

# What Should I do?

## Professional Ethics in Child and Youth Care Work



Nicholas P. Smiar, PhD, ACSW, CISW  
International Member, NACCW



## Scenario\*

- Your agency has been caring for orphaned and neglected children. In order to increase its revenue, the agency is about to become a residential treatment center and to begin to care for mentally ill and potentially violent youth. This means that the agency's intake will now change, and the criteria for admission to the home will include a history of disruptive and assaultive behavior. However, the agency's in-service training program does not change.



# Ethics

- Ethics has to do with the “rightness” or “wrongness” of an action; the basis for the judgment is the set of values of the decision maker.
  - Personal values – derived from influences in a person’s own life and the integration of those values; this will include religious and spiritual values.
  - Professional values – usually codified into a professional code of ethics; explicitly subscribed to by the professional; assumed by the public (reasonable expectations of the conduct of a professional).



# Profession

- One who enters a profession “professes” to society and the public a set of core values and agrees to abide by these.
- **Therefore**, a Code of Ethics is not a set of externally imposed rules but a **set of standards** for evaluating behavior, one’s own and that of colleagues, which one has explicitly agreed to follow.



# Professional Ethics

- Society provides a social sanction which defines who may use professional titles and perform professional activities.
- In exchange, the profession agrees to
  - Police itself;
  - Be responsible to the state and to the public;
  - Employ highest standards of care

[All of this requires a recognized set of ethical principles and standards of behavior, or, in other words, what the public can reasonably expect]



# Professional Ethics

- Professional ethics are codified, that is, systematized, on the basis of core values and focal activities of the profession.
- Any profession's code of ethics focuses on those activities which are central to its purpose. Thus, for child and youth care work: **responsibilities to clients, colleagues, organization, profession, and society.** [contrast with medicine, nursing, law].



# Code of Ethics

- Core values ----- related to the focal activities of the profession and considered essential to effective and legal practice
- Basic principles ----- how the core values are to be operationalized
- Standards of behavior ----- the professional behavior which can be reasonably expected by the public



# Values

- A value is a firmly held belief or attitude which has a connection to action. There are four dimensions to values:
  - Intellectual – A value is a firmly held belief or attitude.
  - Action – If the value is “hit” or evoked, a commensurate action is highly likely.
  - Emotional – Values evoke passionate attachment and, thus, the connection to action.
  - Pattern – Values are arranged in a hierarchy which may and often does shift over time or because of circumstances.



# ***What are the core values of child welfare?***

- Protection of children (parens patriae)
- Preservation of families
- Respect for families
- Respect for persons
- Client self-determination
- Individualized intervention
- From the child and youth care worker:
  - Competence
  - Loyalty
  - Diligence
  - Honesty
  - Promise-keeping
- Confidentiality
  
- From “Ethical Child Welfare Practice: A Companion Handbook to the Code of Ethics for Child Welfare Professionals. Volume 1: Clinical Issues.” State of Illinois, Department of Children and Family Services, Office of the Inspector General. © 1999



# Core Values of Child and Youth Care Work

- **Service**
  - Primary professional responsibility is to the child
  - Employing best practices; knowledgeable and competent practice
  - Holding self responsible for quality and extent of services
- **Social Justice - doing what is right**
  - Non-discrimination
  - Rights of parents and families; significant others
- **Dignity and worth of the person**
  - Treating each child, youth, family with respect and dignity
  - No abuse; no corporal punishment
- **Importance of human relationships**
  - Confidentiality
  - Maintaining professional boundaries
- **Integrity**
  - Accurate presentation of self (qualifications, etc.)
  - Support for ethical conduct of individuals and organizations
- **Competence**
  - Continuing education in CYCW

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I, as a Child and Youth Care Professional, ***commit myself to continually examine my actions*** in accordance with the Code, and subscribe to the following statements:

I am committed to ***supporting each child's optimum social, emotional, intellectual and physical development*** within a safe, healthy, and enriched environment.

I will ***not discriminate*** on grounds of race, colour, religion, age, sex, or national ancestry, and, in my professional capacity, will ***work to prevent and eliminate such discrimination in rendering services, in work assignments, and in employment practices.***

I will ***maintain confidentiality*** in my dealings with children, parents, and colleagues and will ***safeguard the child's right to privacy.***



I will ***avoid misrepresentation*** of my professional skills, qualifications, and affiliations.

