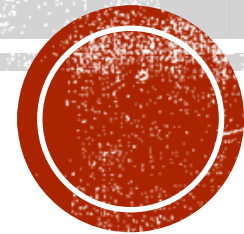


ETHICS AUDIT: A RISK MANAGEMENT TOOL

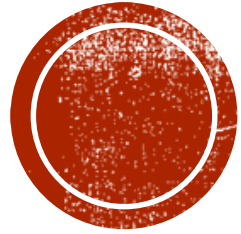
Presented by Rebecca Hoffman, MSW, LISW
Assistant Professor of Social Work
Bemidji State University



ETHICS AUDIT: SESSION RULES

- Highly confidential: agency information discussed here stays here
- Do not disclose information that will put an agency at risk; work through highly sensitive issues within the framework of an ethics audit and as a team
- Seek to do good: use the ethics audit to protect clients and improve policies and procedures within your workplace
- Participate! Your participation makes this an interesting session
- Be comfortable: take a break as you need one





WHAT DO YOU HOPE TO LEARN TODAY?

What was it about the topic of risk management and ethics that brought you here today?

ETHICS AUDIT: THREE COMPONENTS

- Overview of the key **ethical issues** to assess
- **Audit instrument:** a comprehensive outline of a wide range of ethics related policies and procedures
- **Action plan:** a structured approach to addressing ethics related risk areas



ETHICS AUDIT: WHY?

- Imposition of **third-party funders** on service delivery systems is not typically grounded in ethical social work practice
- **Employee handbooks** (policies and procedures) are most often grounded in employment law, not protection of client rights
- Identify pertinent **ethical issues** in practice settings
- Review and assess the adequacy of **current practices**
- Design a **practical strategy** to modify current practices as needed
- Monitor the **implementation** of this quality assurance strategy



ETHICS AUDIT: WHO IS PROTECTED?

- Protection of **clients** from maltreatment & ethics violations
- Protection of **staff** from ethics complaints
- Prevention of *vicarious liability* of agency **supervisors**
- Protection of **agencies** from lawsuits
- Preparation for accreditation or funding application **site visits**

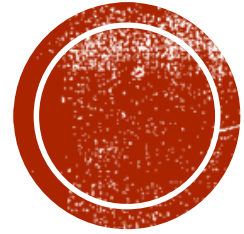


ETHICS AUDIT: WHAT?

Assesses the extent to which social workers and agencies ID ethical risks and...

- have practices, procedures, and policies in place to protect clients,
- can identify ethics related risks,
- can prevent ethics complaints, and
- can prevent ethics related legislation





**WHAT ARE SOME OF THE
CLIENT RIGHTS THAT WE
ARE ENTRUSTED TO
PROTECT?**

FOCUS: PROTECTION OF CLIENT RIGHTS

Client Rights to Consider:

Confidentiality & privacy

Release of information

Informed consent

Access to services

Access to records

Service plans

Alternative options and referrals

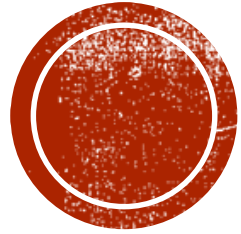
Right to refuse services

Termination of services

Grievance procedures

Evaluation





CLIENT CONFIDENTIALITY & PRIVACY



**Policy &
Procedure**

- **Written, clear client confidentiality & privacy policy and procedure**

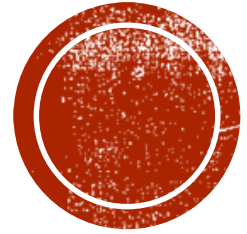
Training

- **New employee training plan**
- **Ongoing staff development plan**

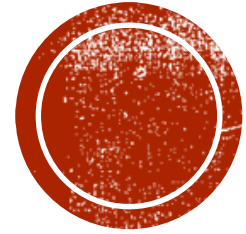
**Client
Informed**

- **Client informed of policy & procedure in writing and orally**





**DISCUSS A CURRENT POLICY
& PROCEDURE RELATED TO
CONFIDENTIALITY, A STAFF
TRAINING PLAN THAT
SUPPORTS THIS RIGHT, AND
HOW CLIENTS ARE INFORMED**



