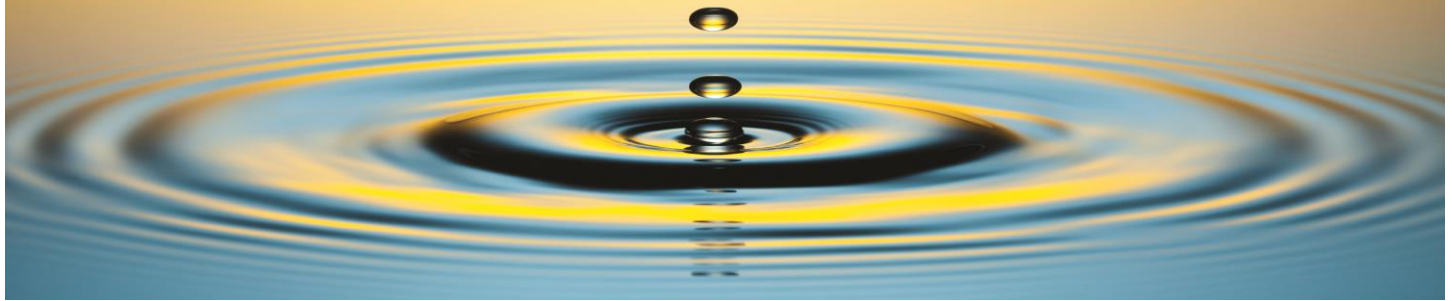


Newfoundland & Labrador Association of

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.

Conflicts of Interest

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“Social work is a multifaceted profession. As professionals, social workers are educated to exercise judgment in the face of complex and competing interests and claims. Ethical decision-making in a given situation will involve the informed judgment of the individual social worker” (CASW, 2005a, p.3).

Social workers are often faced with complicated and challenging ethical dilemmas in practice; each requiring thoughtful reflection and critical thinking. An area of particular concern to the profession is conflicts of interest. According to Reamer (2009), “conflicts of interest occur when a social worker’s services to or relationship with a client is compromised, or might be compromised, because of decisions in relation to another client, a colleague, herself or himself, or some other third party” (p. 41, Reamer, 2009). Conflicts of interest can be actual or potential, and may involve clients and former clients. They may occur in all areas of social work including clinical practice, management, community development, policy and research.

This edition of Practice Matters will explore conflicts of interest in social work practice and highlight some of the ethical considerations and best practice guidelines.

Professional Boundaries & Conflicts of Interest

Boundaries are a defining feature of the social worker-client relationship. The ethical responsibility for social workers to maintain professional boundaries is outlined in the CASW (2005) Code of Ethics. Given the inherent power imbalance between social workers and their clients, social workers maintain professional boundaries to ensure the clients' needs and interests remain paramount. The ethical responsibility of 'best interest of the client' is important throughout the duration of the social worker-client relationship and after the relationship has ended. Conflicts of interest often arise within the parameters of dual relationships and as professional boundaries are challenged.

A dual relationship is defined as any relationship a professional might have with a client outside the professional or therapeutic relationship (business, social, personal). While the existence of dual relationships and conflicts of interest are not inherently unethical, the onus is on the social worker to examine the ethical issues and address potential or actual conflicts of interest in a manner that gives priority to client interests and does not result in client harm (emotionally, physically, financially or socially). This includes a consideration of impact and intent. Newman (2007) highlights the importance of recognizing and understanding that the intent of one's actions and words may be different from how this is perceived and interpreted by clients.

CASW Code of Ethics

The CASW Code of Ethics (2005) and Guidelines for Ethical Practice (2005) address conflicts of interest. Value 3 (Service to Humanity) and Value 4 (Integrity in Professional Practice) are most pertinent.

Value 3 – Service to Humanity

“When acting in a professional capacity, social workers place professional service before personal goals or advantage, and use their power and authority in disciplined and responsible ways that serve society” (p.4).

Value 4 – Integrity in Professional Practice

“Social workers maintain a high level of professional conduct by acting honestly and responsibly, and promoting the values of the profession. Social workers strive for impartiality in their professional practice, and refrain from imposing their personal values, views and preferences on clients” (p.6).