I have the ***right and obligation to share in the maintenance of the ethics of my profession.***

I will respect ***families' rights to make decisions for their children and will uphold their beliefs and practices whenever possible.***

I will be aware that not only the family but also ***other people and experiences influence the development and attitudes of children and youth.***



When conflicts arise between parent and Child and Youth Care Professionals concerning generally accepted professional and/or developmental practices, I will ***make every attempt to clarify the issues for the parent*** through education and communication

I will uphold the principle that the Child and Youth Care Professional's ***primary professional responsibility is to the child.***

Even though working with children may satisfy my own emotional needs, ***the child's total development will remain my primary concern.***

Because I believe that everyone has the right to feel that she/he is a worthwhile human being, I will ***treat each child, youth, and family with respect and dignity.***

I will ***not mentally, physically, or emotionally abuse children and youth in any way***, nor wittingly be party to such abuse.

I believe that ***corporal punishment is unacceptable.*** Inappropriate behaviour should be dealt with through positive, productive discipline and guidance.

I am committed to seeking and using opportunities for ***personal and professional growth.***

I hold myself ***responsible for the quality and extent of the services*** I perform.



I will ***practise Child and Youth Care Work within the recognised knowledge and competence of the profession.***

I recognise my ***professional responsibility to add my ideas and findings to the body of Child and Youth Care knowledge and practice.***

I accept responsibility to help ***protect those in my care from unethical practice by any individuals or organisations*** engaged in child and youth care activities; and

I accept ***responsibility for working towards the creation and maintenance of conditions within facilities that enable my child and youth care colleagues to maintain themselves in keeping with this Code of Ethics.***

# Ethics and Law



- Ethics – social justice: what is right or fair.
- Law – legal justice: following the rules of the court

# Applicability of Codes of Ethics



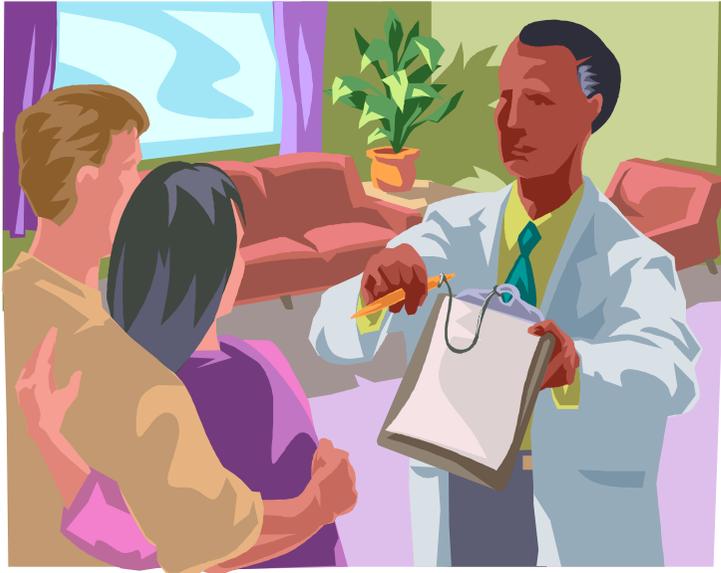
- Rule of the court: In legal matters regarding ethical practice, the code of ethics of the largest professional organization in the field shall apply, as accepted standards of practice.
- In child and youth care work: SACSSP/NACCCW Code of Ethics for CYCW's

# Confidentiality



- **Essential to the full and satisfactory completion of the work**
- **Basis of the fiduciary relationship**
- **Shared:**
  - **With informed consent**
  - **Compliance with law**
  - **Prevent serious, foreseeable, and imminent harm**

# Informed Consent:



**Competence:** able to understand the consent

**Knowledge:** has information about the consent

**Autonomy:** understands the implications of “yes” and of “no,” and can give consent freely



# In Compliance with the Law...

- In cases of child abuse and neglect.
- In response to a court order, e.g.:
  - Proceedings for guardianship.
  - Condition an element of claim or defense.
  - Examination by order of a judge.
  - Court order for release of records.



# Prevent Serious, Foreseeable, and Imminent Harm: Tarasoff Warning

- Confidential information is not disclosed, except for compelling professional reasons and when disclosure is necessary to prevent serious, imminent, and foreseeable harm to a client or other persons.
- Under the law, there is a duty to care, also referred to as a duty to protect or the duty to warn.



# Elements of Duty to Protect/Duty to Warn

- **“Serious”**: Threat of violence
- **“Imminent”**: Immediacy of the threat
- **“Foreseeable”**: Likelihood client will cause physical harm to self or others, e.g., presence of a plan or the means.
- **Duty of the professional** to attempt to control client’s actions, to prevent harm.



# **BOUNDARIES**

# Boundaries

- **A systems concept:**  
social boundaries  
[*created by social artifacts*]
- Within personal boundaries, we enact our roles [*set of expected behaviors*]
- **Dual relationships:**  
entering into a relationship in addition to worker-client





## **Distinguish: Boundary Violations**

- Deliberate, constructed
- Providing benefits for the professional
- Crosses the line of ethical practice
- Ethical obligation: avoid the violation to begin with

## **Boundary Crossings**

- Inadvertent, unintended
- Neutral in regard to any benefits
- Creates ethical quandaries which can be resolved.
- Ethical obligation: attend to the ethical issue.



