Manitoba College of Social Workers

ETHICAL DECISION-MAKING FRAMEWORK

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ETHICAL DECISION-MAKING IN SOCIAL WORK

Social work is a multifaceted profession and decisions made by social workers are influenced by many factors - their professional roles, codes of ethics, practice experiences, personal preferences, organizational/governmental policies, laws, values and attitudes - all of which come together to shape their responses to ethical problems.

Ethical decision-making involves informed judgement and critical thinking in situations where ethical solutions are not apparent. Under certain circumstances, the social worker's ethical obligations may conflict with agency policies or even relevant laws or regulations. In the face of such conflict, social workers attempt to resolve the problem in a manner consistent with the values and principles expressed in their code of ethics and standards of practice. When a reasonable solution to a problem does not seem possible, social workers seek appropriate consultation before making a decision. This discussion may involve their regulatory body, a knowledgeable colleague, ethics committee, a supervisor or legal counsel.

Ethical decision-making is a common and integral part of social work practice as practitioners are often confronted with ethical dilemmas that require thoughtful reflection and critical thinking; yet the resolution to such moral problems is rarely black and white and may push up against their values. Through reflexive self-awareness, social workers recognize their unique value preferences and become alerted to ways in which competing values and ethical principles become prioritized.

"*Ethical behavior comes from a social worker's individual commitment to engage in ethical practice. Both the spirit and the letter of this Code of Ethics will guide social workers as they act in good faith and with a genuine desire to make sound judgements*".

CASW Code of Ethics (2005)

PURPOSE AND INTENT

The Manitoba College of Social Workers (MCSW) Code of Ethics and Standards of Practice provide social workers with a set of values, guidelines and standards that enhance ethical decision-making. However, these guidelines and standards cannot possibly deliver a complete set of instructions directing social workers in resolving *all* ethical situations.

This Ethical Decision-Making Framework is intended to be a resource for social workers confronted with difficult ethical situations. It is not a prescribed instruction manual for thinking, rather, it is a guide to help individuals and teams construct effective conversations in pursuit of ethical solutions. This framework may inspire social workers to engage in productive ethical discussions with clients, families, communities, colleagues and employers.

The goals of using an Ethical Decision-Making Framework are to:

- Think critically about relevant laws, policies, ethical standards and professional values that are relevant to the situation.
- Apply a systematic method to identify the ethical problem and make difficult decisions.
- Promote discussion of ethically relevant considerations with all relevant stakeholders, including clients, families and communities.
- Work toward an acceptable solution or decision that best represents the client's wishes, balanced against ethical considerations such as policy, professional standards and best interests.
- Determine appropriate responses and consequences
- Manage conflict
- Establish an ethical plan, evaluate and follow-up

VALUES

Values refer to the ideals to which an individual, family, group, organization, or community aspires. They reflect what people believe is good or valuable. Some values take precedence over others and are open to change over time. Other values are core to one's individual identity and persist over time, becoming deeply held preferences or ideals individuals aspire to live by. It is essential to identify and consider the perspectives and goals of each person who might be affected by the decision. The perspectives and goals of some will carry more weight than others. Consider how each person's values may be reconciled with other stakeholders.

It is equally important that social workers know and understand their organization's stated values, as well as social work values exemplified in their professional code of ethics and standards of practice. All professional actions taken by social workers must be consistent with the values set out in the MCSW Code of Ethics.

CONTEXT

We acknowledge that the circumstances in which social work is provided varies considerably. Each setting has its own challenges that may or may not be shared by other sectors. Social workers are encouraged to consider engaging stakeholders across sectors and outside of their organization when their input can contribute to a solution or process of resolution.

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SECTION II: ETHICAL DECISION-MAKING PROCESS

I.   Clarify the Ethical Issue

Ethical issues are often complex and encompass multiple interrelated matters (i.e. regulatory, legal, cultural). One cannot arrive at an ethical solution without first understanding what the ethical problem is.