When resolving conflicts of interest in practice, social workers seek guidance from the CASW (2005) Code of Ethics and Guidelines for Ethical Practice, standards of practice, consultation with colleagues and supervisors, organizational policies, and ethical decision-making models. Consider the following three examples:

Scenario 1

Stephanie has been providing counselling to a female client for the past 4 months regarding conflict in the relationship with her 30 year old daughter. Stephanie offered family counselling, but the client does not want her daughter to know that she is attending counselling. Stephanie met with a new client yesterday regarding a strained family relationship and based on the information provided, Stephanie suspects that she is the daughter of her current client. How should Stephanie address this situation?

The first step is to clearly identify the potential conflict of interest. Questions Stephanie might want to reflect on include:

- 1) What are the risks/benefits if Stephanie decides to see both clients independently?
- 2) Can Stephanie remain objective and impartial given that she will be privy to information shared by both parties regarding the same clinical issue?
- 3) Could client confidentiality become compromised?
- 4) What if one or both clients later requests family counselling?
- 5) How might Stephanie deal with the perception of bias if both clients find out they were unknowingly seeing the same therapist? What impact could this have on the therapeutic relationship?
- 6) What other options exist? Is a referral to another social worker an option?

The social worker has an established professional relationship with the mother in this scenario. It is therefore important that Stephanie maintain the best interest of her first client, and be respectful of her wishes and the boundaries established through the informed consent process. The CASW (2005) Guidelines for Ethical Practice provides some direction.

“Social workers maintain the best interests of clients as a priority, with due regard to the respective interests of others” (1.1.1).

“Social workers promote the self-determination and autonomy of clients, actively encouraging them to make informed decisions on their own behalf” (1.3.1).

If Stephanie proceeds in providing clinical service to the daughter, the possibility of both clients finding out that Stephanie is their counsellor may cause some tension in the social work-client relationships, and the situation can certainly become quite tangled if not addressed in a timely manner. Terminating the relationship with the client's daughter and referring her to another professional would allow Stephanie to resolve this dilemma. As noted in the CASW (2005) Guidelines for Ethical Practice:

“Social workers avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgement. Social workers inform clients when a real or potential conflict of interest arises, and take reasonable steps to resolve the issue in a manner that makes the clients' interests primary. In some cases, protecting clients' interests may require the termination of the professional relationship with proper referral of the client to another professional” (2.3).

It is acknowledged that private practice services may be limited depending on the geographical area. Stephanie may wish to consult with her colleagues about available options and services.

Scenario 2

Chris is a social worker practicing in a small community. While he enjoys his social work practice, he always had a passion for real estate. He decides to explore this and begins working as a real estate agent during the evenings and weekends. A social work client calls and tells him that she is in the market to buy a new home. How should Chris handle this situation?

While there is nothing preventing Chris from working as a real estate agent, this scenario raises some interesting questions for reflection.

- 1) If Chris decides to take on his social work client as a real estate client, will this be creating a dual relationship?
- 2) What are some of the risks and consequences of Chris providing real estate services to his social work client?
- 3) Whose needs are being considered?
- 4) How might this be perceived by his employer, colleagues and community members?
- 5) Could there be a perception that Chris is personally gaining from a social work client?
- 6) What motivation might the client have for seeking Chris's real estate services? Would the client be expecting a deal? Could it create dependency issues?
- 7) Does his social work employer have policies/guidelines regarding dual relationships?
- 8) Is there potential for this to create other conflicts of interest?

9) Is there another real estate agent that Chris could refer his client to?

As outlined in the CASW (2005) Guidelines for Ethical Practice, “dual or multiple relationships occur when social workers relate to clients in more than one relationship, whether professional, social or business. Dual or multiple relationships can occur simultaneously or consecutively” (p.12). If Chris decides to provide real estate services to his social work client, this would be considered a dual relationship and a conflict of interest. Consultation with a manager/supervisor or peer would be helpful as Chris reflects on this ethical dilemma.

While dual relationships are not inherently unethical, the responsibility lies with the social worker to evaluate the dual relationship and consider the impact of the conflict of interest on the client and on his social work practice. As noted by the CASW Code of Ethics (2005) “social workers place the needs of others above self-interest when acting in a professional capacity” (p.6).

