

**S.I. No.            of 20XX**

**SOCIAL CARE WORKERS REGISTRATION BOARD**

**CODE OF PROFESSIONAL CONDUCT AND ETHICS BYE-LAW 20XX**

The Social Care Workers Registration Board, in exercise of the powers conferred in it by section 31 of the Health and Social Care Professionals Act 2005 (as amended), with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

1. This bye-law may be cited as the Social Care Workers Registration Board Code of Professional Conduct and Ethics Bye-Law 20XX.
2. The Social Care Workers Registration Board hereby adopts the Code of Professional Conduct and Ethics (the “Code”) contained in the schedule to this bye-law.
3. The Code is hereby incorporated by reference into, and forms part of, this bye-law.
4. This bye-law comes into operation on [date].

# SCHEDULE

**Social Care Workers Registration Board**

**Code of Professional Conduct and Ethics**

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## Foreword

I am pleased to present the Code of Professional Conduct and Ethics for social care workers devised by the Social Care Workers Registration Board (SCWRB), CORU. The code specifies the standards of ethics, conduct and performance expected of registered social care workers.

The Social Care Workers Registration Board was appointed on 27 March 2015 by the Minister for Health. The Board is one of twelve registration boards to be established under the Health and Social Care Professionals Act 2005. The twelve Boards and the Health and Social Care Professionals Council operate under the umbrella of CORU. The purpose of CORU is to protect the public by promoting high standards of professional conduct, professional education, training and competence among registrants.

In 2010, the Health and Social Care Professionals Council at CORU developed a framework code detailing common standards across its twelve constituent boards. The framework was reviewed and updated in 2013. The Social Care Workers Registration Board, made up of both lay members and representatives of the profession, have carefully adapted the framework with additional assistance from an expert external to the Board, public consultation and international best practice.

This Code outlines the standards of ethical behaviour and conduct that the public expects from social care workers. Each year registrants will be asked to pledge that they comply with the Code of Professional Conduct and Ethics. It is essential that all registrants read, understand and meet the standards set out in this Code. Failure to meet the standards could result in a complaint of professional misconduct being made about the registrant. Under the Health and Social Care Professionals Act 2005, professional misconduct is defined as any act, omission or pattern of conduct of the registrant which is a breach of the code.

As the goal of the SCWRB is to protect the public by fostering high standards of professional conduct, education, training and competence among registrants, adopting this Code is a major milestone in this process. As the profession develops, the SCWRB is committed to continually reviewing these standards, in doing so, ensuring that they remain both relevant and comprehensive. We expect that all social care workers will comply with these standards and that the consistent application of these standards will benefit social care workers as practitioners and the public as service users. We look forward to working with social care workers, their employers, the education providers and service users in realising such benefits through developments in the statutory registration process.

Dunia Hutchinson  
Chairperson  
Social Care Workers Registration Board  
November 2016

## About the Code

This Code specifies the standards of ethics, conduct and performance expected of registered social care workers. You have a duty to enable service users to act in their own best interests. You also have a duty to always protect the health and well-being of people who use your services. To protect the public, you must comply with this Code of Professional Conduct and Ethics.

The social care work values informing this code are:

- Respect for the inherent dignity, worth and rights of persons
- Pursuit of social justice
- Integrity of professional practice
- Confidentiality in professional practice
- Competence in professional practice.

Note: The term “service user” is used throughout this document. It includes all people who use your social care services, whether they are adults or children, attending services voluntarily or involuntarily, residents, and anyone else who uses your service.

As a registrant you must comply with this Code of Professional Conduct and Ethics. It is recognised that ethical decision-making presents challenges and it is suggested that the procedure at Appendix A should be consulted.

Registrants must be aware that a breach or breaches of this Code could be held to be professional misconduct and could result in a disciplinary sanction being imposed following a fitness to practise inquiry.

