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CHAPTER 22: THE SOCIAL WORK PROFESSION AND THE SOCIAL WORKERS CODE OF ETHICS

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INTRODUCTION

According to Igbo (1999:11) the need to induce human beings to conform to the styles, standards and expectations of their societies or groups, either by force or reward, is as old as human society itself. Every society has specific mechanism by which the behaviour of its members is regulated in the interest of the individuals or groups or the overall interest and well being of the generality of the populace. There is no known society where individuals are left to do whatever they like, at any time, without some form of code of ethics or control.

One of the principal mechanism for accomplishing the goal of social control in modern society is code of ethics. The function of code of ethics is to regulate and constrain the behaviour of individuals in their relationship with others. Pound (1957) argues that the purpose of law is to maintain and ensure those values and needs essential to social order, not by imposing one groups will on others but by controlling, reconciling and mediating the diverse and conflicting interests of individuals and groups within a society.

Be that as it may, code of ethics is essential in all professions of which social work is one. Social work is a profession because it has all the attributes of a profession.

Attributes of a Profession:

According to Anyaogu (1990:51) the characteristic features of a profession include a high degree of training, self imposed ethical rules, a

peculiar terminology and a strong collegial solidarity and control. Furthermore, a profession develops its own aims and standard for its activities. Also professionalization leads to pay services.

Greenwood (1957) noted that attributes of a profession include having:

- (a) A systematic body of theory,
- (b) Body of knowledge,
- (c) A professional authority sanction of community
- (d) A regulative code of ethics and
- (e) Professional culture.

Ekpe and Mamah (1997) emphasized that social work is a profession. Social work has all the attributes of a profession though it is seeking to raise the level of its recognition especially in Nigeria. Social work has code of ethics, it has measures and title of professional behaviour, and it has University best education.

The elements of profession that reflect both the obligation and responsibility of both the client and clientele should possess a general knowledge of human functioning, community also expect a professional to have a particular technical competent which is not acquired by other people. Social workers have a professional authority, which is granted for a few who have the preparation. So to respond to the trust and expectations of the individuals, groups, communities, social workers, profession etc the National Association of Social Work development code of ethics which transcends the saying of Lindeman (1947) that social work matures in a confused world and as such has not acquired attributes of a profession.

Ethics in Social Work:

According to Young (1935:190) ethics in social work is the principle of treating clients, other agencies and the community with the same respect, consideration and honesty with which you would hope to be treated in your own personal relationships. A professional code is a conscious and rational expression of the social attributes of the group toward the conduct of its members in the discharge of their particular service.

Purpose and Functions of National Association Social Workers:

Purpose: According to National Association of Social Workers (1981) the purpose of National Association of Social Workers is to promote a unified profession while serving the members' diverse requirements and operating according to professional standards.

Functions: Toward the achievement of this goal or purpose, National Association of Social Workers (NASW) defined its primary functions as:

- (a) Promoting the professional development of its members,
- (b) Establishing professional standards of practice,
- (c) Advancing sound social policies, and
- (d) Providing members with services that protect them and enhance their professional status.

Thus, below is the summary of major principles and code of ethics of National Association of Social Workers (NASW).

Code of Ethics of the National Association of Social Worker

Preamble

This code is intended to serve as a guide to the everyday conduct of members of the social work profession and as a basis for the adjudication of issues in ethics when the conduct of social workers is alleged to deviate from the standard expressed or implied in this code. It represents standards of ethical behaviour for social workers in professional relationships with those served, with colleagues, with employers, with other individuals and professions and with the community and society as a whole. It also embodies standards of ethical behaviour governing individual conduct to the extent that such conduct is associated with an individual's value and identity as a social worker.

This code is based on the fundamental values of the social work profession that include the worth, dignity and uniqueness of all persons as well as their rights and opportunities. It is also based on the nature of social work which fosters conditions that promote these values.

In subscribing to and abiding by the code, the social worker is expected to view ethical responsibility in as inclusive a context as each situation demands and within which ethical judgements is required. The

social worker is expected to take into consideration all the principles in the code that have a bearing upon any situation in which ethical judgement is to be exercised and professional intervention or conduct is planned. The course of action that the social worker chooses is expected to be consistent with the spirit as well as the letter of this code.

