

Ethical/Confidentiality Dilemmas

Updated July 2013

This summary was developed as a guide for Centre staff to reflect on how we act and are we doing the right thing. The need for having this tool for reflecting on our actions was identified at our Spring 2005 staff day. The intent is for staff to read the scenarios, think of how they would respond and then read and reflect on the answers staff has put forward. These scenarios are to be read as part of new staff orientation.

The answers are based on taking our code of conduct, confidentiality, and consent for services, our philosophies of service delivery and other policies into “real life” scenarios. By reading and thinking about these scenarios a staff member can “think ahead” and be prepared to respond.

Ethics is about how we behave and is based on principles of trustworthiness, respect, dignity, responsibility, fairness, common good and caring.

Some steps and questions that may guide your thinking include:

- Recognize the dilemma: what is the moral issue? What are the facts?
- Is there something wrong personally, interpersonally, or socially?
- Is there a conflict that could be damaging to someone?
- Who has a stake in the decision or action? What are the consequences?
- What is the relevance of the communication? What opinions produce the least harm?
- What values are involved?
- Weigh the benefits and the burdens
- Which option/action would do the least harm?
- Which option/action respects the rights and dignity of all stakeholders? Which promotes the common good?
- What is the reasonable expectation for privacy?
- Can you think of a similar decision? Is there someone whose judgment you respect that you can seek help from? Or, what would the most ethical person in your life you know of do?
- Reflect after the action on; did I do my best? What would work better next time?

Scenario 1:

You are discussing a treatment plan with a client. During this conversation, the client makes a request to have a specific employee involved in the plan, and also make negative remarks towards another colleague and requests not to have that particular person involved in their treatment. How should you respond?

Ethical Considerations: Fairness, Responsibility, Caring

What To Do:

- Acknowledge the feelings of the client
- Ask the client if willing to further discuss their concerns? Explain to the client our Centre approach of wanting to hear all concerns and complaints in our commitment to providing quality services.
- Determine the legitimacy of the concern. Is it a reportable concern, or gossip?
- If the client is unwilling to personally bring the concern forward (negative remarks: are they real concerns or ?) and the concern has “weight” in your opinion then inform the client that you perceive this concern to be important and must take it forward to your program manager or the Executive Director.
- Explain how the Centre will try to work towards accommodating the request as our approach is based on the belief that good working relationships between the service provider and the client/parent will result in the best outcomes. (or attaining of agreed upon service goals.)

Situation 2:

You are talking with someone from the community; this person inquires about the programs offered at the Child Development Centre, and asks your opinion about other programs offered by different organizations in the community. How should you respond?

Ethical Considerations: Responsibility, Confidentiality, Caring

What To Do:

- Inform the person asking that you work for the Centre and thus have a “bias” towards our services. Any comments or advice you give is based on wanting to give correct information. You want to be fair to our community partners.
- Outline our services; give information on how clients can contact other service providers
- Encourage people to give services a try, to talk to other providers and to talk to others who receive their services.

Situation 3:

You are getting groceries for the Centre at Overwaita. You meet a client who then begins to ask questions concerning her child. How should you respond?

Ethical Considerations: Confidentiality, Fairness, Respect, Honesty

What To Do:

- Determine the anxiety or stress level of the client and if needing to immediately talk suggest how this can be done in a confidential manner.
- Tell the client you want to respect the confidentiality and be careful of others over hearing

- Thank them for telling you they have a question and let them know how to contact you or you can contact them during work hours.
- Some clients have been discharged from your service, but at one time you were an important, supportive person in their lives and they may need to share with you. Ask directly if they are ok sharing this publicly?

Situation 4:

You are downtown at the mall shopping on the weekend; you are walking down the stairs and see a client. You are unsure if you should greet them, or whether you should be discreet and walk by.

Ethical Considerations: Confidentiality, Barriers.

What To Do:

- In some programs at the centre, as part of the initial orientation we share with the client that in public, unless acknowledged first we will not acknowledge them.
- Let the other client initiate the greeting
- Greet the client with a hello like you do for all persons you pass in the stairwell. (with being in such a small town it is hard to know them from somewhere else.)

Situation 5:

An employee is wearing short shorts, or a tight tank top, a client notices and mentions this to you. How do you respond?

Ethical Considerations: Respect, Professionalism, Relates to dress code and the interpretation of what is appropriate.

