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Dear Social Care Work Registration Board,

Social Care Ireland welcome the publication of the draft consultation document ‘Code of Professional Conduct and Ethics for Social Care Workers’ by the Social Care Work Registration Board. It is evident that significant consideration and thought were given to development of these standards by the Board and Social Care Ireland would like to thank the Board for their time and effort.

After careful consideration of the draft bye-law, and after consultation with members, Social Care Ireland recommends the following amendments:

- **Page 7 Pt. 1(e)** – ‘do nothing and *allow nothing* to be done that would harm the health, safety or best interests of a service users’
 - Social Care Ireland recommend that this standard be amended to ***‘do not harm and make all reasonable efforts to prevent harm to a service user’s health, safety or best interests’***.

Rationale: The phrasing supposes that a professional can prevent all potential risks and/or harm to a service user, which is not possible, particularly for those service users engaged in what may be deemed ‘high risk’ behaviours. Moreover, preventing all risk contravenes an adult’s right to make their own choices, including decisions that may potentially place a service user at risk of harm. As such, the standard as is, could be interpreted in a manner that prevents service users from engaging in positive risk taking opportunities, which are essential to self-esteem, growth and the development of independence and could become a mechanism for limiting service users choices to ‘safe decisions’ only. While this clearly not the intention, the absolutist language could be interpreted in that way.

- **Page 7 Pt 1 (g)** – protect service users if you believe they are threatened by a colleagues conduct, performance or health.
 - Social Care Ireland recommend that this standard include the following ***‘and have a duty to report concerns to an appropriate manager and/or other appropriate agencies’***.
 - Social Care Ireland also recommend that duty to protect service users must also reference ***service providers*** where service user’s well-being or safety may be threatened due to poor or negligent organisational practices.

Rationale: The inclusion of a duty to report to an appropriate manager and/or relevant authorities is deemed necessary for the future protection of service users if threatened by a colleague’s conduct, performance or health.

Furthermore, Social Care Ireland believe that Social Care Workers have a duty to report concerns to the appropriate agencies, where organisational and/or service provider practices risk a service user’s well-being, safety or human rights.

- **Page 7 Pt 1 (h)** – ‘talk to a suitable professional colleague if you become aware of any situation that puts a service user at risk’
 - Social Care Ireland recommend that this standard be rephrased ***‘consult with a suitable professional colleague if you become aware of any situation that puts a service user at risk to identify/agree an appropriate response in the best interests of the service user’***.

Rationale: Social Care Ireland believe that there is an onus of responsibility on professionals to not simply consult, but also to respond by agreeing an appropriate response with regard to potential risk to a service user.

- **Page 8 Pt 2 (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’
 - Social Care Ireland recommend that this standard be rephrased as ***‘follow best practice professional guidelines and data protection laws when handling confidential service user information. Stay up to date with best practice developments and/or legislation changes’***

Rationale: The current standard assumes that ‘employer guidelines’ are in place, which may not always be the case. Moreover, it assumes that employer and best practice guidelines are aligned, which may not be the case. Indeed, best practice guidelines may on occasion clash with employer guidelines and the standard should allow and provide guidance for such possibilities.

- **Page 9 Pt 3 (f and g)** – ‘behave in a way that would call into question your suitability to work in health and social care professional services’; ‘engage in conduct that is likely to damage the public’s confidence in you or in your profession’
 - Social Care Ireland believe this standard is very vague, thus open to interpretation and require greater clarity as to what types of behaviours and/or conduct can call into question an individual’s suitability to work in social care.

Rationale: The wording of this standard is vague, thus behaviour/conduct that calls into question an individual’s suitability to work in social care is subjective, often influenced by societal norms at a given time and open to complaints of malicious intent. This has particular implications where an individual wishes to raise legitimate concerns, since cultural norms are often shaped by school yard notions of ‘not telling tales’. Thus, and especially in light of recent allegations of smear campaigns against whistle-blowers, it is imperative that standards do not provide any scope to be misappropriated.

- **Page 9 Pt 4 (You should...)** – ‘inform your employer if, in your professional opinion, the practice of colleagues may be unsafe or have a negative effect on service users’.
 - Social Care Ireland believe that a duty to inform your employer and/or relevant authorities is an integral principle and duty of social care workers. Thus, it is recommended that this standard be reworded to ***‘You must inform an appropriate manager, employer or relevant authorities if, in your professional opinion the practice of colleagues and/or service providers may be unsafe or have a negative effect on service users’.***

Rationale: Social Care Ireland contend that there is a professional duty and onus of responsibility to report concerns regarding poor or negligent practices, whether they are practices of a colleague or service provider. This must be recognised as a key principle of social care practice. Moreover, there is a duty of care on all social care workers to report concerns to an employer, or in situations where this may not be appropriate, to the relevant authority. Furthermore, this duty requires a professional to escalate concerns to the relevant agencies, for the protection of children or vulnerable adults, where a manager/employer fails to adequately address reported concerns regarding risks to a service user.

