



Terms of Use for the platform 'Key Situations in Social Work'

The platform 'Key Situations in Social Work' ('the platform') is operated by the Association Network Key Situations in Social Work ('the operator'). The platform aims to support continuous professional development and professional discourse. Education and continuous professional development of social workers is in the public interest, and therefore justifies a certain exchange of data. Learning focused on situations (casuistry) is an important and recognised form of learning within the professions.

In key situations not service users or carers with their whole history are the focus of the reflection, but rather the actions of the social worker. Therefore, brief and highly anonymised accounts of the context and the people involved in situations are sufficient. In general, it is not a requirement to obtain consent from neither the employer, practice organization nor from the service user/carer to use this type of data in such an anonymised way. On such a public platform for qualified social workers extra care needs to be taken in regards to data protection. Users are required to maintain confidentiality towards third parties.

These Terms of Use outline the legal requirements in relation to data protection and spell out the Netiquette rules to ensure the safeguarding of platform users and service users, carers, colleagues and any third parties.

1. Anonymisation

Information about service users or carers should only be included in the description of the situation if it is essential in relation to the actions of the social worker. This may include:

- Mentioning of a rough age range (this is often already evident due to the context of the organisation)
- A brief description of the social situation and challenges without going into details (for example, teenager uses substances problematically, long-term unemployed, service user with mental or physical health problems in their mid-40s, familial conflict, emotional neglect, etc.)



The description of situations always needs to be anonymised:

- No names, only functions (service user, carer, social worker, team manager, etc.)
- No place names, instead, if necessary for general understanding use terms such as; city, town, village, surrounding countryside, in the centre of ..., etc.
- No mention of medical diagnoses with symptoms and progression, etc. If it is necessary, describe at most a general health situation (for example, physical illness, depression, terminal illness in its final stages, severe injury, etc.)
- No exact times (hours, dates, appointments), instead use more general descriptions; morning, evening, during the winter, later, in the past few weeks, etc.
- Genders can be changed, unless reflection on gender is the focus the situation.

2. Confidentiality

Platform users must adhere to professional confidentiality according to data protection and criminal legislation. Users are obligated to maintain such confidentiality towards the operator of the platform. This particularly means to follow the terms of use in relation to anonymisation and, in case a person involved in a description of a situation is recognised, to not reveal their identity to anyone.

3. Breaches of Terms of Use and Confidentiality

The Association as the platform operator will take action in case of any breaches of the terms of use and confidentiality obligation. In the case of a breach of confidentiality all involved articles and data will be deleted. Further actions, such as exclusion from the platform, pursuit of civil or criminal law actions will be reserved subject to the specific case.



4. Legal Requirements

The operator, the Association Network Key Situations in Social Work is a registered charitable organisation under Swiss law. The Association is situated in Basel, Switzerland and for this reason, Swiss law shall apply.

According to the Swiss Federal Act on Data Protection personal data needs to be processed lawfully and no personal data may be processed without presuppositions. Sensitive personal data are: religious, ideological, political or trade union-related views or activities, health, the intimate sphere or the racial origin, social security measures and administrative or criminal proceedings and sanctions. Without consent from the person, sensitive personal data can only be processed, stored or passed on to a third party in anonymised form.

All legislation can be found here: <https://www.admin.ch/opc/en/classified-compilation/national.html>

a. Article 35 of the Swiss Federal Act on Data Protection states:

Art. 35 Breach of professional confidentiality

¹ Anyone who without authorisation wilfully discloses confidential, sensitive personal data or personality profiles that have come to their knowledge in the course of their professional activities where such activities require the knowledge of such data is, on complaint, liable to a fine.

² The same penalties apply to anyone who without authorisation wilfully discloses confidential, sensitive personal data or personality profiles that have come to their knowledge in the course of their activities for a person bound by professional confidentiality or in the course of training with such a person.

