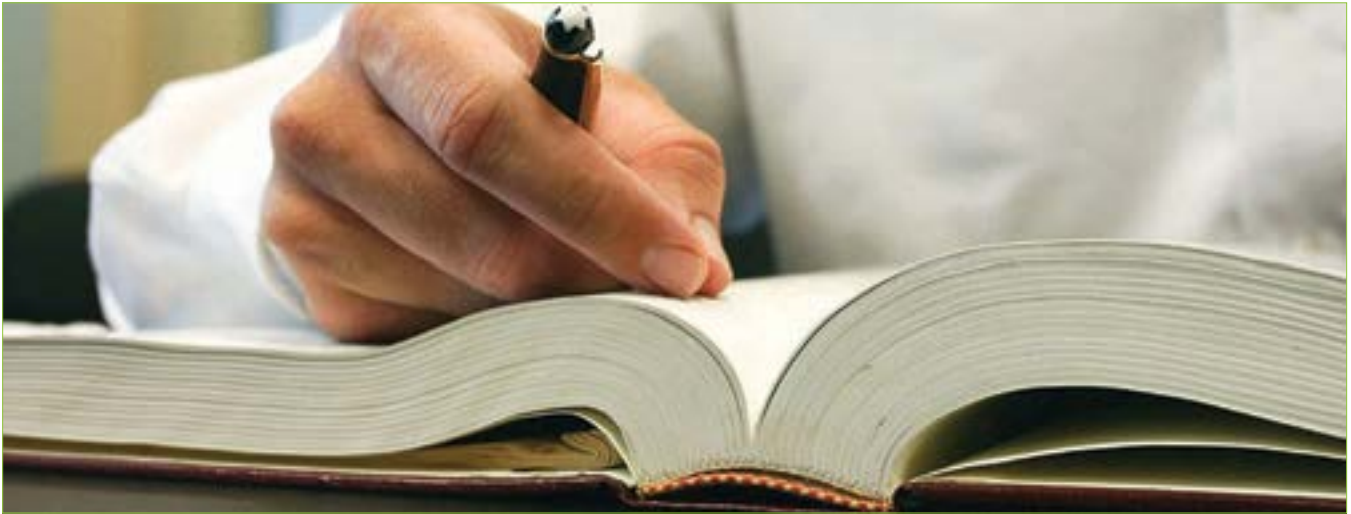


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# PRACTICE NOTES

## ETHICS→A: ETHICAL DECISION-MAKING TOOL



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*Practice Notes is an educational tool designed to help Ontario social workers, social service workers, employers and members of the public gain a better understanding of recurring issues dealt with by the Professional Practice Department and the Complaints Committee that may affect everyday practice. The practice notes offer general guidance only and College members with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.*

The Professional Practice Department responds to practice inquiries from members every day. Members often consult with the College when they are dealing with challenging practice scenarios or ethical dilemmas. The two terms can sometimes be used interchangeably, but there is a difference. A challenging practice scenario may evoke uncomfortable feelings for the member; however, there is typically only one course of action the member may choose. For example, if in the course of their practice a member obtains reasonable grounds to believe that another College member has sexually abused a client, they must report this information to the College.

An ethical dilemma, on the other hand, is a situation in which there are different courses of action to choose from and the solution is not straightforward. Some of the hallmarks of an ethical dilemma are when a social worker or social service worker finds themselves trying to figure out the best course of action and/or asking what “should” be done. Oftentimes these scenarios can make members feel uncomfortable and may conflict with their personal beliefs and values.

During practice consultations, a common refrain by staff in the Professional Practice Department is that members “must apply their professional judgment.” This can seem to members like a daunting task or nebulous concept, especially when they are considering situations in which there is no clear path forward. The College created these [Practice Notes](#) to help explain how to operationalize professional judgment. The use of professional judgment and demonstrating a sound and logical decision-making process in ethical dilemmas are crucial.

To further support members in applying their professional judgment, the College developed the [ETHICS→A: Ethical Decision-Making Tool](#). A quick internet search will find numerous ethical decision-making tools and frameworks. It was important, however, for the College to develop a tool that was

specific to the social work and social service work experience in Ontario, and was grounded in the Code of Ethics and Standards of Practice.

In reviewing some of the academic literature, Professional Practice staff found a decision-making model that was created by a social work professor and could be used by practitioners, educators and students alike. Dr. Elaine Congress from Fordham University developed the ETHIC Model of Decision-Making,<sup>1</sup> in which a professional code of ethics is central to the ethical decision-making process. This approach was later adapted by Connie Fossen, Jennifer Anderson-Meger and Debra Daehn-Zellmer, social work professors at Viterbo University,<sup>2</sup> to become the ETHICS→A model.

The professors at Viterbo University have taught their ethical decision-making model to hundreds of social workers; they also provided training to the Professional Practice Department staff at the College. From these efforts, the ETHICS→A tool was developed for the specific context of social work and social service work practice in Ontario. A video on the different ways in which the ETHICS→A tool can be used is available on the College website.

Use of the ETHICS→A tool is not mandatory. The tool was developed to assist members in navigating ethical dilemmas by creating steps and a process to follow. The following is an example of how a member may use the tool. The details that are recorded will vary depending on the individual member and the specific context. In practice, members may elect to fill out the form in greater detail.

## EXAMPLE

*A young person requests services from a member in a school setting because of issues at home. The student, who is new to Canada, is struggling with gender identity issues which conflict with their family's expressed beliefs. As a way to cope with the shame and fear of rejection, the youth has*

*begun to withdraw socially, has become truant, and is experimenting with substances to numb their feelings. Due to fear of reprisal, the youth wants assurance from the member that their personal struggles will remain confidential and not be shared with their parents.*

The member is unsure where to begin; they look to the ETHICS→A tool and begin to reflect upon the decision-making process.