1.   Identify the ethical problem

The first step includes acknowledgment of the ethical issue and identifying the specific component that requires attention. In some instances, the issue may seem obvious, while other times ethical issues are cloaked in a web of inter-related problems. Careful consideration must be given to determine if this is a legal matter, personal/cultural issue, a regulatory problem or one that involves agencies, systems and/or the community beyond the organization. It may also be a combination of factors. Consider the following questions:

- If this is a legal issue, what does the law require? Who must report it?
- If it is a regulatory issue, what standards of practice are relevant? (to be explored in step II of the framework)
- Are issues specific to individual personalities? If so, what are the motivating values of that individual?
- What other values are at stake? Whose values are they?
- How does each value rank according to the individual at the center of the situation? How do those values align with MCSW values?

Consider all the facts and take time to determine how the information came to be known. Consider the following questions:

- What are the known facts?
- Is the information accurate?
- How credible is the information?
- Is it third-party information?
- What is known for certain?
- What information is missing?
- Why is this a problem?

In one concise sentence describe the ethical problem:

2.   Analyze biases

A bias is a reflection of who we are as individuals and as social workers. Everyone has a bias - it reflects the way we conceptualize the world around us. When resolving ethical issues, it is vital that social workers understand their point of reference and how it relates to that of others in the situation.

Self-reflective practice is a guiding principle in social work practice. It entails familiarity of ones' social location and the privileges afforded to them. It is an ongoing process requiring social workers to identify and acknowledge their own values, culture, attitudes, beliefs, motivations, roles, emotions, and capacities as they relate to others in the social work relationship. Self-reflective practice includes social workers as part of the problem-solving process rather than separate from it.

Personal and instinctual motivations can have a profound influence on one's choices. Consider the following questions objectively to ensure your decision-making process is based on ethical considerations:

- *Evaluate and list your personal values and intuitions as they relate to this client/situation. (refer to attached values clarification chart)*
- *In what way do your personal values and intuitions influence your interpretation of the problem?*
- *What assumptions are you making? Have they been confirmed?*
- *What is your professional role in this situation? How does that impact your evaluation of the problem?*
- *What are your expectations and goals as they relate to this situation?*
- *Does your relationship to the client contribute to any memories of past negative experiences?*
- *Are there any gender or sexual identity concerns involved?*

3.   Identify major stakeholders

Stakeholders include everyone who is *involved or could be affected by* the decision. The list of those involved can be quite different than the list of people who *should be involved* in the decision. Understanding the perspectives, values and goals of each stakeholder enhances the probability of making good ethical decisions.

Consider the following questions:

- Who will be affected by the decision?
- Who, if anyone, should be a part of the discussion about this issue? Is anyone missing from discussions?
- Who is accountable for making the decision(s)? (e.g. patient, client, resident, family member, caregiver, individual social worker, team of professionals, a particular community, society at large, etc.)
- Talk with the major stakeholders with the goal of hearing their stories and understanding their perspectives on the issue. What are the major interests, expectations, values, contextual features and central issues that impact their stories? What are their goals, hopes and desired outcomes?
- Reflect on the similarities and differences between your perspectives and values and the perspectives and values of the stakeholder. How might these similarities and differences influence your feelings about the question? Has learning about other points of view changed how you feel or what you think is the "right" thing to do?
- Who should be involved in this decision? (e.g. individuals and/or their family, MCSW, Human Resources, Legal or Privacy Department, Senior Management). This list might be different than the list of stakeholders.
- Include personal/social norms and cultural practices in the Values section.

Complete Table 1 based on your responses to the questions above.

Table 1:

Stakeholder	Relationship to Client	Value	Role in decision	How does this issue impact the stakeholder

4.   Consider relationships

Social workers may have differing ethical obligations depending on who is determined to be the client. Social workers value human relationships and work with individuals and families alike. At times, the entire family can be defined as the client, while in other situations, an individual member of that family is the client. This can be challenging when there are conflicting principles such as confidentiality, self-determination and informed consent.