What To Do:

- Thank the client for expressing their concern
- Determine if you will talk directly with the staff member or inform the staff member's supervisor.
- Inform staff of the concern
- Determine if there is any safety issue

Scenario 6:

Someone in the community approaches you about their observation that an employee at the Centre is performing their job poorly. How should you respond?

Ethical Considerations: Fairness

What To Do:

- Acknowledge the concern as it is important to the Centre that we hear all concerns
- Inform the person of the Centre concerns and complaint process and ask if they are willing to talk with a supervisor, or the Executive Director, or if they are willing to put their observation down in writing. Ask: Do you feel I need to take this forward?
- Inform the person that this process can be confidential if they wish and in no way bringing a concern/complaint forward affect their ability to access or use our services.
- If unwilling to bring the concern forward as a staff member you have heard about the observation and now you must weigh the impact of this concern. i.e. Would it be a safety concern if this was truly happening? How does the staff behaviour affect the quality of services? Our Reputation?
- Determine your action. Inform your supervisor, speak directly with your colleague or inform the Executive Director.

Situation 7:

You are assisting a child in swimming lessons. A parent dropping their child off for swim lessons asks if he/she is your child. How do you respond?

Ethical Considerations: Confidentiality, Respect

What To Do:

- Before starting to work in the community with a child ask the parent what they would like said. Or ask the client how they would like this question answered.
- Answers may be "I am a friend." Or "I am working"

Situation 8:

You are at the swimming pool assisting a child in swim lessons. The instructor and/or lifeguard approaches you and asks questions regarding the child you are with. Is it the parent's responsibility/choice to disclose this information? What should you do?

Ethical Considerations: Confidentiality, Respect, Safety

What To Do: Try to have this dealt with in advance

- Ask the parent/client what they would like to do in this situation
- Remind parents of the importance of full disclosure of safety information on consent and registration forms.
- Safety plans must be disclosed to appropriate persons inquiring. i.e. lifeguard. Safety plans may include; alerting colleagues of the child that tends to bolt. Letting others know of when you might need help.

- If the parents have not fully disclosed, as the lifeguard to call the parents. If there is not a safety issue, it is “ok” not to know.

Situation 9:

You are in the Centre and a parent of a child in the preschool questions you about what children in the preschool are being supported and why. How do you respond?

Ethical Considerations: Confidentiality, Respect

What To Do:

- Thank the person for their question and explain to them that you cannot release personal/confidential information
- You can provide a general explanation of the programs that are involved with the preschool. For example, you can say our preschool program has other programs that work with us. If your child needs these programs we would talk with you and gain your permission first.
- If you are supporting a child in the preschool you could state “I am supporting the child in the classroom, you can ask his/her parent if you have questions.” Or “We don’t release any personal information about any child in the classroom, but we do encourage parents to talk to each other about their children.”

Scenario 10:

As a Centre employee you are asked to socialize with a client(s)

Ethical Considerations: Confidentiality, Respect, and Honesty

What To Do:

- Need to keep work and social life very separate, and be clear about this.
- One exception may be if it is part of your support or not. If so, before attending an event with a client there must be the setting of limits ahead of time defining your role as a caregiver.
- Another may be a child’s birthday party. Staff may choose to attend but it is important to clarify whether or not you are representative of the CDC.

If you end up at an event (ie. At the same table or participating on the same sports team) introduce yourself as though you have previously met. This will decrease the fears of the client of being identified.

See Centre policy for fraternizing with clients.

Scenario 11:

Clients ask about your personal life?

Ethical Considerations: Confidentiality, Respect, and Honesty

What To Do:

- Limit the information to be shared. You are in a professional relationship with the client and thus you must consider the power imbalance of this not being an equal relationship. We are not friends with our clients as we are in a service provider/receiver relationship.
- Make sure if you discuss any personal information it is not given as advice. This was a suggestion from a staff member, do we agree?
- It may be okay to share whether you are married or have children but it becomes crossing over of boundaries if you start sharing personal information such as: school friends, extracurricular activities, ect.

Scenario 12:

You are looking for extra help doing yard work. You contact the summer student unemployment centre and the person suggested to do the work is one of your clients.

