may cause ethical dilemmas. For example, Social Workers are legally obligated under the Criminal Procedures Code Sec. 424 to report cases of child abuse and family violence which may violate the professional ethic of confidentiality.

Act ethically because it is the right way to act



It is useful to know the potential consequences of acting unethically. Still, our main motivation for acting ethically should not be the fear of professional, communal, legal, or agency sanctions. We must want to act ethically because it is the right way to act. We see ourselves as professional, respectful, competent, trustworthy, honest, and accountable. We should adhere to these virtues because they reflect who we are and who we want to be.

Accreditation in Singapore is close to licensing and meets the requirement of what is expected of licensing. It is declaring to clients the standard of social work practice and giving them the assurance that they are attended to by professionals who adhere to a Code of practice that works in their interest.

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References:

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