In itself, this code does not represent a set of rules that will prescribe all the behaviours of social workers in all the complexities of professional life. Rather, it offers general principles to guide conduct and the judicious appraisal of conduct in situations that have ethical implications. It provides the basis for making judgement about ethical action before and after they occur.

Frequently, the particular situation determines the ethical principles that apply and the manner of their application. In such cases, not only the particular ethical principles must be taken into immediate consideration, but also the entire code and its spirit. Specific applications of ethical principles must be judged within the context in which they are being considered. Ethical behaviour in a given situation must satisfy not only the judgement of the individual social worker, but also the judgement of an unbiased jury of professional peers.

This code should not be used as an instrument to deprive any social worker of the opportunity or freedom to practice with complete professional integrity, nor should any disciplinary action be taken on the basis of the code without maximum provision for safeguarding the right of the social worker affected.

The ethical behaviour of social workers result not from edict, but from a personal commitment of the individual. This code is offered to affirm the will and zeal of all social workers to be ethical and to act ethically in all that they do as social workers.

The following codified ethical principles should guide social workers in the various roles and relationships and the various levels of responsibility in which they function professionally.

These principles also serve as a basis for the adjudication by the National Association of Social Workers of issues in ethics.

In subscribing to the code, social workers are required to co-operate in its implementation and abide by any disciplinary ruling based on it. They should also take adequate measures to discourage, prevent, expose and correct the unethical conduct of colleagues.

Finally, social workers should be equally ready to defend and assist colleague unjustly charged with unethical conduct.

Summary of Major Principles:

- I. The social worker's conduct and comportment as a social worker:
 - a. Propriety: The social worker should maintain high standards of personal conduct in the capacity or identity as social worker.
 - b. Competence and Professional Development: The social worker should strive to become and remain proficient in professional practice and the performance of professional functions.
 - c. Service: The social worker should regard as primary the service obligation of the social work profession.
 - d. Integrity: The social worker should act in accordance with the highest standards of professional integrity.
 - e. Scholarship and Research: The social worker engaged in study and research should be guided by the conventions of scholarly inquiry.

II. The Social Worker's Ethical Responsibility to Clients:

- f. Primary of client's Interests: The social worker's primary responsibility is to clients.
- g. Rights and prerogatives of clients: The social worker should make every effort to foster maximum self-determination on the part of clients.
- h. Confidentiality and Privacy: The social worker should respect the privacy of clients and hold in confidence all information obtained in the course of professional service.
- i. Fees: When setting fees, the social worker should ensure that they are fair, reasonable, considerate, and commensurate with the service performed and with the regard for the clients' ability to pay.

III. The Social Worker's Ethical Responsibility to Colleagues:

- j. Respect, fairness, and courtesy: The social worker should treat colleagues with respect, courtesy, fairness and good faith.
- k. Dealing with Colleagues' Clients: The social worker has the responsibility to relate to the clients of colleagues with full professional consideration.

- IV. The Social Worker's Ethical Responsibility to Employers and Employing Organizations:
 - l. Commitments to Employing Organizations: The social worker should adhere to commitments made to the employing organizations.
- V. The Social Worker's Ethical Responsibility to the Social Work Profession:
 - m. Maintaining the integrity of the profession: The social worker should uphold and advance the values, ethics, knowledge and mission of the profession.
 - n. Community Service: The social worker should assist the profession in making social services available to the general public.
 - o. Development of Knowledge: The social worker should take responsibility for identifying, developing, and fully utilizing knowledge for professional practice.
- VI. The Social Worker's Ethical Responsibility to Society:
 - p. Promoting the General Welfare: The social worker should promote the general welfare of society.

The SASW Code Ethics:

- I. The Social Worker's Conduct and Comportment as a Social Worker:
 - (A) Propriety – The social worker should maintain high standards of personal conduct in the capacity of identity as social worker:
 - 1. The private conduct of the social worker is a personal matter to the same degree as is any other person's except when each conduct compromises the fulfillment of professional responsibilities.
 - 2. The social worker should not participate in condone, or be associated with dishonesty, fraud, deceit or misrepresentation.
 - 3. The social worker should distinguish clearly between statements and actions made as a private individual and as a representative of the social work profession of an organization or group.
 - (B) Competence and Profession Development – The social worker should strive to become and remain proficient in

professional practice and the performance of professional functions:

1. The social worker should accept responsibility or employment only on the basis of existing competence or the intention to acquire the necessary competence.
2. The social worker should not misrepresent professional qualification, education, experience or affiliations.