The CASW (2005) Guidelines for Ethical Practice provides some direction:

Social workers maintain appropriate professional boundaries throughout the course of the professional relationship and after the professional relationship (2.1.1)

Social workers do not exploit professional relationships for personal benefit, gain or gratification (2.2.1)

Social workers do not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political or business interests (2.2.2)

Social workers take care to evaluate the nature of dual and multiple relationships to ensure that the needs and welfare of their clients are protected (2.4.1).

Given that the dual relationship has not been established at this point, Chris is able to ethically and competently resolve this dilemma by referring his social work client to another real estate agent. However, Chris would need to consider his geographical reality and whether this is a dilemma he could reasonable expect to face on a frequent basis and develop a policy that he could share with clients who approach him for real estate services going forward.

Scenario 3

Jana is a social worker in a community agency. She is currently fundraising for her son to attend a ball tournament outside the province. She put notices of the fundraiser up in her office. A client of

Jana's, who is on income assistance, sees the poster during a scheduled appointment and offers Jana a \$20 donation. How should Jana respond?

This case scenario also highlights issues pertaining to the connection between boundaries and conflicts of interest. While the client has a right to make a charitable donation of his or her choosing, it is important for Jana to consider the impact of real or perceived conflicts of interest on her practice, and why the client may feel compelled to donate money to her son's fundraising campaign (i.e., to please the social worker, altruistic gesture)?

Jana might also want to reflect on the following questions:

- 1) Does the context of practice make a difference? Would the dilemma be the same for a social worker working in a clinical setting?
- 2) Does the financial situation of the client make a difference?
- 3) Have boundaries been challenged before with this client?
- 4) Does the amount of the donation make a difference?
- 5) Does the type of donation matter? What if the client was offering a piece of merchandise or service to sell at a fundraising auction?
- 6) If the client was a business representative, would it be appropriate for Jana to accept the donation?
- 7) How might the acceptance of a monetary donation be perceived by Jana's colleagues and employer?

In reflecting on this scenario, the following ethical principles outlined in the CASW Code of Ethics (2005) apply:

Social workers place the needs of others above self-interest when acting in a professional capacity (p.6)

Social workers establish appropriate boundaries in relationships with clients and ensure that the relationship serves the needs of clients (p.7)

Social workers value openness and transparency in professional practice and avoid relationships where their integrity or impartiality may be compromised, ensuring that should a conflict of interest be unavoidable, the nature of the conflict is fully disclosed (p.7)

The responsibility lies with the social worker to maintain the professional boundary and engage the client in a conversation on why accepting the donation would not be appropriate. Documenting this conversation would be important.

Jana might also want to consider her own motivation for displaying the fundraiser in her office. If it was displayed for her colleagues to see, perhaps the staff room is a more suitable option. Jana might find it helpful to consult with her peers around this dilemma and as a team develop a policy regarding donations made by clients.

Conclusion

Social workers navigating conflicts of interest in practice recognize the complexity and intricacy of these dilemmas. Some conflicts of interest are obvious, while others tend to be more subtle and require in-depth reflection and discussion. Ethical decision-making may depend on factors such as context, best interest of the client, professional judgement, professional standards, organizational policies, and geographical realities. Therefore, the following guidelines may be helpful.

- 1) Clearly articulate the conflict of interest (potential or actual).
- 2) Review the CASW (2005) Code of Ethics and Guidelines for Ethical Practice – what ethical values and principles apply?
- 3) Review the benefits and risks of engaging in a conflict of interest – who needs are being met?
- 4) Identify one’s personal/professional biases and interests – is this impacting on how the situation is being perceived?
- 5) Consult with a colleague or supervisor/manager – how is the dilemma perceived by others?
- 6) Consider whether professional boundaries are being impacted or challenged.
- 7) Engage the client in a conversation about the conflict where appropriate and develop strategies to address the conflict or mitigate risk.
- 8) Document accordingly.

“Social workers strive to use the power and authority vested in them as professionals in responsible ways that serve the needs of clients and the promotion of social justice (CASW, 2005a, 6). This edition of Practice Matters raises important considerations when exploring conflicts of interest in social work practice. Whether the conflict of interest is real or potential, social workers have an ethical responsibility to address this in an ethical and timely manner.

References

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