

Ethical Compass



Ethical Compass is an initiative of the NLCSW Ethics Committee and is intended as a resource for members. The issues covered in this publication have been identified by social workers as part of the NLCSW ethical consultation process and from a review of ethical trends in practice.

The Ethics of Disclosing Client Information

“A cornerstone of professional social work relationships is confidentiality with respect to all matters associated with professional services to clients” (CASW, 2005a, p. 7). Respect for client confidentiality is a core value in the CASW (2005) Code of Ethics and is in keeping with the value of respect for the inherent dignity and worth of persons. There may be times, however, when social workers experience dissonance between the protection of client confidentiality and the disclosure of client information. This edition of the Ethical Compass will highlight guidelines and standards to inform practice decisions with regards to the disclosure of client information.

Disclosure of Client Information with Consent: When the disclosure of client information is necessary for the provision of services, the CASW (2005) Guidelines for Ethical Practice and the NLASW (2018) Standards of Practice provides guidance.

“Social workers promote the self-determination and autonomy of clients, actively encouraging them to make informed decisions on their own behalf” (CASW, 2005b, p. 4).

“Social workers protect clients’ identity and only disclose confidential information to other parties (including family members) with the informed consent of clients or the clients’ legally authorized representatives, or when required by law or court order. This obligation continues indefinitely after the social worker has ceased contact with the client” (CASW, 2005b, p. 6).

“Social workers disclose client information to others with documented informed consent from the client: (NLASW, 2018, p.7).

Informed consent is integral to the social worker-client relationship. Engaging in on-going conversations with clients about confidentiality, the limits to confidentiality, how information will be documented and shared, and the risk and benefits of disclosure is an important part of the informed consent process and should happen throughout the professional relationship as needed. As noted in the NLASW (2018) Standards of Practice, social workers should “document client informed consent in the client record and update as necessary” (p. 5). For more information on the dynamic process of informed consent please see NLASW Practice Matters publication on informed consent.

Disclosure of Client Information without Consent: While consent for the disclosure of client information must always be obtained where appropriate, social workers must decide whether it is ethically appropriate to ever disclose client information without consent. A review of standards and guidelines is crucial.

NLASW 2018 Standards: “Social workers may disclose client information without consent when:

- disclosure is necessary to prevent serious, imminent and foreseeable harm to self or others
- required by law or court order
- necessary to defend against an allegation of professional misconduct
- In all instances, social workers disclose the least amount of confidential client information to meet their obligations and protect confidential client information from unreasonable public exposure” (NLASW, 2018, p. 7).

CASW 2005 Guidelines: “Social workers inform clients, to the greatest extent possible, about the disclosure of confidential information and its potential consequences before the disclosure is made. This applies in all circumstances of disclosure, except when, in the professional judgement of the social worker, sharing this information with the client may bring about, or exacerbate, serious harm to individuals or the public” (CASW, 2005b, p.7).

“In some circumstances, access to client records may be officially authorized or required by statute. Where consent of clients is not required, social workers attempt to notify clients that such access has been granted, if such notification does not involve a risk to others” (CASW, 2005b, p. 9).

A Note About Work with Minors: When working with minors “Social workers clarify the limits to confidentiality with the client and their parent, guardian or legal representative” (NLASW, 2018, p. 7). This should include a discussion on how and what information will be shared or disclosed (i.e., with parents or legal guardians). The NLASW guideline document on informed consent with children and youth would be helpful to review.

This edition of the Ethical Compass highlighted some of the standards and guidelines to inform social work practice and decisions related to the disclosure of client information. Social workers must consider the ethical complexities related to the disclosure of client information, consult with colleagues/managers/supervisors, and seek legal consultation where appropriate. NLASW also has an ethical decision-making tool that social workers would find beneficial to navigate dilemmas in practice. This and other practice documents can be accessed on the NLCSW website at www.nlcsw.ca.

References:

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