- **Page 10 Pt 5 (a)** – ‘look after your physical, emotional and psychological health and avoid contact with service users if your ill, emotionally distressed or on medication which may affect your judgement or performance.’
 - Social Care Ireland recommend that this standard be rephrased to ***‘look after your physical, emotional and psychological health and minimise or avoid***

where possible, contact with service users if your ill, emotionally distressed or on medication which may affect your judgement or performance.'

Rationale: Social Care Ireland recognise that in certain situations, to avoid all contact with service users when ill or emotionally distressed is not feasible or even possible for a social care worker, and to do so may place the service user or others at increased risk of harm. For example, avoiding contact with a service user or leaving a shift after a violent incident where the Social Care Worker may be emotionally distressed, but where no cover is available, is likely to place the service users at increased risk. Social care workers are sometimes faced with assessing and determining what may pose the greater risk to the service user and others by remaining on shift/duty and consideration must be given to these circumstances. As recent evidence from the 'Violence in the workplace' report has shown, Social Care Workers often work in very challenging situations.

- **Page 10 Pt 5 (b)** – 'follow your employer's guidelines regarding personal health issues which could place service users or others at risk'
 - Social Care Ireland recommend that this standard be rephrased '***follow your professional judgement, responsibilities and relevant guidelines regarding personal health issues that could place service users or others at risk***'

Rationale: Social Care Ireland contend that the current wording supposes appropriate employer guidelines are in place. Moreover, it does not adequately recognise where professional judgement/responsibilities may be in conflict with employer requirements. Thus, Social Care Ireland contend that professional judgement, responsibilities and relevant guidelines, inclusive of employer policies are a more effective standard for practice.

- **Page 10 Pt 6 (b)** – 'obey the laws of the country in which you live and work in all your professional and personal practice'
 - Social Care Ireland recommend that this standard be rephrased as '***obey the laws of the country in which you live and work in all your professional practice***'.

Rationale: Social Care Ireland feel that 'personal practice' lacks clarity and are unsure how 'practice' can be used in reference to personal lives and the potential implications this may have if interpreted to include overly moral judgements.

- **Page 11 Pt 7 (You should...)** – 'seek and engage in supervision in professional practice on an ongoing and regular basis'
 - Social Care Ireland contend that professional supervision is a core element of safe and effective social care practice. It is therefore recommended that this

standard be *'You **must** seek and engage in supervision in professional practice on an ongoing and regular basis'*.

Rationale: Social Care Ireland highlight the extensive inquiry reports (e.g. Madonna House Inquiry, 1996) and ever growing research evidence that recommend the provision of professional supervision for social care workers as a core requirement for safe and accountable practice and as such, must be provided by employers. Moreover, there is growing concern that supervision is absent, crisis only or minimal in many instances, particularly in agency arrangements, where it is often the service provider (host organisation) and not the Agency (employer) who absorbs supervision, without recognition or recompense. In addition, a lack of appropriate supervision places additional strain on Social Care Workers and this must be considered in the context of standards requiring service users to minimise contact in situation of emotional distress.

- **Page 12 Pt 9 Standard** – ‘Get informed consent from service users’
 - Social Care Ireland contend that this standard is inappropriately phrased for social care work. Rather the standard for social care practice should be ***'Ensure every effort is made to facilitate service users making informed decisions regarding consent'***

Rationale: Social Care Ireland contend that simply ‘getting’ consent is not best practice, rather it is to ensure that an individual can make an informed decision regarding consent (or not) to an assessment or intervention. Research indicates that an adult service user’s ‘capacity’ is more likely to be questioned by health professionals where consent is not given, which could mean that ‘getting consent’ becomes the focus rather than the service user’s capacity to make an informed decision. While this is clearly not the intention, it could be interpreted in that fashion, which would place it in contravention with the principles of the Assisted Decision Making (Capacity) Act (2015) and the UN Convention on Rights of Persons with Disabilities.

- **Page 12 Pt 9 (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’
 - Social Care Ireland would contend that a clearer definition of what is meant by assessment and intervention must be provided, given that by its very nature, social care practice requires professionals to take advantage of ad hoc opportunities arising through daily interaction to undertake valuable and constructive work/intervention with a service user.
 - Social Care Ireland feel that although the term ‘treatment’ is appropriate for medical/clinical professions, it is less so for the social care profession. Rather, ***'therapeutic work'*** with service users would be deemed more appropriate to social care practice.

