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02A Lesson Proper for Week 3

OVERVIEW

Throughout each day, ethical issues are identifiable in every situation that you experience in the field. In many situations, however, you might not think about the ethical issues involved because the situation is so straightforward. For example, issues of privacy and confidentiality are involved whenever you close the door, talk with or about a client, and carefully handle the information shared. Issues of client respect are involved whenever you express acceptance rather than judgment toward a client. In these situations, your behavior is being directed by the ethics and values of the profession, although you may not be thinking consciously about this fact. At other times, the ethical issues in a situation take center stage, becoming painfully obvious because they are complex and not easily resolved. For example, at what point do you break confidentiality to report suspected child abuse? What do you do when you are angered or repulsed by a client's behavior? What do you do when the constraints of agency policy limit your ability to do what you think you should do as a professional? At such times your thoughts inevitably turn more directly to ethical considerations as you search for a proper direction to take.

Although some situations are inherently more ethically challenging than others, ethical action in all situations calls upon the professional

1. To know the legal and ethical foundations of the human service profession.
2. To understand the values and ideals that guide responsible human services practice.
3. To recognize the specific ethical, legal, and values issues involved in any given practice situation.

These skills are required in even the most straightforward situations in which there is not a values conflict or an ethical dilemma. When such conflicts and dilemmas do exist, the following additional skill is needed:

4. The ability to weigh the conflicting ethical and values positions involved in a given situation and make decisions between them.

These four skills might be thought of as foundational ethical competencies, and each is addressed in this chapter.

Important and necessary as these skills are, however, they are not sufficient to fully equip human service professionals for ethical decision making. Ethical wisdom can be acquired only over time through linking ongoing practice experience with careful reflection and dialogue with colleagues and clients. Gray and Gibbons (2007) articulate the real complexity that students confront in developing ethical competence when they say, For students to appreciate the complexity of moral issues, it is necessary for them to be able to accept and deal with uncertainty and ambiguity, and the absence of cookbook solutions, and to learn that when moral conflicts or ethical dilemmas arise, they can only be resolved through dialogue and process of moral reasoning, where existing knowledge, theory, skills, values, and ethical guidelines are brought together to inform the decision making process.

COMPETENCY 1: UNDERSTANDING THE ETHICAL AND LEGAL FOUNDATIONS OF THE PROFESSION

One of the hallmarks of any profession is the existence of standards for ethical practice. The human service profession is, of course, no exception. Numerous professional organizations in the field have clearly established and formally codified ethical standards that have existed for many years with appropriate periodic revisions to address changes in the field and in society. Beyond the self-governing ethical standards of the professions, ethical practice in human service is also supported, guided, and enforced by legal standards that commonly affect practice in the field. This section will introduce you to professional ethical standards and to legal issues affecting the human service field as areas of basic knowledge that are essential to developing ethical competence.

Ethical Standards of the Human Service Profession

The foundation for ethical action rests in part on knowledge and understanding of ethical standards for the profession. If you are not familiar with the relevant ethical codes for working in the field of human services, now is the time to become well acquainted with them. The professional organizations of all the various human services fields have longstanding statements of ethical standards to guide practitioners in their work. The American Counseling Association (ACA), the American Psychological Association (APA), the National Association of Social Workers (NASW), and the National Organization for Human Services (NOHS) are among the most well-known of these organizations.

The following section offers a summary of the major topics, values, and themes in human service ethical statements. Read them with your field agency in mind. As you read, reflect upon situations that you have encountered during your fieldwork, as a participant or as an observer, in which one or more of these ethical issues came into play.

- ***The human service professional's responsibility to clients.*** Clients have the right to information about the helping process, the right to receive or refuse services, the right to be treated with respect and dignity, the right to confidentiality, and the right to know about the limits of confidentiality. Workers are obligated to avoid dual worker–client relationships, to protect clients and others from harm, to maintain secure records, and to recognize client strengths. Workers must also represent their own qualifications and services honestly to clients and other interested parties.
- ***The human service professional's responsibility to the community and society.*** Professionals adhere to state, local, and federal laws and advocate for changes in those laws and policies that conflict with clients' rights and human dignity. Professionals stay informed on social issues affecting clients, engage in advocacy and mobilizing to satisfy unmet human needs, and advocate for the human rights of all people. Human service professionals are knowledgeable about their own culture and about cultures within their community. They respect cultural and individual differences and seek training and expertise in working with a wide range of human differences. Workers also act to protect the safety of others who might be harmed by clients' behavior.
- ***The human service professional's responsibility to colleagues.*** Professionals treat colleagues with respect, dealing with any conflicts directly with that colleague in an effort to resolve the problem. Applying a similar principle, workers report ethical violations of colleagues, initially speaking to the colleague directly in an effort to resolve the problem. Workers avoid duplicating the efforts and relationship of another professional in working with a client and consult with other professionals as necessary to benefit the client. Consultations between professionals are kept confidential.
- ***The human service professional's responsibility to the profession.*** Professionals act with integrity, recognize the limits of their expertise, seek consultation appropriately, and make referrals as necessary. They seek professional growth and learning for themselves throughout their careers and promote the continued development of the profession. Professionals also promote cooperation among the various disciplines within human services.
- ***The human service professional's responsibility to employers.*** Professionals keep their commitments to their employers and work to maintain positive working conditions in their organizations. They support and participate in efforts to evaluate agency effectiveness.
- ***The human service professional's responsibility to self.*** Professionals strive to maintain personal qualities that are associated with effectiveness in the profession, foster their own self-awareness and personal growth, and commit themselves to ongoing learning and skill development