In this document:

- ‘you must’ is used as an overriding principle or duty;
- ‘you should’ is used where the principle or duty may not apply in all cases or where there are factors outside your control affecting your ability to comply;
- the term “service users” includes service users, residents, patients, clients and anyone else who uses your service.

Below is a summary of your responsibilities as a registrant grouped into three categories: conduct, performance and ethics.

## Conduct

1. Act in the best interests of service users.
2. Respect the confidentiality of service users.
3. Maintain high standards of personal conduct.
4. Provide information about conduct and competence.

## Performance

5. Address health issues related to your fitness to practise.
6. Obey laws and regulations.
7. Act within the limits of your knowledge, skills, competence and experience.
8. Keep your professional knowledge and skills up to date.
9. Get informed consent from service users.
10. Communicate with service users, carers and other professionals.
11. Assist and advise colleagues, recently qualified registrants and students.
12. Teach, supervise and assess students and other professionals.
13. Supervise tasks that you give to others.
14. Enhance the service user experience.
15. Keep accurate records.
16. Address health and safety risks.
17. Address risks to service users.

## Ethics

18. Demonstrate ethical awareness.
19. Respect the rights and dignity of people.
20. Carry out your duties in a professional and ethical way.
21. Undertake research in an ethical manner.
22. Make sure that advertising is truthful, accurate and lawful.
23. Upholding human rights in your practice.
24. Promoting social justice.

## Conduct

You must always keep a high standard of conduct. Your duties are to:

### 1. Act in the best interests of the service users

You are responsible for acting in the best interests of your service user.

You must:

- a. treat each service user as an individual person and respect service users' relationships with their families and other caring relationships;
- b. respect diversity, different cultures and values;
- c. respect and, where appropriate, promote and/or speak out on behalf of the views and wishes of service users and others involved in their care;
- d. support the service user's right to take part in all aspects of the service provided and to make informed choices about the service they receive;
- e. do nothing and allow nothing to be done that would harm the health, safety or best interests of a service user;
- f. when working in a team, be responsible for:
  - your own professional conduct,
  - any service or professional advice you give,
  - your own failure to act,
  - any appropriate tasks you delegate,
  - any tasks delegated to you, and
  - ensuring that you as a team member share all the relevant information in the best interests of service users;
- g. protect service users if you believe they are threatened by a colleague's conduct, performance or health. Service user safety, well-being and rights must always come before personal and professional loyalties;
- h. talk to a suitable professional colleague if you become aware of any situation that puts a service user at risk.

You must not:

for reasons of personal or commercial benefit, direct public service users to private practice.

## 2. Respect the confidentiality of service users

You must:

- a. treat information about service users as confidential and use it only for the purpose for which it was given unless to do so would put the service user or others at risk;
- b. check that people who ask for information are entitled to it;
- c. always follow 'best practice', employer guidelines and data protection laws when handling confidential service user information. Stay up to date with best practice developments;
- d. be aware that confidentiality is not absolute. You must familiarise yourself with the circumstances in which a breach of confidentiality is appropriate and justifiable.

You must not:

give personal or confidential service user information to anyone, except if the law or your professional practice obligations requires you to do so.

Disclosure of information to colleagues:

- If you need to share service user information with a relevant colleague to give safe and effective care, you must make sure that they know that the information must be kept confidential.

## 3. Maintain high standards of personal conduct

You must:

- a. work openly and co-operatively with colleagues;
- b. respect the roles and expertise of health, social care and other professionals and work in partnership with them.

You must not:

- a. harm, abuse or neglect service users, carers or colleagues;
- b. exploit or discriminate against service users, carers or colleagues in any way;
- c. form inappropriate personal relationships with service users;
- d. condone discrimination by service users, carers or colleagues;
- e. put yourself or others at unnecessary risk;
- f. behave in a way that would call into question your suitability to work in health and social care professional services;
- g. engage in conduct that is likely to damage the public's confidence in you or in your profession.