Ethical Considerations: Respect

What To Do:

- If there are options, choose the other student that isn't your client
- If there are no other options, talk to the student and explain that what happens on the job will not interfere with what happens in the office at the centre.
- Make it clear to the student what is professional and what is personal
- Ask the student if they still want to do the work for you or not

Scenario 13:

A client calls you at home looking for help with their child because they are misbehaving, acting out, ect. What do you do?

Ethical Considerations: Respect, Safety

What To Do:

- Say "I'm sorry, I am busy with my own family at the moment, and I will call you in the morning."
- If it is an unsafe manner, tell them to call the police and that you will phone them in the morning to check up.

Scenario 14:

A client asks you to go out for coffee/dinner to discuss her services received and personal/family issues.

Ethical Considerations: Confidentiality

What To Do:

- Thank her for the invite but respectfully decline
- Explain to her how discussing personal/family issues in public doesn't give the privacy she may need, and perhaps invite her up to the Centre for coffee to talk where she would be guaranteed privacy.

Scenario 15:

You are invited to attend a meeting by another agency. Parents are in attendance at this meeting. You question the information and strategies that are being shared. What should you do? Or, you sense friction amongst agency professionals. You leave the meeting feeling uncomfortable. What should you do?

Ethical Considerations: Respect, Honesty

What To Do:

- Not say anything at the meeting, because you were invited there, however, after the meeting perhaps call the agency and tell them you were uncomfortable during the meeting and ask them to explain their strategies/information, and also ask them if there is something you don't know about. Express your opinions and thoughts.
- If you knew the family/parents at the meeting ask them how they felt about it.
- Ask questions that you think the parents may have so the information they might need to know is provided to them.
- Perhaps say "I was looking at approaching this in a different manner."
- In general don't argue in front of parents, but also if you don't agree then don't say you agree. Say you would like time to think about what was presented at the meeting.
- If stressed about the situation debrief with a colleague or supervisor.

Scenario 16:

You have received information from a third party regarding one of your clients. This information includes the client is involved with the Ministry of Children and Families. Your client has not disclosed this information to you and has not listed them on the consent to release form. Do you ask the client about the circumstances? If your client discloses this at a later time, do you let them know you knew?

Ethical Considerations: Confidentiality, Honesty, Trust

What To Do:

- Look at your responsibility and role with the client by knowing what support services that you are in charge of providing. You have your role and MCFD has theirs.
- Allow time for the client to disclose this information to you. Perhaps they have not felt comfortable or ready to discuss it.
- If contacted by MCFD provide information that would be in the best interest of the client.
- Maintain the trust that you and the client have established by using the approach that you feel would work best for your client.
- If still unsure ask your supervisor

Scenarios 17-19 have no answers

Scenario 20

You are doing a supervised access visit at the pool with 2 children (currently in care) and their biological parents. Also at the pool is a centre employee with her family, who is also employed outside the centre as a babysitter for these two children by their foster parents. In one pool is mom with the youngest child, in another is dad with the oldest child. The oldest child keeps going over to the babysitter wanting to play and spend time with her and her family, uninterested with the father. The father becomes upset and walks away, leaving the child unattended. He shortly returns after he has cooled down. The father later expresses to you that he felt like he was being watched and judged and does not want to return to the pool with his children the next time if the babysitter/ other Centre employees are there. What do you do?

Ethical Considerations: Respect, Safety

What To Do:

- Acknowledge the feelings of the client
- Be aware of our personal bias
- Take the issue forward and inform your program manager, supervisor or executive director.
- Determine if the pool environment is a “safe environment” for a supervised access visit.
- Determine whether there is a conflict of interest with the Centre employee who is babysitting the children in foster care.
- Inform the father of the Centre’s concerns and complaint resolution process and ask if they are willing to take to the supervisor or executive director.

Scenario 21

You have just been asked to step in and cover for another worker (ex. Supervised access, preschool, playgroup). You do not know information about the family/child you have been asked to work with. What do you need to know?

Ethical Considerations: Confidentiality

What To Do:

- It will largely depend on the program and length of time they're filling in. Safety related information should be the priority, staff should know "what to do if" in the interest of safety. Also to take into consideration is does the child have difficulty identifying safe boundaries.
- Suggestion: scripted responses to be available for staff in the event they are used for temporary relief.
- Suggestion: have reference cards that staff can access at arm's reach to give a brief synopsis of service considerations.