ETHICS AUDIT: A RISK MANAGEMENT TOOL

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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 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**

<table>
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<tr>
<th>Client Rights to Consider:</th>
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<td>Confidentiality &amp; privacy</td>
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<td>Release of information</td>
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<td>Informed consent</td>
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<td>Access to services</td>
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<td>Service plans</td>
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<td>Alternative options and referrals</td>
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<td>Right to refuse services</td>
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<td>Evaluation</td>
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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
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
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
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, advise 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
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
The ethics audit should examine training that agencies provide their staff on ethics-related topics.
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
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
Document the complete process involved in completing the ethics audit.
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