**E**xamine the facts and the values

**T**hink about the Standards of Practice, legislation and policies that apply

**H**ypothesize possible decisions and answers

**I**dentify consequences of each action

**C**onsult with others about options

**S**elect an action and get support

**A**dvocate if required

## EXAMINE

1. **E**xamine the facts. Gather all available information and/or evidence. Are there disagreements about the facts?
  - The client is a youth and new immigrant
  - Gender identity issues
  - Substance use
  - Social withdrawal
  - Truancy issues
2. **E**xamine whether an ethical dilemma actually exists.
  - There are Standards of Practice, policies and legislation that apply
  - The member is trying to determine what "should" be done
  - There may be values and beliefs in conflict
  - An ethical dilemma may exist

<sup>1</sup> Elaine P. Congress, "What Social Workers Should Know About Ethics: Understanding and Resolving Ethical Dilemmas." *Advances in Social Work*, no. 1 (2000): 1-25. doi:10.18060/124.

<sup>2</sup> Connie Fossen, Jennifer Anderson-Meger & Debra Daehn-Zellmer, "Infusing a New Ethical Decision-Making Model Throughout a BSW Curriculum," *Journal of Social Work Values and Ethics*, 11(1). (2014) 66-81. [www.JSWVE.org](http://www.JSWVE.org).

3. **Examine relevant values.** What are the values of the client, society and organization? What are the member's professional and personal values?
  - The client's values
  - The family's values
  - Societal values
  - The school board's values
  - The member's personal values<sup>3</sup>

## THINK

1. How does the Code of Ethics and Standards of Practice apply to this situation?
  - Principle I: Relationship with Clients, Interpretations:
    - 1.1, 1.1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7
  - Principle II: Competence and Integrity, Interpretation:
    - 2.1.3
  - Principle III: Responsibility to Clients, Interpretations:
    - 3.1, 3.4, 3.5, 3.6, 3.11
  - Principle V: Confidentiality, Interpretations:
    - 5.1, 5.4
2. What is the legislation that applies to the workplace? Is there legislation that applies to this situation?
  - *Child, Youth and Family Services Act, 2017*
  - *Health Care Consent Act, 1996*
  - *Education Act, 1990*
  - Obtain a legal consultation to determine if there is other relevant legislation that could apply to this scenario
3. Are there workplace policies or practices that apply to this situation?
  - Parental consent is required to work with the school social worker/social service worker
  - The responsibilities and obligations of attendance counsellors are laid out in legislation
  - The mandate of the schoolboard is to work collaboratively with parents

## HYPOTHESIZE OPTIONS

Do not place judgment or look for the best options.

- Keep/don't keep information confidential
- Don't work with the client; refer to community resources
- Work with the client after involving their parents
- Work with the client without involving their parents, and contract about the limits of confidentiality
- Contract about issues in which their parents will/will not be involved

## IDENTIFY

Reflect on the inherent risks and benefits of each option, including:

- Potentially not following school board policy
- Considering the risk to the client if services are not provided
- Considering the potential risk that the client won't be able to access services if they are referred to community resources
- Considering the potential risk that the client's confidentiality could be breached if they are seen attending community services

## CONSULT

You may choose to consult with colleagues, supervisors, managers, ethicists or privacy officers; obtain a legal consult; or contact the Professional Practice Department.

- Consult with practice lead, liability insurance provider, the College
- Consult anonymously with community resources
- Seek consultation with different community members; for example, members of the student's cultural community and/or members of the LGBTQ+ community

## SELECT AND GET SUPPORT

Documentation is important throughout, as it provides evidence of your decision-making process.

- Create a contract for services that outlines in a transparent manner the limits of confidentiality,

<sup>3</sup> Members must consider their own values when facing ethical dilemmas. Ignoring personal values can negatively impact the clinical relationship or decision-making process, and can be as problematic as imposing one's values onto clients.

and the extent, nature and limitations of any services available<sup>4</sup>

- Identify who the student needs to support them
- Consider whether you will need support. If so, from who?
- Recognize that as this process unfolds, the family may require support. Consider where family support could be accessed

### ADVOCATE:

Advocacy requires professional judgment, and may take the form of documenting concerns and discussing them with a supervisor.

- Propose management review school board policy, if indicated
- Gather evidence and present to manager an option for crisis referral to social work/social service work services without parental consent or collaboration

The Standards of Practice indicate, in Principle II: Competence and Integrity, that “if there is a conflict between the College standards of practice and a College member’s work environment, the College member’s obligation is to the [Standards of Practice].”<sup>5</sup> If a member identifies a workplace situation in which they feel such a conflict exists, they will need to carefully weigh their options. Members will need to “use professional judgment in determining how to advocate. Such advocacy may take the form of documenting concerns and discussing them with a supervisor or manager, or other key person in the organization.”<sup>6</sup>

### CONCLUSION

Applying professional judgment to an ethical dilemma can be challenging. It can often be hard to know where to start, or how to identify the many elements that can make up a particular scenario. It is therefore imperative to document your decision-making process in situations where there is no clear-cut answer. The **ETHICS→A** tool can be a valuable resource for members – both to respond to ethical dilemmas and to document their decision-making process and provide evidence of how they arrived at their chosen intervention.

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<sup>4</sup> Ontario College of Social Workers and Social Service Workers (OCSWSSW), *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Client, Interpretation 3.1.

<sup>5</sup> Ibid., Principle II: Competence and Integrity, Interpretation 2.2.10.

<sup>6</sup> Ibid., Principle II: Competence and Integrity, footnote 10.