Relationship issues not only involve clients and families but also include the wider group of friends, relatives, institutions and various others. Complex interactions among these groups can be supportive and/or harmful, and healthy boundaries are required in order to move forward. There can be conflicting opinions on what the problem is and how to resolve it. This is especially true in the context of emotionally charged decisions and it may be helpful to establish the following:

- Who is the client?
- Are there confidentiality concerns?
- Are there interdisciplinary team differences at play?
- List all relevant relationships, including the nature of client/social worker
- How might your proposed options affect the important relationships in the situation?

II. List relevant MCSW Values and Standards of Practice

1. Determine what ethical guidelines and practice standards apply

Social workers are required to be familiar with and adhere to the MCSW Code of Ethics and Standards of Practice, which informs sound ethical decisions.

Determining whether professional ethics and standards have been followed can be a retrospective question. As part of the ethical decision-making process, social workers should consider the ethical guidelines and practice standards that inform their practice and reflect on their present and past conduct to determine if they have followed the relevant laws, policies, or ethical standards. Social workers may ask similar questions about the conduct of others, such as a client, coworker, supervisee or professional in another agency.

Review MCSW Code of Ethics and Standards of Practice by clicking the following links:

https://mcsw.ca/wp-content/uploads/2018/04/Standards-of-Practice-MAR-2018-WEB.pdf

https://mcsw.ca/wp-content/uploads/2018/04/Code-of-Ethics-MAR-2018-WEB.pdf

2. List all standards of practice, guidelines, codes, organizational duties and obligations that may need to be considered. Refer to the MCSW Code of Ethics and Standards of Practice. For short description see the list below.

Value(s)	Principle(s)	Guideline(s)

Consider the following:

- What values, duties, procedures or guidelines apply to this situation?
- Do they conflict with organization's values, policies, guidelines or workplace practices?
- What guidance is provided from the MCSW Code of Ethics?
- What required responses are listed in the MCSW Standards of Practice?
- Are there legal considerations? Rules/Duties/Obligations

MCSW values:

1. Respect for the inherent dignity and worth of persons
2. Pursuit of social justice
3. Service to humanity
4. Integrity in professional practice
5. Confidentiality in professional practice
6. Competence in professional practice

MCSW Guidelines for Ethical Practice:

1. Ethical responsibilities to clients
2. Ethical responsibilities in professional relationships
3. Ethical responsibilities to colleagues
4. Ethical responsibilities to the workplace
5. Ethical responsibilities in private practice
6. Ethical responsibilities in research
7. Ethical responsibilities to the profession
8. Ethical responsibilities to society

MCSW Standards of Practice:

1. The Professional Relationship
2. Professional Competence
3. Integrity of Professional Practice
4. Social Work Practice Methods
5. Social Work File Records
6. Confidentiality
7. Private Practice
8. Advocacy and Public Policy
9. Cultural Diversity
10. Rural and Northern Social Work Practice

III.   Apply Ethical Lens

1.   Critical thinking

To enhance the probability of arriving at an ethical solution, social workers must be open to different ways of approaching problems. It is always helpful to listen to and reflect on input from others, even if it is much different than their own. Some action plans may seem ethical but still result in unwanted consequences, or the consequences may seem appropriate, but the means to achieve that outcome will negatively impact a stakeholder.

Intervention expectations and ethical considerations may vary considerably among social work contexts. For example, social workers in forensics and child protection frequently have court mandated involvement with clients and may be required to work within the legal purview of the agency. While other social workers have clients with impaired decision-making related to mental illness, intoxication, dementia and will be required to make decisions in the best interest of the client.