In view of the wide scope and rigor of these standards, Blair's statement regarding ethical practice is understandable when she says, "It would be unlikely that any human service worker could get through a whole month of working in the field without being able to provide some example of behavior observed that they felt was

unethical, or perhaps breaking a law” (1996, p. 187). Human service work deals inevitably with important values and competing “shoulds” as well as real limitations in what can be done.

For example, workers and agencies are expected to act in support of client well-being at all times but in reality often work with such limited resources that the quality of services suffers. Likewise, professionals are rightly expected to be empathic, nonjudgmental, and nonmanipulative toward their clients as well as direct and straightforward in addressing conflicts with colleagues. Yet workers, like all human beings, are fallible, with emotions and impulses that are not always perfectly contained or managed. Within this mix of ideals with reality, it is safe to say that there are no perfect agencies and no perfect workers, though all must strive to maintain the highest possible ethical standards. Even so there often is not one right path forward, and there are many circumstances in which the ethical standards do not yield clear answers to the questions at hand. As stated by Gray and Gibbons (2007), ethical standards and codes do not provide a “cookbook” approach to decision making but rather a set of guidelines and aspirations to help us live out the values of the profession in our day-to-day work.

As you consider ethical standards in your internship, it is wise to give some thought to which ethical standards and issues are most prevalent within your setting. Each agency, depending upon the nature of the work it does, as well as its own inherent strengths and weaknesses, has its potential pitfalls. For example, in some agencies the intense nature of the demands upon the staff might increase the likelihood that conflict will develop between staff members; therefore, the standards having to do with colleague relationships might be particularly at risk. In another agency, tough decisions about confidentiality may be predictably at risk due to the population being served. For example, when working with potentially violent clients, issues regarding “duty to warn others” are likely to surface.

Legal Issues and Standards of the Profession

Related to, but not identical with, ethical standards are legal issues that must also guide the decisions and actions of human service professionals. Although professional organizations monitor and sanction their members’ behavior in relation to the ethical standards of the profession, legal obligations carry even more weight. In the case of legal issues, the broader society sets certain expectations, duties, and obligations for professionals. Unfortunately, a clear, concise statement of these expectations does not exist. Legal standards change and evolve over time, emerging from court decisions, legislation, and regulations. As a result of this dynamic and evolutionary quality, the legal standards affecting workers may not be completely clear because they are continuously being shaped. Professionals should be aware, nonetheless, that they work in an environment of not only ethical constraints but legal constraints as well. It is generally agreed that human service workers have the following legal obligations:

- To provide a reasonable standard of care,
- To respect client privacy and maintain confidentiality,
- To inform clients accurately and thoroughly about the services offered,
- To report abuse, neglect, or exploitation of dependent people, and

- To warn and attempt to protect people who might be harmed by a client's behavior. (Alle-Corliss & Alle-Corliss, 1999, 2006; Cournoyer, 2014)

Most of these legal standards are also reflected in the professional ethical standards, but one area that is not always clearly addressed is that of "reasonable standard of care." The ethical standards do tend to speak to issues of quality of care throughout in a more general way, through identifying ideal standards of worker behavior. Although professionals and agencies should strive toward the highest ideals in their conduct, legal questions about standards of care often have to do with the lower limits of acceptable worker and agency performance, especially when litigation against professionals and agencies is involved. Standard of care is perhaps the broadest of the legal issues, and one which clearly relates to each and every human services setting. It is morally and ethically right, as well as legally required, that all professionals and agencies provide a reasonable standard of care to the people whom they serve. But what exactly is a reasonable standard of care?

A reasonable standard of care relates to many areas of worker activity but generally is thought to include at least the following:

- Delivery of services and interventions based on sound theoretical principles,
- Knowledge about the populations being served and the services being offered,
- Reliability and availability of services to clients,
- Initiative and action on behalf of client and public safety,
- Adherence to ethical standards of the profession in relation to client care, and
- Systematic, accurate, thorough, and timely documentation of client care.

