

Social Workers (Code of Ethics) By-laws 2012

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IT is hereby notified that the Ministry of Labour and Social Services has, in terms of section 43(3) of the Social Workers Act [Chapter 27:21], approved the following by-laws made by the Council of Social Workers:-

*Title*

1. These by-laws may be cited as the Social Workers (Code of Ethics) By-laws, 2012.

*Interpretation*

2. In this code-
  - “Act” means the Social Workers Act [Chapter 27:21];
  - “registered person” means a person registered in terms of the act as a social worker and any person registered or required to be registered in terms of the Social Workers (Registration) By-laws, 2005;
  - “social worker” means a person whose profession or occupation is social work, and is registered or required to be registered as such under the Act;
  - “sexual impropriety” includes sexual or romantic liaisons or relationship with clients, subordinates, whether or not

these relationships are consensual, initiated or desired by such clients or subordinates, or soliciting for such relationship or liaisons, and sexual harassment and child sexual abuse;

“serious criminal offence” means an offence involving dishonesty, deception, improper conduct in respect of a minor or other person with limited or no legal capacity, or serious violence or other offence for which, if convicted, the offender is sentenced to a term of imprisonment without the option of a fine, within or outside Zimbabwe;

“inadequate professional service” means performance of professional services for or in respect of a service user which falls significantly short of the standard which is reasonably expected of a social worker in the circumstances;

“Ubuntu/Unhu/humaneness” includes the stipulations of the philosophy that places emphasis on values of human solidarity, empathy, human dignity and the humaneness in every person, and that holds that a person is a person through others.

#### *Scope and purpose*

3. (1) This code is binding on all registered persons.
- (2) The purpose of having this code is to-
  - (a) set out the core values on which the professional of social work is based;
  - (b) help registered persons identify the ethical principles that form the standards and core values of the social work profession;
  - (c) identify the professional standards and obligations by and against which social work service users and the general public may hold social workers accountable;
  - (d) indicate the improper or disgraceful conduct which social workers must avoid;
  - (e) enunciate the sanctions the Council may take against social workers who are found guilty of improper or disgraceful conduct.

*Mission, core values and principles*

4. (1) The mission of social work includes-
  - (a) enhancing the well being and sustainable empowerment of individuals, especially the vulnerable, weak, powerless and oppressed members of the community; and
  - (b) applying scientific and other validated knowledge for the betterment of the individuals and the community; and
  - (c) promoting social justice, unhu/Ubuntu, human rights, positive change, problem solving and improvements in individual and community relationships and the development of society in general.
  
- (2) The core values of the profession of social work, which must be shared by all social workers include-
  - (a) service above self;
  - (b) social justice;
  - (c) *unhu/ubuntu*;
  - (d) professional integrity
  - (e) competence;
  - (f) importance of human relationships;
  - (g) respect of human rights;
  - (h) respect of diversity.
  
- (3) The principles, based on the core values, and which facilitate the accomplishment of the mission of social work and which set forth the ideas all social workers must aspire to, include the expectations that a social worker-
  - (a) has, as a primary goal of helping people in need and addressing societal problems. This entails, service to others above personal interests, prioritizing the needs of service users, and occasionally offering service *pro deo*, especially in times of natural calamity and all the time drawing on all acquired skills, knowledge and values of the profession of social work;
  - (b) promotes social justice. This includes being ready to challenge injustice in policies and practices.

discrimination, prejudice, promoting positive social change especially for the benefit of the vulnerable, weak and disadvantaged, encourage equity in opportunity and access to resources and full participation and empowerment of all;

- (c) recognises and promotes *unhu/ubuntu*, and appreciates that inherent in each person is dignity and values, and that each person deserves respect and that person exists within a cultural setting and a community and that the individual and community shape, influence and benefit from each other;
- (d) exhibits the highest standards of professional integrity and will thus act in a manner that is trustworthy, dependable and responsible and engenders public confidence in the profession of social work;
- (e) practices within his or her area of expertise meaning that he or she will take necessary steps to enhance and develop his or her skills and use such skills and knowledge in the performance of his or her duties;
- (f) recognizes the importance of human relationships and will thus purposefully strengthen and harness the relationships among people for positive social change and development, and in promoting the profession of social work.

*Responsibilities and obligations of social workers*

- 5. A social worker must, at all times, in the context of practising profession of social work-
  - (a) acquire, develop self and engage in appropriate continuous professional development and maintain the high level of skills, competence and attitude required to effectively discharge his or her job; and
  - (b) act with utmost integrity and maintain the confidence and the trust of service users; and
  - (c) protect, serve and promote the best interest of service users and prioritise their interests ahead of his or her own and be alert to conflicts of interest and declares such interest, and, as may be appropriate, recuse himself or

herself from cases where such conflict renders him or her or is deemed by best practice, to render him or her to be incapable of discharging his or her duties properly, or to be seen to do so; and