(C) Service – The social worker should regard as primary the service obligation of the social work profession:

1. The social worker should retain ultimate responsibility for the quality and extent of the service that individual assumes, assigns or performs.
2. The social worker should act to prevent practices that are inhumane or discriminatory against any person or group of persons.

(D) Integrity – The social worker should act in accordance with the highest standards of professional integrity and impartiality:

1. The social worker should be alert to and resist the influences and pressures that interfere with the exercise of professional discretion and impartial judgement required for the performance of professional functions.
2. The social worker should not exploit professional relationships for personal gain.

(E) Scholarship and Research – The social worker engaged in study and research should be guided by the conventions of scholarly inquiry:

1. The social worker engaged in research should consider carefully its possible consequences for human beings.
2. The social worker engaged in research should ascertain that the consent of participants in the research is voluntary and informed without any implied deprivation or penalty for refusal to participate, and with due regard for participant's privacy and dignity.
3. The social worker engaged in research should protect participants from unwarranted physical or mental discomfort, distress, harm, danger or deprivation.

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3. The social worker engaged in research should protect participants from unwarranted physical or mental discomfort, distress, harm, danger or deprivation.

4. The social worker who engaged in the evaluation of service or cases should discuss them only for the professional purposes and with persons directly and professionally concerned with them.
5. Information obtained about participants in research should be treated as confidential.
6. The social worker should take credit only for work actually done in connection with scholarly and research endeavours and credit contributions made by others.
- II. The Social Worker's Ethical Responsibility to Clients
 - (F) Primary of clients' interest – The social worker's primary responsibility is to clients:
 1. The social worker should serve clients with devotion, loyalty, determination, and the maximum application of professional skill and competence.
 2. The social worker should not exploit relationships with clients for personal advantage, or solicity the clients of one's agency for private practice.
 3. He should not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, colour, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap or any other preference or personal characteristics, condition or status.
 4. The social worker should avoid relationships or commitments that conflict with the interests of the clients.
 5. The social worker should under no circumstances engage in sexual activities with clients.
 6. He should provide clients with accurate and complete information regarding the extent and nature of the services available to them.
 7. He should appraise clients of their risks, rights, opportunities, and obligation associated with social service to them.
 8. The social worker should seek advice and counsel of colleagues and supervisors whenever such consultation is in the best interest of clients.
 9. The social worker should terminate service to clients, and professional relationships with them, when such service and relationships are no longer required or no longer serve the clients needs or interests.

10. He should withdraw services precipitously only under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects.
11. The social worker who anticipates the termination or interruption of service to clients should notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.
 - (G) Rights and prerogative of clients – The social worker should make every effort to foster maximum self-determination on the part of clients:
 1. When the social worker must act on behalf of a client who has been adjudged legally incompetent, the social worker should safeguard the interests and rights of the client.
 2. When another individual has been legally authorized to act on behalf of a client, the social worker should deal with that person always with the client's best interest in mind.
 3. The social worker should not engage in any action that violates or diminishes the civil or legal rights of the clients.
 - (H) Confidentiality and privacy – The social worker should respect the privacy of clients and hold in confidence all information obtained in the course of professional service:
 1. The social worker should share with others confidence revealed by clients, without their consent only for compelling professional reasons.
 2. The social worker should inform clients fully about the limits of confidentiality in a given situation, the purposes for which information is obtained and how it may be used.
 3. The social worker should afford clients reasonable access to any official social work records concerning them.
 4. When providing clients with access to records, the social workers should take due care to protect the confidence of others contained in those records.
 5. The social worker should obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.
 - (I) Fees – When setting fees, the social worker should ensure that they are fair, reasonable, considerate and commensurate with the service performed and with due regard for the client's ability to pay:

1. The social worker should not divide a fee or accept or give anything of value for receiving or making a referral.
- III The Social Worker's Ethical Responsibility to colleagues
 - (j) Respect, fairness and courtesy – The social worker should treat colleagues with respect, courtesy, fairness and good faith:
 1. The social worker should co-operate with colleagues to promote professional interests and concern.
 2. The social worker should respect confidences shared by colleagues in the course of their professional relationships and transactions.
 3. The social worker should create and maintain conditions of practice that facilitate ethical and competent professional performance by colleagues.
 4. The social worker should treat with respect and represent accurately and fairly, the qualifications, view and findings of colleagues and use appropriate channels to express judgements on these matters.
 5. The social worker who replaces or is replaced by a colleagues in professional practice should act with consideration for the interest, character and reputation of that colleague.
 6. The social worker should not exploit a dispute between a colleague and employers to obtain a position or otherwise advance the social worker's interest.
 7. The social worker should seek arbitration or mediation when conflicts with colleagues require resolution for compelling professional reasons.
 8. The social worker should extend to colleagues of other professions the same respect and co-operation that is extended to social work colleagues.
 9. The social worker who serves as an employer, supervisor or mentor to colleagues should make orderly and explicit arrangements regarding the conditions of their continuing professional relationship.
 10. The social worker who has the responsibility for employing and evaluating the performance of other staff member should fulfill such responsibility in a fair, considerate and equitable manner, on the basis of clearly enunciated criteria.

11. The social worker who has the responsibility for evaluating the performance of employees, supervisors or students should share evaluations with them.
 - (k) Dealing with colleagues' clients – the social worker has the responsibility to relate to the clients of colleagues with full professional consideration:
 1. The social worker should not solicit the clients of colleagues
 2. The social worker should not assume professional responsibility for the clients of another agency of a colleague without appropriate communication with that agency or colleague.
 3. The social worker who serves the clients of colleagues during a temporary absence or emergency, should serve those client with the same consideration as that afforded any client.
- IV. The Social Worker's Ethical Responsibility to Employers and Employing Organization.
 - (l) Commitments to employing organization – The social worker should adhere to commitments made to the employing organization:
 1. The social worker should work to improve the employing agency's policies and procedures and the efficiency and effectiveness of it service.
 2. The social worker should not accept employment or arrange student field placements in an organization which is currently under public sanction by NSAW for violating personal standards, or improving limitations on or penalties for professional actions on behalf of clients.
 3. The social worker should act to prevent and eliminate discrimination in the employing organization's work assignments and in its employment policies and practice.
 4. The social worker should use with scrupulous regard and only for the purpose for which they are intended, the resources of the employing organization.
- V. The Social Worker's Ethical Responsibility to the Social Work Profession.
 - (M) Maintaining the integrity of the profession – The social worker should uphold and advance the values, ethics, knowledge and mission of the profession:
 1. The social worker should protect and enhance the dignity and integrity of the profession and should be responsible and vigorous in discussion and criticism of the profession.

2. The social worker should take action through appropriate channels against unethical conduct by any other member of the profession.
 3. The social worker should act to prevent the unauthorized and unqualified practice of social work.
 4. The social worker should make no misrepresentation in advertising as to qualifications, competence, service or results to be achieved.
- (N) Community service – The social worker should assist the profession in making social services available to the general public:
1. The social worker should contribute time and professional expertise to activities that promote respect for the utility, the integrity and the competence of the social work profession.
 2. The social worker should support the formulation, development, enactment and implementation of social policies of concern to the profession.
- (O) Development of knowledge – The social worker should take responsibility for identifying, developing and fully utilizing knowledge for professional practice:
1. The social worker should base practice upon recognized knowledge relevant to social work.
 2. The social worker should critically examine and keep current with emerging knowledge relevant to social work.
 3. The social worker should contribute to the knowledge base of social work and share research knowledge and practice wisdom with colleagues.
- VII. The Social Worker's Ethical Responsibility to Society.
- (P) Promoting the general welfare – The social worker should promote the general welfare of society:
1. The social worker should act to prevent and eliminate discrimination against any person or group on the basis of race, colour, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap or any other preference or personal characteristic, condition or status.
 2. The social worker should act to ensure that all persons have access to the resources, services and opportunities which they require.

3. The social worker should act to expand choice and opportunity for all persons, with special regard for disadvantaged or oppressed groups and persons.
4. The social worker should promote conditions that encourage respect for the diversity of cultures which constitute Nigerian society.
5. The social worker should provide appropriate professional services in public emergencies.
6. The social worker should advocate changes in policy and legislation to improve social conditions and to promote social justice.
7. The social worker should encourage informed participation by the public in shaping social policies and institutions.
8. Social workers could be sued for breach of any section of the code of ethics.