As charges of malpractice become more common, human service professionals and the agencies in which they work must stay abreast of the legal issues that might emerge in their work. Malpractice charges may allege either professional misconduct or negligence on the part of a professional or agency. Therefore, acts of commission (what the professional or organization did) as well as acts of omission (what the professional or organization did not do) are open to such charges (Reamer, 2013b). Human service professionals can reduce their risk of becoming involved in such charges by staying aware of the legal and ethical risk factors that are potentially present in their work and by consistently maintaining the highest standards of practice.

COMPETENCY 2: UNDERSTANDING THE VALUES AND IDEALS THAT GUIDE RESPONSIBLE HUMAN SERVICES PRACTICE

In addition to having a knowledge of the ethical and legal standards of the profession, workers who strive to act ethically must also develop an understanding of the values and ideals of the profession that shape the larger context of ethical action. Certain worker characteristics might be thought of as professional values within the human service profession because there is a high degree of consensus among members of the profession that these characteristics are desirable. Some of the most commonly cited professional values are client self-determination, respect for human dignity, empathy, genuineness, positive regard, nonpossessive warmth, patience, self-awareness, pragmatism, noncontrolling interpersonal style, trustworthiness, and open-mindedness (Egan, 2010; Neukrug, 2013; Mandell & Schram, 2012; Woodside & McClam, 2015). While some of these values are specifically mentioned within the formal ethical codes of human service professional organizations, others are not. Yet the literature within the field clearly sets a context of expectations for competent professional behavior by consistently citing the traits previously noted, among others, as desirable.

Beyond the personal characteristics of professionals, other core values of the profession are also important to include in any discussion of the values context of human service ethics. Values such as striving for social justice, respecting cultural differences, and providing services for clients in the least restrictive environment possible fall within this broader context. All of these values come into play moment-by-moment as human service professionals consider such routine questions as: “How will I respond to this individual?” “What action will I take in this situation?” “What must I be careful not to do or say at this point?”

COMPETENCY 3: RECOGNIZING THE ETHICAL, LEGAL, AND VALUES ISSUES YOUR WORK

Occasionally, interns say that they have encountered no ethical issues during their internships. What students usually mean by this is that they have not encountered any gross ethical violations. The student might have a good knowledge of professional ethics, legal standards, and values but not be fully attuned to their relevance in more subtle everyday situations. An important objective of the fieldwork experience is that students develop ethical sensitivity—that is, the ability to recognize the ethical, legal, and values issues involved in their day-to-day work. Ethical sensitivity, as compared to ethical knowledge, goes beyond just knowing the ethical standards or recognizing gross ethical violations and extends into the ability to recognize more subtle ethical, legal, and values issues that operate within ordinary, everyday practice situations.

Human service professionals are expected to be sufficiently aware of and reflective about their work to know the issues inherent in a given situation before they get pulled unknowingly into questionable behavior or circumstances. Reflection is key to achieving this goal. As a student, you are particularly urged to take time for careful reflection each day. Using the Integrative Processing Model (discussed in Chapter 4) will help to ensure that you are thinking through your experiences carefully enough to identify feelings of dissonance and to recognize the ethical, legal, and values issues that may be present within them. Research suggests that “moral distress” is not uncommon among both health care and human service professionals who, due to ethical issues in their work, experience anxiety, anger, guilt, and other upsetting emotions (Nuttgens & Chang, 2013). This research suggests that paying attention to one’s emotional responses plays an essential role in developing ethical sensitivity as self-awareness and careful reflection are fundamental to identifying ethical issues that might be involved.

Textbooks and other educational materials focused on teaching ethical competence routinely offer case scenarios from human service practice so that students can analyze the ethical issues in them and think through the choices they would make if they were in a similar situation. This is a useful and instructive approach, but such case material is limited by its distance from the student. Students can only imagine themselves in the situation and cannot feel the full emotional and intellectual complexity of it as they would in a genuinely lived experience. Internships place students more directly into the lived experience of ethical complexity, but students can stay in a somewhat removed position if they perceive ethical issues as pertinent only to the professional staff or to the agency but not to themselves. Too often students assume that since they are “only interns” that they themselves will not be directly involved in ethically sensitive situations. The case examples offered below examine the challenging ethical terrain encountered by several internship students. As you read them, identify the ethical issues involved in each one. Think about whether the issues faced by these students resonate with your own experiences in any way. Although your experiences are no doubt different from those described in the cases, you might find that reading the cases heightens your own sensitivity to ethical issues involved in your internship and your professional relationships.

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