- **Page 12 Pt 9 (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’
 - Social Care Ireland recommend that this standard be rephrased to ***‘every reasonable effort should be made to support service user to give informed consent to any assessment or intervention before it is carried out. If the service user cannot give informed consent, any actions taken must be in the service user’s best interests and in line with legislative/regulatory requirements’***.

- **Page 12 Pt 9 (d)** – ‘follow your employer’s procedures on consent and any guidance issued by appropriate authorities’
 - Social Care Ireland would highlight that this standard assumes that the employer has procedures on consent in place, which may not always be the case. Rather it is recommended that this standard be rephrased as ***‘follow professional and best practice guidelines/procedures regarding service user consent/refusal including guidance from employer’s or appropriate authorities’***.

- **Page 13 Pt 10 (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’
 - Social Care Ireland recommend inclusion of ***‘placement plan’*** alongside a care plan, as it informs a social care workers practice with a service user.

- **Page 13 Pt 10 (You should...)** – communicate sensitively and effectively, where appropriate with the carers and the families of service users, taking into account any special needs with children and vulnerable adults’
 - Social Care Ireland recommend inclusion of the following to this standard, ***‘being cognisant of any possible conflicts of interest, where the duty of care must be with the service user’***. The competing preferences of service users and their carers/families are a set of demands that Social Care Workers must often negotiate in practice and it is essential that the stand fully supports the service user in such situations.

- **Page 15/16 Standards** – ‘Address health and safety risks’ and ‘Address risks to service users’
 - Social Care Ireland recommend that standards 16 and 17 be combined as one standard, as the separation seems unnecessary and thus, could be a source of confusion.

- **Page 15 Pt. 16 (b)** – take any steps needed to minimise, reduce or eliminate the risks you identify’
 - Social Care Ireland recommend that this standard be rephrased as *‘take reasonable steps needed minimise, reduce or eliminate the risks you identify’*

Rationale: It is simply not possible in many instances to minimise all risks. For example, it would not be in a Social Care Workers power to address structural defects in a building or poor building layouts that may pose a risk.

- **Page 16 Pt. 17 (You should...)** – ‘inform the proper authorities about any concerns you may have about risks to service user and quality of care’
 - Social Care Ireland recommend that this standard should be a core principle of social care practice, given that the safety of the service user should always be a paramount consideration. The following is suggested *‘You must inform the proper authorities about concerns you may have about the risks to service user safety and quality of care’*

Rationale: Social Care Ireland contend that the safety and well-being of service users must be of paramount concern at all times, and that social care workers have a duty to report concerns regarding the safety or well-being of a service user. Moreover, there is a professional onus of responsibility to escalate these concerns where they do not feel an appropriate response to minimise/prevent harm to a service user has been taken by an employer or agency to whom the concern has been initially reported.

- **Page 18, Standard 20 (b)** – You must always behave with integrity and honesty.
 - Social Care Ireland recommend the inclusion of, ‘You must behave with integrity and honesty, *keeping the best interests of the service user to the fore.*’

Rationale: The use of ‘always’ is an absolute term and there may be situations where withholding some information may be required to ensure acting with integrity. Put differently, an absolute is not representative of the reality of human relationships and may do more harm than good if interpreted rigidly, which is clearly not the intention.

- **Pt. 22 (You should)** – ‘make sure that any advertising is truthful accurate and lawful; and provide full and accurate fee information to the service user or potential service user, in advance of agreeing to provide your service(s).’
 - Social Care Ireland recommend that this standard be *‘you must ensure that any advertising is truthful, accurate and lawful, and provide full and accurate fee information to the service user or potential service user, in advance of agreeing to provide your service (s)’*.

- **Page 19 Pt. 23 (You should)** – ‘uphold human rights in your practice’
 - Social Care Ireland contend that upholding human rights is a core principle of social care practice therefore this standard should be ‘*You **must** uphold human rights in your practice*’
 - Social Care Ireland recommend inclusion of ‘***practice in a non-judgemental manner***’ to this standard.

- **Page 19 Pt. 24** – ‘*You should promote social justice in your practice, through;*’
 - Social Care Ireland recommend inclusion of the following to this standard, ‘***being cognisant of potential conflicts of interest that may arise between your role and duties as a professional and that of an employee***’.

Social Care Ireland welcome the opportunity to contribute to this consultation process, and would be happy to discuss the recommended amendments to the draft ‘Code of Professional Conduct and Ethics for Social Care Workers’.

Kind Regards,

Social Care Ireland