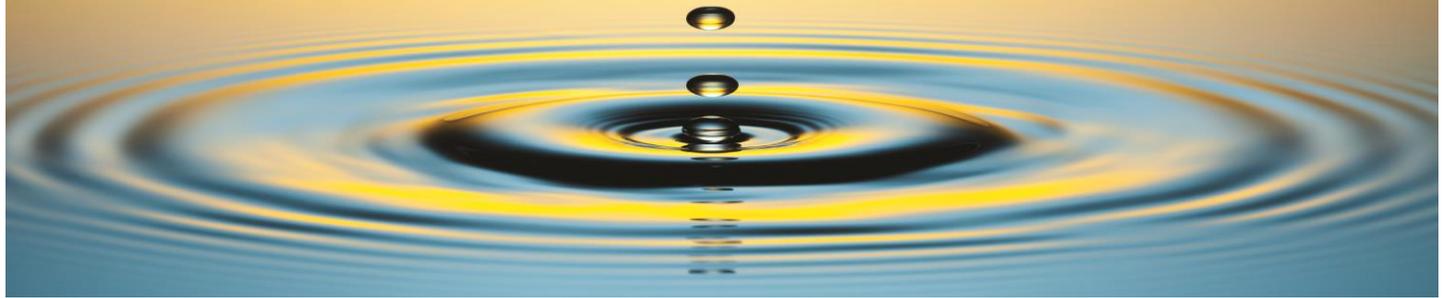


Newfoundland & Labrador Association of

Social Workers

Practice Matters



Practice Matters was created as an educational resource for social workers in Newfoundland and Labrador. It is intended that this resource will generate ethical dialogue and enhance critical thinking on issues that impact social work practice. Practice Matters is provided for general information.

Accountability in Professional Practice

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The Social Work Dictionary (2014) defines accountability as “An obligation of a profession to reveal clearly what its functions and methods are and to provide assurance to clients that its practitioners meet specific standards of competence” (p.3). The Newfoundland and Labrador Association of Social Workers (NLASW) (2018) Standards of Practice for Social Workers in Newfoundland and Labrador highlights the importance of professionalism and accountability in social work practice and states: “social workers promote and demonstrate excellence in the profession and practice of social work” (p. 17). In practice, social workers often deal with competing priorities and can question where their accountability lies (with the client, with one’s employer, with one’s ethics, with the community?). This edition of Practice Matters will explore this issue in more detail using the Canadian Association of Social Workers (CASW) (2005) Code of Ethics and the NLASW (2018) Standards of Practice for Social Workers in Newfoundland and Labrador. Relevant practice resources produced by NLASW will also be referenced throughout the document.

NLASW (2018) Standards of Practice for Social Workers in NL

Standard 24: Professionalism and Accountability

- Social workers adhere to the Social Workers Act (2010), CASW (2005) Code of Ethics and Guidelines for Ethical Practice, and the NLASW Standards of Practice.

- Social workers do not engage in activities or behaviors that diminish public trust in social workers or the social work profession.
- Social workers carry out their work with honesty, reliability and diligence.

When balancing one's professional obligations, social workers use their professional judgment and make decisions in the best interest of their clients that are in keeping with the ethics, values and standards of the social work profession. Consider the following case examples:

Case Scenario 1

Samantha RSW works in long term care. Samantha recently met with a new client who asked her about Medical Assistance in Dying (MAiD). Samantha provided him with some general information and who he might contact if he wished to explore MAiD further. The client asked Samantha not to document their conversation as he did not want to be judged by other staff at the facility.

Samantha did not feel comfortable with the client's request and decided to consult a colleague. Samantha and her colleague reviewed the NLASW document *Medical Assistance in Dying: What Social Workers Need to Know*. Samantha understands that it was appropriate for her to respond to her clients request for information on MAiD; but what about the client's request not to document?

Samantha and her colleague reviewed the CASW (2005) Code of Ethics & Guidelines for Ethical Practice, the NLASW (2018) Standards of Practice for Social Workers in NL, and the NLASW (2014) Standards for Social Work Recording. As noted in the NLASW (2018) Standards of Practice for Social Workers in NL "Social work documentation is an essential component of social work practice" (p. 5). Specifically, the following standards are relevant:

- Social workers maintain timely, accurate and legible records of social work interventions (s) for each client.
- Social work records contain all information that is clinically relevant and significant to the service delivery.