**CLEAR PATH FROM
POLICY TO
PROCEDURE TO
EMPLOYEE TRAINING TO
CLIENT BEING INFORMED?**

CLIENT CONFIDENTIALITY & PRIVACY ETHICS

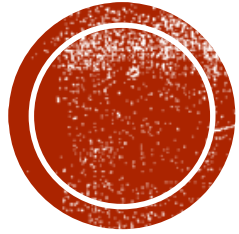
- Solicitation of information from client (only solicit what is necessary; voluntary)
- Disclosure of confidential information to protect clients/third parties from harm
- Release of confidential information pertaining to AODA treatment
- Disclosure of information about deceased clients
- ROI to parents and guardians
- Sharing confidential information among family members
- Disclosure of confidential information to the media, law enforcement, protective services, other human service organizations
- Protection of stored confidential written and electronic records



CLIENT CONFIDENTIALITY & PRIVACY ETHICS

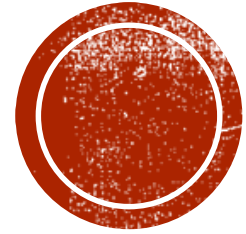
- Transfer or disposal of client records
- Protection in the event of social worker's death/disability/employment termination
- Discussion of confidential information in public or semi-public areas
- Disclosure of information to third-party payers
- Disclosure to consultants
- Disclosure of information for teaching/training purposes
- Protection of information during legal proceedings (malpractice, divorce, custody)
- Procedure for informing clients of their rights orally and in writing, covering all topics previously mentioned





SERVICE DELIVERY



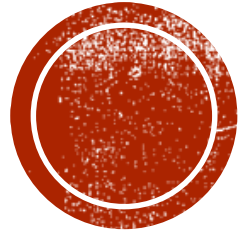


**DISCUSS A CURRENT POLICY
& PROCEDURE REGARDING
SERVICE DELIVERY, A STAFF
TRAINING PLAN THAT
SUPPORTS THIS RIGHT, AND
HOW CLIENTS ARE INFORMED**

SERVICE DELIVERY ETHICS

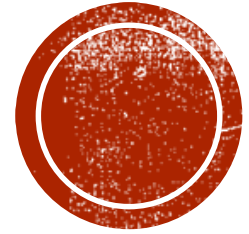
- Employees are representing themselves as competent only within boundaries of their education, training, license, and certification
- Employees use of practice approaches, interventions, and techniques they are properly trained to provide
- Employees obtain training, consultation or supervision must ensure the provider is competent to provide such services
- Integration of new or non-traditional practice approaches





BOUNDARY ISSUES & CONFLICTS OF INTEREST





**A CURRENT POLICY &
PROCEDURE RE: BOUNDARIES
& CONFLICTS OF INTEREST, A
STAFF TRAINING PLAN THAT
SUPPORTS THIS RIGHT, &
HOW CLIENTS ARE INFORMED**

BOUNDARIES & CONFLICTS OF INTEREST ETHICS

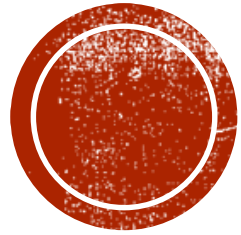
- Sexual relationships with current and former clients
- Counseling of former sexual partners
- Sexual relationships with clients relatives and acquaintances
- Sexual relationships with supervisees, trainees, students, and colleagues
- Physical contact with clients
- Friendships with current and former clients
- Encounters with clients in public settings
- Attendance at clients' religious, social, or lifecycle events
- Gifts to and from clients
- Favors for clients



BOUNDARIES & CONFLICTS OF INTEREST ETHICS

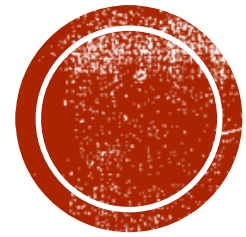
- Delivery of services in clients' homes
- Financial conflicts of interest
- Delivery of services to two or more people from same family
- Bartering services for goods and services
- Management of relationships in small, rural or tribal communities
- Self-disclosure to clients
- Collegial relationships with a former client
- Hiring of former clients





DOCUMENTATION





**A CURRENT POLICY &
PROCEDURE REGARDING
DOCUMENTATION, A STAFF
TRAINING PLAN THAT
SUPPORTS THIS, & HOW
CLIENTS ARE INFORMED?**