#### 4. Provide information about conduct and competence

You must:

- a. inform the Social Care Workers Registration Board if you have been convicted of a criminal offence in any jurisdiction. You must also inform the Board if you have been given an 'adult caution' by An Garda Síochána or a caution from the police in another country;
- b. inform the Social Care Workers Registration Board if your employer or another body has suspended you or placed restrictions on your practice because of concerns about your conduct or competence. You must cooperate with any investigations or formal inquiry into your professional conduct;
- c. report any serious breaches of behaviour or malpractice to the appropriate authority. Malpractice includes negligence, incompetence, breach of contract, unprofessional behaviour, causing danger to health, safety or the environment, and covering up any of these issues.

You should:

inform your employer if, in your professional opinion, the practice of colleagues may be unsafe or have a negative effect on service user care.

## Performance

You must always keep a high standard of performance. Your duties are to:

### 5. Address health issues related to your fitness to practise

You must:

- a. look after your physical, emotional and psychological health and avoid contact with service users if you are ill, emotionally distressed or on medication which may affect your judgement or performance;
- b. follow your employer's guidelines regarding personal health issues which could place service users or others at risk;
- c. limit your practice or stop practising if your performance or health could have a negative effect on service users.

### 6. Obey laws and regulations

You must:

- a. know and work within the laws and regulations governing your practice and keep up to date with any changes in legislation or regulation;
- b. obey the laws of the country in which you live and work in all your professional and personal practice;
- c. be aware of and comply with the national guidelines and legislation for the protection of children and vulnerable adults.

### 7. Act within the limits of your knowledge, skills, competence and experience

You must:

- a. act within the limits of your knowledge, skills, competence and experience;
- b. practise only in areas in which you have relevant competence, education, training and experience. If a task is beyond your knowledge, skills or

experience, you must refer the service user to a colleague who has the skills to help the service user;

- c. accept that a service user has the right to a second opinion from another practitioner. If asked, you must refer the service user promptly to another practitioner;
- d. make sure you understand any request from another health or social care professional. You must only assess, intervene or treat a service user if it is in the service user's best interest. If this is not the case, you must discuss the issue with the service user and the practitioner who made the referral before providing any service;
- e. be able to justify any decisions you make within your scope of practice. You are always accountable for what you do, what you fail to do, and your behaviour;
- f. meet professional standards of practice and work in a lawful, safe and effective manner;
- g. seek support and assistance if you do not feel competent to carry out any aspect of your work or if you are unsure about how to proceed in a work matter.

You should:

- a. seek and engage in supervision in professional practice on an on-going and regular basis.

## 8. Keep your professional knowledge and skills up to date

You must:

- a. ensure that your knowledge, skills and performance are of a high quality, up to date and relevant to your practice;
- b. participate in continuing professional development (CPD) on an ongoing basis by identifying your learning needs, making a personal learning plan, implementing the plan and reflecting on the learning you gained from the CPD activities;

- c. maintain clear and accurate records of your CPD and submit your records for audits of compliance when requested by the Social Care Workers Registration Board;
- d. comply with the Social Care Workers Registration Board's CPD requirements.

## 9. Get informed consent from service users

You must:

- a. explain the assessment, intervention or treatment along with any risks and alternatives to the service user in a way the service user can understand and give informed consent, taking into account the service user's capacity to understand the information;
- b. record the service user's decisions regarding any proposed assessment, intervention or treatment. These decisions should be shared with appropriate members of the health and social care team involved in the service user's care;
- c. make sure the service user gives consent to any assessment or intervention before it is carried out. If the service user cannot give informed consent, make sure that any actions taken are in the service user's best interests;
- d. make reasonable efforts to encourage the service user to go ahead with any assessment and intervention that you believe is in their best interest. However, you must respect the service user's right to refuse assessment or intervention;
- e. follow your employer's procedures on consent and any guidance issued by appropriate authorities.

