

Navigating Conflicts of Interest

What do I do if I'm working with two different whānau members at the same time?

Should I accept gifts from clients or give gifts to clients?

What do I do if I'm allocated a case and I'm related to the whānau?

Introduction

A conflict of interest may arise in any situation where your duties or responsibilities as a social worker overlap with another interest you have outside of work. A conflict can exist if your ability to make impartial decisions is compromised because you have competing interests that could influence your judgment. This could include situations where someone looking in from the outside could have reasonable grounds to think you might be biased.

In a small country like Aotearoa New Zealand, conflicts of interest in our working lives are natural and unavoidable, but this doesn't necessarily mean that someone has done something wrong. Most organisations have good policies, guidelines and processes to deal with conflicts of interest and social workers need to be alert to the possibility of such conflicts. If you identify a potential conflict, you should discuss with your manager and/or follow your organisation's policy promptly.

This guidance note provides advice about managing conflicts of interest¹.

Notifications

The SWRB receives notifications about situations where registered social workers have not dealt with conflicts of interest appropriately. These may take the form of complaints or concerns raised by members of the public, people receiving social work services, employers or colleagues.

Examples of conflicts of interest include situations where social workers have:

- entered into a friendship or relationship with a client after ceasing a professional relationship with them
- obtained items of value and cash from clients by sharing personal information e.g. needing money for urgent car repairs
- given clients personal gifts such as perfume or mobile phones where the motives could be misinterpreted
- worked directly with someone as a client who was a member of their whānau or family, without declaring that to their employer
- accessed records about whānau or family members without permission.

The SWRB Code of Conduct

The Code sets out the minimum professional standards of integrity and conduct that apply to registered social workers. The Code provides information about areas of potential risk for conflict of interest which include:

- referring clients to other services that could benefit you, your relatives, or your friends
- working with two or more clients at the same time who have different interests
- exploiting the relationship of trust and confidence that exists between a social worker and a client for your personal benefit e.g. material gain, personal relationships, politics, or research
- changing to a new role where your previous knowledge of clients could prejudice the clients' fair treatment or access to services.

The following principles of the Code are relevant to navigating conflicts of interest:

Principle 1: Act with integrity and honesty

This includes not working in a situation where there is a conflict of interest:

- discuss potential or actual conflicts of interest (both professional and personal) with your client and take all reasonable steps to protect their interests as much as possible
- tell a supervisor or employer about any potential or actual conflicts of interest and if they cannot be resolved then end the relationship and refer your client appropriately.

You need to be aware of and avoid any conflicts of interest where you can't be totally professional and impartial. When providing services to two or more people who have a relationship with each other e.g. couples or family/whānau members, make it clear to everyone what your professional obligations are.

Principle 5: Protect the rights and promote the interests of clients

- This includes ending the relationship with the client if it is clear a continued relationship would not benefit them and provide for alternative professional help if necessary.

You may have to end a relationship with a client for either personal or professional reasons and the discovery of a conflict of interest would be one such reason. If this occurs, do your best to protect the interests of the client. Advise them that you're no longer going to work with them and explain the reasons why. Wherever possible give them options for the transfer of services.

Individual organisations should have policies in place to support and guide their social workers through this process.

Principle 6: Strive to maintain the trust and confidence of clients

- This includes never encouraging clients or former clients to give, lend or bequeath you money or gifts that would benefit you or those close to you. You should decline gifts or benefits that place you under any obligation or perceived influence. Do not pressure clients, former clients or their families/whānau to make donations to other people or organisations.

Am I discussing any potential conflicts of interest with clients and making my professional obligations clear to them?

Am I mindful about the giving/receiving of gifts to or from those with whom I'm working?

How can I mitigate or manage an identified conflict of interest?

Summary

Social workers should always be alert to conflicts of interest that may either interfere with or appear from the outside to interfere with their ability to be impartial in their professional duties. Most organisations have policies in place to support their staff through such issues. As soon as you become aware of a potential conflict of interest, seek advice from your supervisor, manager, employer or the SWRB.

Related advice

- Social Workers Registration Board Ngā Ture Whanonga/Code of Conduct swrb.govt.nz/practice/code-of-conduct
- Office of the Auditor General New Zealand oag.parliament.nz/2020/conflicts
- Public Service Commission publicservice.govt.nz/guidance/guide-he-aratohu/model-standards/conflicts-of-interest

Reflections

Below are some questions, that you could consider using in supervision to reflect on conflicts of interest:

Am I aware of my own organisation's policy regarding conflicts of interest?

Am I ensuring that I discuss any potential conflicts of interest with my supervisor/ employer?

Am I working in the best interests of my clients?



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