2.   Review ethical questions

The following questions may assist in informing ethical decisions:

- Is the person of legal age to make decisions?
- Are they mentally capable and legally competent?
- Is there evidence of incapacity?
- If competent, what are their preferences for treatment/intervention?
- Is their decision informed? Have they been informed of benefits and risks, understood the information and given consent?
- Who is the appropriate substitute decision-maker?
- Is the substitute decision-maker using appropriate standards for decision-making?
- Has the client expressed prior preferences?
- Is the person unwilling/unable to participate in a proposed intervention? If so, why?
- Is the person's right to choose being respected to the fullest extent possible?
- What are the client's views on what constitutes a desirable quality of life?
- What physical, mental, and social deficits is the person likely to experience if the intervention is in place?
- Are there biases that might prejudice your evaluation of the client's quality of life (age, mental illness, disability, social status, your own life experiences)?
- Is there any plan or rationale to forego the intervention?
- What contextual features are contributing to this problem?
- Are there systemic/organizational, or relationship issues that might dictate outcome/ decisions?
- Are there opportunities to support the client that can't be accessed?
- Is there a means to reduce personal inequality or social disadvantage?
- Are there financial and economic factors?
- Are there cultural or spiritual factors?
- Are there limits on confidentiality?
- Are there problems of access or allocation of resources?
- Are there fiduciary obligations?
- How does the law affect decisions?
- Is clinical research or teaching involved?

- Is there any conflict of interest on the part of the providers or the institution?
- Is there a risk of harm to others?
- Are there family issues of loyalty and fairness that might influence treatment decisions?

IV.   Risks & Benefits

1.   Consider all Options

Brainstorming with colleagues, supervisors, knowledgeable professionals, and other stakeholders will help at this stage. Keep an open mind while considering multiple perspectives. The goal is to **reduce the options to the most realistic two or three** for thorough discussion and consideration.

List the options that are most acceptable to the individual or group responsible for implementing the action plan.

Consider the following questions:

- Are there potential barriers to implementing the options?
- Are compromises possible?
- Choosing to do nothing is also a valid possibility that may be explored.

Viable options rank from most preferable to least preferable. Considering all the above, list all possible options:

	Option One	Option Two	Option Three
Will it prevent or minimize harm?			
Will it uphold MCSW values/principles?			
Is a Good solution for stakeholders?			
Build a worse-case scenario for this option?			

2. Risks and Consequences

Although social workers agree that core values such as client self-determination and confidentiality should be actualized in practice, translating these values into practice can become less certain when they conflict with other values. When two or more values conflict, it is unlikely that a social worker can respond in a manner that is equally compatible with each of them. For example, at what point should client self-determination take precedence over competing values of healthy lifestyle? Clearly there are situations when it should be sacrificed, as in the case when the social worker believes that the client's chosen course of action threatens the safety of others. Social workers must also balance their decisions with the client's best interest.

Any number of conflicting obligations may result in ethical dilemmas that may result in serious consequences for the client or their family/friends. Social workers should prioritize obligations based upon the amount of good versus potential harm that results from their intervention. In review of your three options, consider potential risks associated with each.

Reviewing your three options, consider potential risks associated with each possibility. Before making your final decision, a thorough review of risks and benefits should support the decision. Multiple factors must be taken into account such as public laws, professional standards, agency policies, professional code of ethics, culture-based systems of morality, and the client's religious convictions.
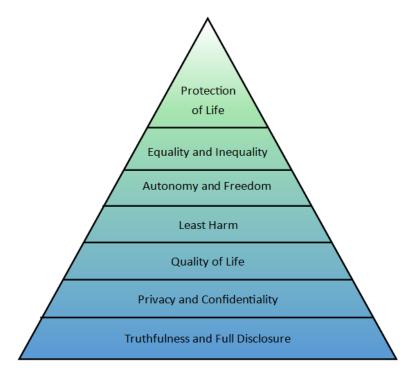
Think about the possible outcomes of the situation. Consider the following:

- What are the possible harms? Consider the likelihood and level of risk.
- How important is it to you? To the client and their family? To the wider community?
- Does this issue need to be dealt with now or can it wait?

Assess and establish safety precautions. Prioritize potential benefits/advantages/positive results against potential risks/harms/negative outcomes.

Carefully consider how the preceding principles are ranked in the case of equally relevant but conflicting principles. (These will differ across situations).

3.   Hierarchy of ethical principles & risk management

Dolgoff, Loewenberg, & Harrington (2005).