- (d) be accountable for his or her actions to service users, colleagues in the social work profession and other disciplines that a social worker interacts with, the employers, professional associations, the Council and the law as appropriate; and
- (e) respect the self-determination, independence and all human rights of service users, whilst seeking to ensure that the service user does not harm himself or herself or others; and
- (f) provide services in the context of professional relationships based, as appropriate, on informed consent validly obtained; and
- (g) exhibit an acceptance level of appreciation and sensitivity to cultural and social diversity in his or her interaction with service users and other colleagues; and
- (h) respect the right of privacy of service users and maintain appropriate confidentiality in respect of the service users' records and information and inform service users of any legal obligations to disclose such record and information; and
- (i) keep accurate and up to date records of important interventions and professional interactions with service users to ensure continuity and appropriateness of services and that such records are safe, secure and accessible in appropriate circumstances by authorised persons; and
- (j) through self awareness, take appropriate steps to take care of himself or herself mentally and physically, and avoid all things that compromise his or her health or ability to function optimally in the discharge of his or her functions, and avoid letting personal problems interfere with professional obligations; and
- (k) acquaint himself or herself with, and above all respect the rights of individuals and people as contained in the

Constitution of Zimbabwe, particularly the Bill of Rights and in appropriate international conventions such as the Universal Declaration of Human Rights, which Zimbabwe is a party to, and be informed accordingly in the exercise of his or her work; and

- (l) in research and evaluation processes, the social worker must, obtain the informed consent of participants or of the parent or guardian in the case of minors, and carry out the exercise with due regard to the dignity of participants and where appropriate ensure that same benefit society or the individual and take steps to avoid or minimize harm, distress or pain to participants, and report accurately; and
- (m) in the interest of the profession and service users, take appropriate steps to discourage, prevent and expose improper and disgraceful conduct, by a colleague. Conversely, where a colleague has been unjustly accused of improper or disgraceful conducts, defend and assist him or her to the fullest extent permitted by the law; and
- (n) inform service users in time and appropriately of termination of services where termination becomes necessary for good cause, and take suitable steps to ensure continuity of services where required, and mitigate any harm occasioned by the discontinuation of service provision by the social worker; and
- (o) provide education and training only in areas of own expertise, supervise students fairly, and inform service users where service is being provided by students, and potentially compromising relationships with students; and
- (p) in education and training shall in particular, not participate in providing tuition for a qualification which will not be acceptable for purposes of registration on grounds of inadequacy, or to allow continued training of a student he or she knows will not be registered on account of unsuitability because of prior improper or disgraceful conduct, such as conviction on a serious criminal offense charge and shall actively encourage a

student recruitment process that eliminates or minimize the enrolment of unsuitable student; and

- (q) where in practice on his or her own account or with or without the assistance of others, or who manages other colleagues in the discharge of social work, shall ensure that same is properly administered, including ensuring timeous payment for practising certificates for staff that require same; and
- (r) where in practise employ as social workers, only persons properly registered under the Act, maintain proper books of accounts, including, particularly, accurate accounting for any trust funds paid, billing according to approved tariff, dealing fairly and firmly with complaints and where employees are guilty of improper or disgraceful conduct, reporting same to the Council; and
- (s) obtain, for the purposes of quality assurance, necessary supervision including peer review.

#### *Misconduct*

6. A social worker shall be guilty of misconduct or improper or disgraceful conduct if he or she commits any of the following-

- (a) provision of grossly inadequate professional service;
- (b) serious criminal offence;
- (c) theft or fraud;
- (d) sexually impropriety;
- (e) practices without being registered, or being registered, without a valid practising certificate or a temporary dispensation granted by the Council;
- (f) disclosure without lawful authority or exercise, confidential information and/or records of a service user, to the potential or actual detriment of the service user;
- (g) making malicious false, wrong and harmful allegations against a colleague or a service user;
- (h) condoning or abetting any of the above misconduct;
- (i) bringing the profession into disrepute or otherwise undermine public trust in the profession, or persistent

failure to respect and uphold the mission, values, principle and obligations of the profession.

*Disciplinary Procedure*

7. (1) For the purpose of a better exercise of its function of holding an inquiry in term of part V of the Act, the Council may appoint and vest any of its functions to a disciplinary committee, subject to section 18 of the Act.

(2) In the instruction of disciplinary proceedings or injuries, the disciplinary committee or Council, may act on the complaint or report of any third party without the need to ascertain any particular personal or legal interest by such person.

(3) Such committee shall serve upon the person concerned a notice setting out the allegations against him or her, and afford the person concerned a reasonable opportunity of being heard, and be tried if he or she wishes, at his or her cost, by legal representative or a colleague or appropriate member of national association of social workers.

(4) The provisions of the Act related to discipline especially sections 31,32,33 and 36 shall apply, mutatis mutandis, to discipline under this code by the disciplinary committee.

*Penalties*

8. (1) Upon finding a registered person guilty of improper or disgraceful conduct, the disciplinary committee shall allow opportunity submissions in mitigation or aggravation, and taking that into consideration, may recommend to Council the appropriate penalty, which shall be any of the penalties in terms of the Act.

(2) The Council after receiving the recommendations in terms of subsection (1) shall impose such penalty in terms of the Act as it deems fit.

*Appeal*

9. The right of appeal and related procedures in the Act shall apply, including right to appeal to the Administrative Court.

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