DOCUMENTATION ETHICS

- Complete social history
- Assessment
- Treatment plan that states the client's strengths, problems, reason for requesting services
- Objectives
- Relevant timetable of services
- Intervention strategy
- Planned number and duration of contacts
- Methods for assessment
- Methods for evaluation of progress
- Termination plan and reasons for termination



DOCUMENTATION ETHICS

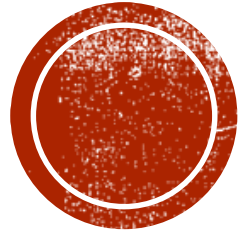
- Description of all contacts with clients (type, date and time, who involved)
- Notation of failed contacts
- Summary of previous evaluations (DA, Psychological, Psychiatric, or Medical) relevant to social worker's interventions
- Reason for termination and final assessment
- Copies of all relevant documents (informed consent, correspondence, fee agreements, court documents, etc.)



DOCUMENTATION ETHICS

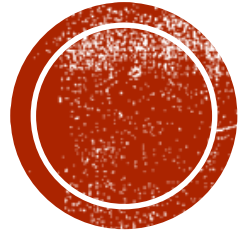
- Informed consent (procedures, signed consent forms)
- Notes on all third-party contacts
- Notes on consultation with other professionals
- Brief description of reasons for all decisions made and interventions provided
- Summary of all critical incidents (suicide attempts, threats, child abuse, family crises) and social worker's response
- Instructions, recommendations, advice provided to client (referrals to specialists)
- Avoiding defamation of character
- Client record storage





SUPERVISION





**A POLICY & PROCEDURE
THAT SUPPORTS
SUPERVISION? TRAINING?
INFORMING CLIENTS?**

SUPERVISION ETHICS

- Development and implementation of policies and procedures
- Provision of information necessary for supervisee to obtain informed consent
- Oversee development of intervention plan
- Identify and respond to errors in supervisees' client contact (i.e., disclosure of confidential information)
- Know when to transfer clients or terminate treatment
- Know when supervisee should seek consultation
- Monitor supervisees' competence and willingness to address issues concerning incompetence
- Monitor boundaries between supervisees and clients



SUPERVISION ETHICS

- Protect third parties
- Detect and stop a negligent treatment plan
- Identify when a specialist is needed for treatment of a particular client
- Meet regularly with supervisee
- Review and approve supervisees' records, decision, and actions
- Provide adequate coverage in supervisees' absence
- Document supervision provided



SUPERVISION ETHICS

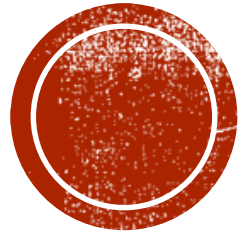
- Maintain proper boundaries in relationships with supervisees
- Provide supervisees with timely and information performance evaluations
- Listen carefully to ethical concerns and issues
- Provide supervisees with sufficient time related to work load
- Allow time in own workload to provide proper supervision



CLINICAL SUPERVISION ETHICS

- Supervisory context: spell-out the purposes and objectives of supervision
- Learning plan: Specific learning goals, bodies of knowledge, and skills that will be a priority
- Format and schedule: how often supervision will take place, location, duration, format, etc.
- Accountability: ID nature of supervisor's authority within context of supervision (i.e., evaluations, recommendations, sign case records, etc.)
- Conflict resolution: ID procedures to be used to address conflicts between supervisors/supervisees
- Compensation
- Client notification
- Duration and termination





STAFF DEVELOPMENT & TRAINING

The ethics audit should examine training that agencies provide their staff on ethics-related topics.

STAFF DEVELOPMENT & TRAINING ETHICS

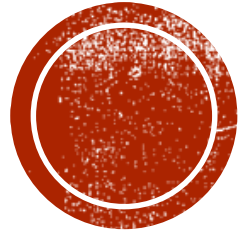
- Ethics-related staff training and development should include:
- Relevant practice skills
- Professional ethics and liability (especially major risk areas and the phenomenon of ethical decision making)
- Relevant federal, state, and local statutes and regulations
- Assessment tools
- Intervention techniques
- Evaluation methods
- Emergency assistance and suicide prevention