The following ethical principles are ranked in order of priority:

1. *Protection of Life*

Takes precedence over all others, even when there is conflict with other principles. The protection of life and the right to live applies to the life of the client and lives of others.

2. *Equality & Inequality*

People who are in similar situations should be treated equally. In situations of inequality, people in different situations have the right to be treated differently. Such unequal treatment can promote greater equality.

3. *Autonomy & Freedom*

Social workers foster self-determination and freedom. This does not override rights to life or to freedom to make decisions that harm others.

4. *Least Harm*

In ethical dilemmas, the possibility of harm should be avoided. If harm is going to occur, the option that causes the least harm should be chosen.

5. *Quality of Life*

An option should be chosen that promotes a better quality of life for all individuals and the community.

6. *Privacy & Confidentiality*

Privacy and confidentiality should be kept within laws and client agreements to the greatest extent possible. Exceptions to confidentiality may apply (i.e when the social worker could prevent serious violence or harm).

7. *Truthfulness & Full Disclosure*

Social workers should make decisions that truthfully disclose relevant information to clients

Dolgoff, Loewenberg, & Harrington (2005).

V.   Identify Solution

1.   Make a choice and justify it

At this point, a decision must be made. When considering the decision, determine if it is something that those responsible for implementing it can act on - logistically and morally.

Consider the following:

- Which option is least harmful to the client?
- Which option upholds the values of most stakeholders?
- Which option most reflects the MCSW values and standards of practice?
- Based on all your deliberations and discussions, choose the best option.
- Create a worse-case scenario for your plan.
- Why is your chosen option the best approach?
- Does it sound reasonable?
- Are you and others comfortable with it?

VI.   Facilitate an Action Plan

1.   Develop an action plan
An action plan includes who will do what and when. Consider the following:
- What is the best way to implement the decision?
- Describe the plan for action and communication.
- Who needs to be included?
- How will you reach consensus if some disagree?

- Who will communicate the decision to others?
- How will current/potential conflicts be managed? Who is responsible?

2.   Identify social justice issues

Social workers have an ethical responsibility to work towards fair and equitable access to resources. However, institutional, organizational or personal constraints, systemic discrimination, racism and a variety of other factors often prevent social workers from acting on their ethical conviction.

Identify measures to curtail future problems associated with barriers to social justice. Consider the following:

- Does this situation indicate the need for change within the agency or social work community?
- Does this situation indicate broader policy issues that warrant further investigation or follow-up?
- What is your advocacy role?
- What can you do to address the issue?

VII – Your Evaluation

1.   Evaluation

Having completed this decision-making framework, you can be sure that you have taken reasonable steps towards the most ethical solution. Although your solution remains the best choice based on the resources available at the time, it may not be without negative consequences. Consider the following:

- How do you feel at the end of the process?
- How do others involved feel?
- Are you comfortable with the outcome?
- Are you confident that others are also comfortable with the outcome?
- Did the process and outcome achieve the desired results?
- Were there any unforeseen consequences?
- What I might do differently in similar circumstances in the future?

2.   Moral distress

Once the decision is made, communicated, and implemented, it is important to consider your comfort with the decision and assess its impact on you. Consider the following:

- Is there any moral distress or residue from the situation that needs to be considered or acted upon?
- If so, develop a self-care plan to work through the negative effects of the process/decision.

ETHICAL CHECKLIST

This ethical checklist can help to ensure you have reviewed all major ethical considerations. Read through each test and rank it on the scale of 1 to 5.

1 = not at all   5 = totally yes.

The higher the total score, the more comfortable you may be with your decision.

1   Relevant Information Test. Have I/we obtained as much information as possible to make an informed decision & action plan for this situation?

2   Involvement Test. Have I/we involved all who have a right to have input and/or to be involved in making this decision and action plan?

3   Consequential Test. Have I/we anticipated and attempted to accommodate for the consequences of this decision and action plan on any who are significantly affected by it?