## 10. Communicate with service users, carers and other professionals

You must:

- a. communicate sensitively and effectively with service users, taking into account any special needs when communicating with children and vulnerable adults;

- b. identify yourself to service users before you commence any assessment or intervention;
- c. if something goes wrong with a care plan, or a service user suffers harm, speak openly and honestly to the service user as soon as possible about what happened and the implications for their on-going care plan.

You should:

- a. communicate sensitively and effectively where appropriate with the carers and the families of service users, taking into account any special needs when communicating with children and vulnerable adults;
- b. co-operate and share your knowledge and expertise with colleagues and students for the benefit of service users.

## 11. Assist and advise colleagues, recently qualified registrants and students

You should:

help and advise colleagues, recently qualified registrants and students in your profession to develop the professional skills, values, courtesies, attitudes and behaviour they will need when dealing with service users, carers and staff.

## 12. Teach, supervise and assess students and other professionals

If you are involved, you must:

in supervising, teaching, training, appraising and assessing students in your profession, do so fairly and respectfully using agreed criteria.

You should:

meet your professional obligation to teach, train and mentor other social care workers in specified practice areas.

### 13. Supervise tasks that you give to others

You must:

- a. acknowledge that service users have the right to assume that the person providing assessment, intervention or treatment to them has the knowledge, skills and competence to do so;
- b. only delegate to a person who you believe to have the knowledge, skills and experience to carry out the task safely and effectively;
- c. always continue to give adequate and appropriate supervision, if you delegate a task;
- d. understand that you are accountable for any task you delegate to another practitioner and responsible for any task you delegate to a student or others;
- e. understand that if a student or another practitioner is unwilling to carry out a task because they do not think they are capable of doing so safely and effectively, you must not force them to do so. If their refusal raises a disciplinary or training issue, you must deal with this separately. The service user must never be put at unnecessary risk.

You must not:

ask anyone to do anything which is outside their knowledge, skills and experience unless they are supervised by an experienced practitioner.

### 14. Enhance the service user experience

You must:

- a. promote opportunities for service users to have meaningful life experiences.

You should:

- a. contribute to the development of your profession in a way that improves the service user experience;
- b. be willing to work in collaboration with service users, professionals, support staff and others to optimise and enhance service user care.

## 15. Keep accurate records

You must:

- a. keep clear and accurate records in line with the policies and procedures set out in your workplace;
- b. make sure that all records are:
  - complete,
  - legible (if handwritten),
  - identifiable as being made by you, including your registration number,
  - dated and timed,
  - prepared as soon as practicable following assessment, intervention or treatment, and
  - clear and factual;
- c. if you supervise students, review each student's entries in the records and record that you have done so;
- d. protect information in records against loss, damage or access by anyone who is not allowed to access them;
- e. make sure that if records are updated, the information that was there before is not erased or made difficult to read;
- f. hold and use records according to relevant legislation.

Records are all information collected, processed and held in manual, electronic or any other format pertaining to the service user and service user care. Records include data (within the meaning of the Data Protection Acts 1988 and 2003), demographics, clinical data, images, unique identification, investigation, samples, correspondence and communications relating to the service user and their care.

## 16. Address health and safety risks

You must:

- a. follow risk assessment policies and procedures to assess potential risks in the workplace and your areas of practice;
- b. take any steps needed to minimise, reduce or eliminate the risks you identify;

- c. inform colleagues and the authorities about the outcomes and implications of risk assessments;
- d. read and understand your institution's or department's safety statement.

## 17. Address risks to service users

You should:

inform the proper authorities about any concerns you may have about risks to service user safety and quality of care.

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## Ethics

You must always keep a high standard of ethics. Your duties are to:

### 18. Demonstrate ethical awareness

You must:

make sure you read and understand this Code of Professional Conduct and Ethics.

You must not:

enter into any agreement or contract or accept any gift that might cause you to breach this Code.