STAFF DEVELOPMENT & TRAINING ETHICS

- Supervision of clients in residential programs
- Confidentiality and privileged communication
- Informed consent
- Improper treatment and service delivery
- Boundary issues
- Defamation of character
- Consultation with and referral to specialists/colleagues
- Fraud and deception
- Termination of services



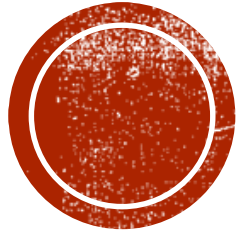


TERMINATION OF SERVICES & CLIENT ABANDONMENT

TERMINATION OF SERVICES ETHICS

- Consultation with supervisor/colleagues about termination
- Advance warning to client
- Provide three alternative referrals, if possible
- Clients' premature termination
- Discharge planning
- Follow-up with clients who have been terminated
- In case of emergency instructions
- Extended practitioner absences
- Employees leaving an agency





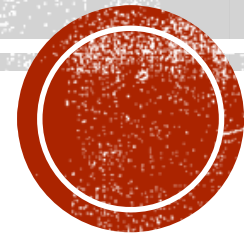
FINAL ETHICAL CONSIDERATIONS

FINAL ETHICAL CONSIDERATIONS

- Practitioner impairment
- Ethical decision making
- Evaluation and research



STEPS IN AN ETHICS AUDIT



AUDIT STEP ONE: THE COMMITTEE

- Select a staff or board member to chair the ethics committee
- Appoint members



AUDIT STEP TWO: ID ETHICS-FOCUS

- Using the ethics audit as a guide, identify ethics-related issues on which to focus
- Comprehensive?
- Topic-specific?



AUDIT STEP THREE: DATA COLLECTION

- Ethics audit committee decides which data it will need to conduct the audit
- Data gathered from documents and interviews
- Client Rights Statement (CRS)
- Key informants
- Legal counsel
- Local, state, federal laws pertaining to: Ethics codes, informed consent, client records, termination of services, supervision, licensing, personnel issues, professional misconduct, privileged communication, and confidentiality



AUDIT STEP FOUR: ASSESS RISK

- Once the data is gathered the ethics committee assesses the risk of each topic.
- Assessment of risk is divided into two sections: policies and procedures
- Each topic addressed in the audit is assigned one of four risk categories:
 - (1) No Risk: Current practices are acceptable and do not require modifications
 - (2) Minimal Risk: Current practices are reasonably adequate; minor modifications are needed to minimize risk
 - (3) Moderate Risk: Current practices are problematic; modifications are necessary to minimize risk
 - (4) High Risk: Current practices are seriously flawed; significant modifications are needed to minimize risk.



AUDIT STEP FIVE: CONSTRUCTIVE ACTION

- Develop an action plan for each area that warrants action
- Areas that are deemed “high risk” receive immediate attention
- Areas that are deemed “moderate risk” and “minimum risk” should receive attention as soon as possible
- Agency administrator oversees areas of highest risk



AUDIT STEP SIX: PRIORITIZE

- Establish priorities among the identified areas of concern, based on degree of risk



AUDIT STEP SEVEN: ID CORRECTIVE ACTIONS TO BE TAKEN

- Spell out specific measures that need to be taken to address the area of risk
- Examples: review all current informed consent forms and create update versions; write new confidentiality policies; create a Client Rights Statement (CRS); staff training on documentation and on boundary issues; prepare detailed procedures to address risk



AUDIT STEP EIGHT: ID STAFF RESPONSIBLE FOR ACTION PLANS

- Identify which staff will be responsible for the various tasks and establish a timetable for completion of each.
- Have legal counsel review policies and procedures to ensure compliance with relevant laws, regulations, and court opinions



AUDIT STEP NINE: ID FOLLOW-UP PLAN

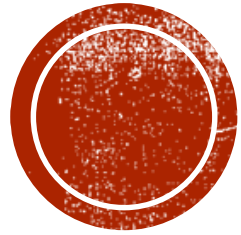
- Identify a mechanism to follow-up on each task to ensure its completion



AUDIT STEP TEN: DOCUMENT THE PROCESS

- Document the complete process involved in completing the ethics audit.





REFERENCE

The Social Work Ethics Audit: A Risk Management Tool

by Frederic G. Reamer

Published by the NASW Press 2004

Purchase the book and audit tool for just \$15.99