4   Fairness Test. If I/we were assigned to take the place of any one of the stakeholders in this situation, would I/we perceive this decision and action plan to be essentially fair, given all of the circumstances?

5   Enduring Values Test. Does this decision and action plan uphold my/our priority enduring values that are relevant to this situation?

6   Universality Test. Would I/we want this decision and action plan to become applicable to all similar situations, even to myself/ourselves?

7   Light-of-Day Test. How would I/we feel and be regarded by others (working associates, family, etc.) if the details of this decision & action plan were disclosed for all to know?

8   Total Ethical Analysis Confidence Score. Place the total of all numbers here. How confident can you be that you've done a good job of ethical analysis?

Ethical Checklist Results – Test score = Confidence in Decision

7-14	Not very confident
15-21	Somewhat confident
22-28	Quite confident
29-35	Very confident

From the TEN-STEP METHOD OF DECISION-MAKING & ETHICAL CHECKLIST: Doug Wallace and Jon Pekel, Twin Cities-based consultants in the Fulcrum Group (651-714-9033; email at jonpekel@atti.com). Do not copy without reference to copyright owners. Not to be used for commercial purposes.

SECTION III: RESOURCES

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GLOSSARY OF TERMS

Autonomy (Respect for): the moral principle that actions are ethically right if they comply with a person's self-determined choice.

Bias: a frame-of-mind, perspective, point of view, or inclination. This can be affected by a person's beliefs, values, educational or social background, assumptions, demographic characteristics, and life experiences. Bias is important to recognize and acknowledge because it affects one's opinions and views on what is right and wrong and is highly influential in decision-making.

Capacity: the ability to understand information relevant to a decision and to appreciate the reasonably foreseeable consequences of choosing to act or not to act. Capacity is specific to each decision and this a person may be capable of deciding about a place of residence, for example, but not capable with respect to deciding about a treatment. Capacity can change over time.

Client: A person, family, group of persons, incorporated body, association or community on whose behalf a social worker provides or agrees to provide a service or to whom the social worker is legally obligated to provide a service. Examples of legal obligation to provide service include a legislated responsibility (such as a child welfare) or a valid court order. In the case of a valid court order, the judge/court is the client and the person(s) who is ordered by the court to participate in assessment is recognized as an involuntary client.

Decision-maker: the person most responsible for making decisions in a situation of ethical uncertainty. In most health care situations, the patient/client/resident (or their authorized substitute decision-maker) is the decisionmaker. Occasionally, there will be situations that do not directly affect or involve a client, in which case the decisionmaker is the one who is most responsible for carrying out a decision.

Dilemma: a problem that arises when there is a choice to be made, with no obvious reason to prefer one option over the other; a choice between two or more conflicting options, or a choice between two options that cannot both be carried out.

Ethical conflict: tension that arises when there is a choice to be made, especially when two (or more) values must be weighed and ranked, and a decision made on which is most important in the situation.

Ethics: the study of morality and moral life; a system for deciding what is right and what is wrong. A systematic way of evaluating values and actions.

Informed consent: voluntary agreement reached by a capable client based on information about foreseeable risks and benefits associated with the agreement (e.g., participation in counselling or agreement to disclose social work report to a third party.

Justice: the principle that action is ethically right if it treats people in similar situations equally.

Moral distress: the negative feelings that occur when one knows the right thing to do; but is prevented from doing it through some barrier or constraint. This leads to the sense that one has compromised their integrity and can cause significant personal emotional reactions.

Principles: rules or norms that guide behaviour; often a starting point for considering ethical problems and may lead to more specific rules of conduct in some contexts.

Uncertainty: indecision, lack of clarity, when one is unsure of what the ethical problem actually is, and/or which values or principles apply in a situation. This often arises as a sense of something not being quite right, and there may not be anything concrete to suggest what it might be.

Values: a person's individual perspective, opinions, beliefs, and views about what is important. Values guide actions by suggesting what is most important when decisions are made. Values are highly individual, and ethical conflicts often arise when values must be ranked in importance in order to decide the right thing to do.