Source:

Encyclopedia of social work (1987). Vol. 2, of NASW

Why Social Worker are Sued:

According to Schroeder (1979), not all social workers are equally vulnerable to malpractice suits. The risk of malpractice is greater in some areas of social work practice than in others. Practice involving commitment to a mental institution or a specialized facility, breaches of confidentiality, improper referrals to colleagues, recommendations for extreme or unconventional treatment and child welfare practice in which child abuse or sexual abuse allegation are present tend to increase worker's vulnerability to suits. Examples:

Institutional Commitments:

Although social workers do not make the final decisions to commit patients to mental hospitals, quite often the decision to institutionalize is influenced by social service assessments. Social workers are often involved in taking patients histories or conducting interviews that may be used in commitment decisions. Thus, they may be named in lawsuits against mental hospitals.

Breaches of Confidentiality:

In many settings, confidentiality presents particular problems, especially because case information is often transmitted to several agencies. Numerous statutes require social workers to report abuse and neglect to child protective agencies and there is also an obligation to notify law enforcement authorities if a crime has been committed. Breaches of confidentiality often occur through informal interchanges overheard by others or through the careless management of case records. Social workers must exercise extreme care in obtaining consent to share information.

National association of social workers' code of ethics holds social workers responsible for respecting the privacy of clients, which is an essential ingredient in any human service. In some states, social workers are entitled to privileged communication with their clients. Although they may be asked to testify in court, they can invoke this privilege. However, confidentiality is not an absolute professional obligation. Social workers may be ordered to answer question in court and can be held contempt of court if they refuse to testify.

Improper Referral:

Improper referrals may be a cause in negligence actions. Careful consideration must be given to the qualifications of practitioners to whom referrals are made. Their skills must be consistent with the qualifications of practitioners to whom referrals are made. Their skills must be consistent with the capabilities required for the situation at hand or the referring social worker may be subject to a finding of negligence.

Unconventional Treatment:

Unconventional treatment involves modalities not commonly accepted by professional associates. If such treatment is recommended the worker must provide a powerful rationale for the action, one that justifies the prescription based on the features of the cases.

Child Protection:

Child protective services represent a special area in malpractice actions because parents and other adult caregivers are often coerced into receiving services and some may ultimately be prosecuted for serious crimes against children. Because of their direct relationship with the courts, child protective services have received more legal attention than other areas of social work. According to Besharov (1983) liability for

inadequately protecting a child is one area in which social workers are vulnerable to suit. Though all countries have child abuse reporting laws that mandate intervention to protect endangered children, a child may die or be injured after the case becomes known. The technology for assessing risk is poorly developed, and agencies are obliged by law to maintain families unless there is a clear threat to life and health. Also liability may arise in cases in which parental rights are violated. Laws against child abuse place limits on parental rights. However, they do not give social workers the right to violate parents' constitutional rights or to engage in vindictive or unprofessional behaviour. Harassing families or slandering parents or denying parents' due process have all been found to be in violation of parental rights. Removing children with sufficient cause or failing to return them when it is appropriate to do so are further instances of violations of parents' rights that could result in malpractice actions. For example, according to Besharo (1983:15) parents sought damages for slander outrageous conduct, negligence and gross negligence, alleging that interviews with their child went beyond normal practice. The court decision favouring the parents stated:

They set out details showing the interview of the child went beyond mere investigation and amounted to harassment and intentional infliction of emotional distress. Second, the parents alleged that defendants (social workers) intentionally leaked information about the case to county commissioners, with whom (the father) as a member of the county council, regularly met and also to the press. Third, the parents alleged that the social workers published statements that were slanderous *per se*.

Conclusion:

The professional social work organization establishes professional norms, like any other professional body, to regulate and guide social work practice and requires its members to subscribe to the code of ethics. This code is well organized, with its provisions falling into definite categories. It marks a distinct step in the development of social work profession. Social work is a professional service designed to help the consumers of the service establish a relationship with their social environment, a participatory relationship that enables them develop self sufficiency, grow and live socially satisfying lives. Thus, social workers need a good knowledge of social policy, legislation, agency and community structures, knowledge of people and their

problems. Also social workers require a good knowledge of ego psychology so as to comprehend the ramifications of the code of ethics of National Association of Social Workers. Social workers should adhere strictly to the code of ethics for achievement of purpose of social work.

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