You should:

- a. be aware of the wider need to use limited resources as efficiently and responsibly as is practicable. You have a duty to assist in the efficient and effective use of resources and to give advice on their appropriate allocation, whilst balancing your duty of care to the individual;
- b. take particular care when ethical issues arise. (Please see Appendix A for a suggested procedure for ethical decision-making).

### 19. Respect the rights and dignity of people

You must:

always show, through your practice and conduct, respect for the rights and dignity of all individuals. In particular you must not discriminate against a person on the basis of:

- gender,
- family status,
- civil status,
- age,
- disability,
- sexual orientation,

- religion,
- ethnicity, or
- membership of the Traveller Community;

as identified under the Equal Status Act as updated from time to time.

## 20. Carry out your duties in a professional and ethical way

You must:

- carry out your duties and responsibilities in a professional and ethical way to protect the public;
- always behave with integrity and honesty;
- recognise that if there is a conflict of interest between the service user and the safeguarding of children or other vulnerable people, safeguarding takes precedence.

## 21. Undertake research in an ethical manner

You must:

- collect, protect and securely destroy data in line with relevant legislation.

You should:

- take part in research or support the research of others where possible;
- submit research proposals to the relevant research ethics committees and get ethical approval before starting the research;
- obtain informed consent from service users in line with the procedures laid down by the ethics committee;
- treat all information gathered during the research confidentially and make sure that participants cannot be identified through their data;
- disseminate or circulate the research findings widely to further the evidence base of the profession and to improve service user examination and treatment;
- follow accepted guidelines in scientific journals concerning intellectual property, copyright and acknowledging the work of others;

- g. make sure you do not distort or misuse clinical or research findings;
- h. make sure that the welfare of each research participant is not adversely affected;
- i. make sure that a service user's refusal to take part in research does not influence the delivery of service to that service user in any way.

## 22. Make sure that any advertising is truthful, accurate and lawful

You should:

- a. make sure that any advertising is truthful, accurate and lawful; and
- b. provide full and accurate fee information to the service user or potential service user, in advance of agreeing to provide your service(s).

## 23. Upholding human rights in your practice

You should uphold human rights in your practice, by:

- a. respecting the right to self-determination;
- b. promoting the right to participation;
- c. treating each person in a caring and respectful fashion.

## 24. Promoting social justice

You should promote social justice in your practice, through:

- a. challenging negative discrimination and unjust policies and practices;
- b. recognising and respecting diversity;
- c. demonstrating cultural competence;
- d. advocating for the fair distribution of resources based on identified levels of risk/need;
- e. working towards social inclusion.

# Appendix A

## Suggested procedure for ethical decision-making

1. Identify the problem and gather as much information as you can. Ask yourself if it is an ethical, professional, clinical or legal problem.
2. Review the Code of Professional Conduct and Ethics and identify the relevant parts. Check other professional guidelines too such as those of the Health Service Executive, Tusla or government departments as well as any relevant legislation.
3. Discuss the issue with professional colleagues.
4. Consider asking your professional body for advice.
5. Evaluate the rights, responsibilities and welfare of everyone affected. Remember that your first obligation is to the service user.
6. Keep notes at each stage of the process.
7. Consider different solutions and decisions.
8. Evaluate and document the potential consequences of each option.
9. Choose the best solution or decision based on your professional judgement.
10. Put the solution or decision into practice, informing all the people affected.
11. Remember that you are responsible, as an autonomous practitioner, for the consequences of the solution or decision that you choose.

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GIVEN under the seal of the Social Care Workers Registration Board

[Date]

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Chairperson, Social Care Workers Registration Board

and

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Member, Social Care Workers Registration Board

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## EXPLANATORY NOTE

*(This note is not part of the bye-law and does not purport to be a legal interpretation).*

This bye-law adopts the Code of Professional Conduct and Ethics agreed by the Social Care Workers Registration Board.

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