Samantha also reviewed NLASW's Documentation Matters that spoke to the issue of documentation when a client asks that something not be recorded and the NLASW (2017) *Self-Assessment Tool on Informed Consent and Documentation*. Samantha asked herself several questions:

- Was the client's request for information on MAiD relevant to service delivery?
- What might be the risks of recording or not recording?
- Could client care be impacted?

- Who else might need access to this information?
- Was documentation addressed as part of the informed consent process?

Samantha has a professional responsibility to adhere to the NLASW documentation standards and record her social work interventions. Providing information to a client about MAiD is a social work intervention and therefore must be documented. In resolving this dilemma, Samantha spoke with the client about why documentation had to be completed, she reviewed documentation policies of the organization and steps taken to protect client confidentiality, and explained the circle of care concept in health care service delivery. Going forward, Samantha also noted that she would include a review of documentation practices in conversations with clients as part of the informed consent process.

Case Scenario 2

Abby RSW has a private practice and is working with a 16-year old who discloses abuse by a step-parent. The youth asks that this not be reported as she is 16 and can make her own decisions.

Abby understands that confidentiality is essential to the social worker-client relationship. Value 5 of the CASW (2005) Code of Ethics states:

- Social workers respect the importance of the trust and confidence placed in the professional relationship by clients and members of the public.
- Social workers respect the client's right to confidentiality of information shared in a professional context.

The CASW (2005) Code of Ethics also addresses the limits to confidentiality.

- Social workers only disclose confidential information with the informed consent of the client or permission of client's legal representative.
- Social workers may break confidentiality and communicate client information without permission when required or permitted by relevant laws, court order or this Code.
- Social workers demonstrate transparency with respect to limits to confidentiality that apply to their professional practice by clearly communicating these limitations to clients early in their relationship.

Social workers are responsible for keeping abreast of changes in legislation and the impact on social work practice. Abby recalls reading a Practice Matters publication titled *Intersections between Social Work Practice and Legislation*. Abby knows that NL has legislation pertaining to child protection and mandatory reporting and that she has a responsibility to be familiar with and comply with the laws and

regulations relevant to her practice as noted in the NLASW (2018) Standards of Practice for Social Workers in NL.

In working through this dilemma, one of the first steps Abby took was to review provincial child protection legislation. Abby learned that the *Children, Youth and Families Act (2018)* extends the age regarding the duty to report for children/youth in need of protective intervention to include youth aged 16 and 17. Abby informed her client about the need to report, provided supportive intervention, and documented in the client file. Knowing that her informed consent process needed to be updated, Abby also decided to incorporate this into her informed consent forms and in conversations with youth and their families as part of the informed consent process.

Case Scenario 3

Kerry RSW works at a community outreach organization. During a recent counselling session, a client informs her that he has cocaine in his possession for personal use. Kerry's colleagues feel that this is something she should report to the authorities, but Kerry is worried about breaking her client's confidentiality.

In working through this dilemma, Kerry reviews the NLASW document *Ethical Decision-Making in Social Work Practice*, and examines the CASW (2005) Code of Ethics and Guidelines for Ethical Practice. Importantly the following sections apply:

Value 1: Respect for the Inherent Dignity and Worth of Persons

- Social workers uphold each person's right to self-determination, consistent with that person's capacity and with the rights of others.
- Social workers respect the client's right to make choices based on voluntary, informed consent.

Value 4: Integrity in Professional Practice

- Social workers strive for impartiality in their professional practice, and refrain from imposing their personal values, views, and preferences on clients.

Value 5: Confidentiality in Professional Practice

- Social workers respect the client's right to confidentiality of information shared in a professional context.

- Social workers only disclose confidential information with the informed consent of the client or permission of client's legal representative.
- Social workers may break confidentiality and communicate client information without permission when required or permitted by relevant laws, court order or this Code.
- Social workers demonstrate transparency with respect to limits to confidentiality that apply to their professional practice by clearly communicating these limitations to clients early in their relationship.