³ The unauthorised disclosure of confidential, sensitive personal data or personality profiles remains an offence after termination of such professional activities or training.

b. Article 321 of the Swiss Criminal Code states:

Art. 321 Breach of professional confidentiality

Breach of professional confidentiality

1. Any person who in his capacity as a member of the clergy, lawyer, defence lawyer, notary, patent attorney, auditor subject to a duty of confidentiality under the



Code of Obligations¹, doctor, dentist, chiropractor, pharmacist, midwife, psychologist or as an auxiliary to any of the foregoing persons discloses confidential information that has been confided to him in his professional capacity or which has come to his knowledge in the practice of his profession is liable on complaint to a custodial sentence not exceeding three years or to a monetary penalty.

A student who discloses confidential information that has come to his knowledge in the course of his studies is also liable to the foregoing penalties.

A breach of professional confidentiality remains an offence following the termination of professional employment or of the studies.

2. No offence is committed if the person disclosing the information does so with the consent of the person to whom the information pertains or on the basis of written authorisation issued in response to his application by a superior authority or supervisory authority.

3. The federal and cantonal provisions on the duty to testify and on the obligation to provide information to an authority are reserved.

c. Professional Code of Ethics in Social Work Switzerland

Avenir Social – the professional association for social work

12. Principles of action with respect to clients

4. Social Work professionals handle personal data carefully. Data protection and confidentiality are accorded high priority. They exercise restraint with respect to the duty to report and give evidence.

5. Social Work professionals document their activities in accord with recognised standards (documentation); they avoid any discriminatory and derogatory phrasing and differentiate between verifiable facts, their own and others observations and hypotheses and explanations or interpretations.

A German version of the code of practice can be viewed here:

http://www.avenirsocial.ch/cm_data/Do_Berufskodex_Web_D_gesch.pdf



5. Which ground rules do I need to adhere to whilst I am taking part? (Netiquette)

You can use the Key Situations platform based on Confluence in many ways. Through your contributions –in whatever form - the platform comes to life.

By describing a situation, commenting on content, or taking part in discussions you express your understanding of professional practice and you join in the discourse within professional community on the platform. This requires a drive for of innovation and an interest in the development professionalism, both your own and that of the whole network. You can find a professional space for your and you contribute to an open discourse on the platform. This encourages shared, dialogical and collaborative learning and continuous development of social work as a profession.

To contribute to the understanding of professional practice, which is based on different forms of knowledge and values, we are reminded to mutually respect contributions of all platform users, while respectfully challenging assumptions and ways of knowing and doing. This will nurture the community and support active participation of users.

We therefore see the following ground rules for the community on the platform as essential when describing, reflecting and discussing key situations:

- Use respectful and valuing language when commenting or contributing to discussions.
- Do not use discriminatory language.
- Do use gender neutral terms.
- Make relevant contributions: use clear statements, make clear references to existing entries, avoid writing in note form.
- Distinguish clearly facts, observations, interpretations and hypotheses;
- Adhere at all times to confidentiality rules (see above).
- Pay attention to correct use of language and avoid the use of abbreviations
- Take note of the information about the various spaces of the platform on the Welcome page. Make sure you follow the process, for example in relation to reviewing of new situations.
- Collaborative editing of a situation is welcome. You can see and follow the various versions of the article and its editors in the page history function.
- Do not take part in flame or edit wars. Personal discussions should be communicated directly to another user and should not be held publicly in the comments sections. Make use of private messaging.
- All content on the platform is protected by copyright laws, and may include personal and protected data and personally relevant information. It is therefore explicitly forbidden to copy, paste and publish any data from the platform on the



Internet. You may copy and store text for your own personal use for the purpose of learning, professional development or teaching.

- By publishing any text or other documents, e.g. pictures, etc. on the platform you are confirming that you hold legal rights to these documents and you agree to their use by the platform operator for the purposes of the platform. It is explicitly forbidden to publish any documents and files on the platform, where rights are assigned to a third party without obtaining a licence.

Any entries and contributions, which violate these rules, can be removed. Such violations can lead to the exclusion of users from the platform, or in some cases to a prosecution of the accountable user under the civil or criminal code. These rules and terms of use can be adjusted at any time by the platform operator (Association Network Key Situations in Social Work) in response to new demands and requirements.

Basel and London, May 2016