Some of the questions Kerry considered included:

- 1) Would reporting to police be necessary to prevent serious, foreseeable and imminent harm to the client or others?
- 2) Was this issue addressed as part of the informed consent process?
- 3) How would disclosure of this information impact on the social worker-client relationship?
- 4) What purpose would the disclosure have?
- 5) What is the social worker's own values pertaining to illicit drug use? Is this having an impact on one's decision-making?
- 6) What are the legal considerations?

In reflecting on and working through these questions, Kerry wondered if she was legally required to report this information to the police. She called her professional liability insurance carrier for a legal consult. In this scenario, the legal consultation determined that Kerry did not have a legal duty to report. She reviewed the Ethical Compass document produced by the NLASW titled *Ethical Decision-Making and Documentation* and documented the process she used to address this ethical dilemma. While reporting was not necessary for this case, Kerry noted that each situation is unique and will require the use of one's professional judgment informed by a review of best practices and consultation.

Case Scenario 4

Katherine RSW works for an organization that provides services for single mothers. She was recently asked by her supervisor to check the Facebook accounts of clients to monitor the "single status" of clientele. The organization does not have a written policy pertaining to the use of social media and Katherine feels uncomfortable about this request. She consults with a trusted colleague.

During the consultation, Katherine and her colleague reviewed the CASW Code of Ethics (2005). Applicable sections from the Code included:

Value 1: Respect for the Inherent Dignity and Worth of Persons

- Social workers respect the client's right to make choices based on voluntary, informed consent.

Value 4: Integrity in Professional Practice

- Social workers establish appropriate boundaries in relationships with clients and ensure that the relationship services the needs of clients.

Value 5: Confidentiality in Professional Practice

- Social workers respect the importance of the trust and confidence placed in the professional relationship by clients and members of the public.

They discussed that while information on social media sites may be public, there are ethical considerations concerning boundaries, client privacy and confidentiality. The following questions were also considered:

- How might information learned on social media sites impact the social worker-client relationship?
- Could the client's right to privacy and confidentiality be compromised?
- Would this have an impact on service delivery?
- Will clients be informed that staff will be searching their social media platforms?
- How will information obtained from online searches be documented? In the client file?
- Would social workers be using their personal social media platforms to seek client information? How would this impact boundaries?
- Are there any legal considerations that need to be explored?

Katherine's colleague suggested that Katherine also review the NLASW (2018) Standards of Practice for Social Workers in NL, the NLASW (2012) Standards for Technology Use in Social Work Practice and some of the practice resources that have been developed for additional guidance (i.e., NLASW Practice Matters documents - *Informed consent: A professional and ethical responsibility*; *Resolving conflicts of interest through informed consent*; *Ethical considerations in the world of social media*; and *E-Professionalism*).

As noted in the NLASW (2018) Standards of Practice for Social Workers in NL “Social workers inform clients of their social media policies at the onset of the professional relationship and throughout the relationship as necessary” (p. 11). As the organization did not have a written policy on the use of social media platforms to seek client information, Katherine decided that she would schedule a meeting with her supervisor to discuss her ethical concerns and provide the supervisor with a copy of NLASW practice resources to help guide their discussion.

Conclusion

Social workers have a professional responsibility to be aware of and adhere to the CASW (2005) Code of Ethics and Guidelines for Ethical Practice, and the NLASW (2018) Standards of Practice for Social Workers in NL. These documents can be found on the NLASW website at www.nlasw.ca. This edition of Practice Matters explored professional accountability in social work practice. There may be times when social workers are faced with competing demands from clients, colleagues and one’s employer. Therefore, it is crucial that social workers have a thorough understanding of, and can link their decision-making to their professional ethics, values and standards. Consultation with one’s supervisor/manager or colleagues can also be helpful in navigating ethical dilemmas in practice. Reviewing practice resources produced by the NLASW is a great way to stay informed and advance ethical decision-making in social work practice. Accountability in social work practice means being committed to enhancing one’s competency, adhering to one’s professional ethics and standards, and maintaining the client’s best interest.

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