## Attend to:

- **The Before:** clients you have reason to believe will make their way to you.
- **The During:** Attend to the lines which are not to be crossed
- **The After:** Basic consideration: potential of harm to the client
- **The concentric circles:** Relationships with persons with a significant connection to the client.



## Note:

- Boundary violations and crossings can occur at the
  - Micro level – in our work with individuals
  - Mezzo level – in our work with families and groups, and
  - Macro level – in our administration, management, supervision, organizational change efforts, community development, and social action efforts



# Ethical Responsibilities to Colleagues

- Silence is not an option. It is unethical to fail to address unethical practice.
- When the misconduct is not severe or egregious, approach the colleague to resolve the issue informally.
- If this proves impossible or ineffective, further action must be considered; but be sure that your motive is to protect clients, the agency, or the profession, **not simply to serve your own interests.**
- What are the avenues of remediation available to you?



# Ethical Responsibilities to Colleagues

- Consider the strength and quality of evidence of misconduct. Is it “compelling and incontrovertible”? Is it “equivocal, circumstantial, or hearsay”?
- Intermediate steps, such as mediation, strict supervision, restitution, and continuing education may be reasonable alternatives to filing a formal grievance.



# Ethical Responsibilities to Colleagues

- Consider whether formal reporting will be effective and produce meaningful change. *This is where formal ethics review boards have a crucial role.*
- Consider the liability risk associated with defamation of character. “Libel refers to any harmful written statements, and slander refers to orally conveyed communication.” Be sure any written or oral statements are factual.



# **DECISION MAKING IN ETHICS**



# Factors in the decision making:

- One's own personal value set and impact of the decision on oneself
- Agency philosophy, policies, procedures
- Regulatory agencies and codes
- Legal aspects and issues
- Circumstances which affect the decision
- **Professional ethics**
- External verification (not subjective judgment)

***How are these supposed to fit within the decision making process?***

***Priority of professional ethics.***



# Ethical Rules Screen

- Examine the Code of Ethics to determine if any of the standards of the Code are applicable. These standards take precedence over the worker's personal value system.
- If one or more standards apply, follow these.
- If the Code does not address itself to the specific problem, or if several standards of the Code provide conflicting guidance, use the Ethical Principles Screen



# Ethical Principles Screen

- Protection of Life
- Equality and inequality
- Autonomy and freedom
- Least Harm
- Quality of Life
- Privacy and confidentiality
- Truthfulness and full disclosure

# Ethical Decision Making

- Determine: an ethical issue or an ethical dilemma? [conflicts of values, rights, responsibilities]. Or is this a management or supervisory issue?
- Identify key values and principles; rank them. [Go deep into the Code]
- Identify key persons, groups, organizations with a stake in the issue/dilemma
- Identify all possible courses of action
- Examine reasons for and against each action
- ***Consult with colleagues, supervisor, ethics board; do not do this alone.***
- Select the strategy, implement it, document it.
- Reflect on outcomes: Monitor, evaluate, document



# Instructions for the Exercises:

- Read the scenario carefully.
- Are you concerned about anything here?
- If so, what?
- Is this an ethical issue or an ethical dilemma? ...or is it perhaps a management issue? What is the issue or dilemma?
- “Tag” it into the Code.
- Follow the rest of the model for decision making.



## Scenario\*

You observe that one of the children in your unit has bruises on his arms and back (signs of physical abuse). He tells you that a colleague of yours had beaten him the night before because he had been naughty, but he pleads with you not to tell anyone and asks you to promise that you will keep the secret. He is afraid of retaliation.



## Scenario\*

You have just been hired as a new CCW in a children's home. In your training for the job you are told that the policy of the home is that when a child is naughty you must knock him to the ground to teach him a lesson and to make sure that he never does that again. This has been the practice in the home, and no one had ever questioned it. So, the implication is that you should not question it but do it.



## Scenario\*

- A CCW has been working for months to earn the trust of one of the most difficult youth in the children's home. He has finally made some inroads in this regard. One day, that youth tells the CCW that he has some things he would like to share with him, but before he does so, he wants him to promise not to share what he has to say with anyone (including his supervisor) and not to record it in the case file. How should he respond?



## Scenario\*

- The day when a child leaves the children's home to return to her/his home or go to a foster home, is an exciting time. Appreciative parents or foster parents have been known, following the discharge, to send such things as flowers, cakes, boxes of candy, or individual gifts to the child care workers. How appropriate ethically is the receipt of such gifts? What are the issues involved? How might they be resolved?



## Scenario\*

An intake worker at the children's home is conducting an investigation on a family of a newly referred child. In the course of the initial conversation, she discovers that the family is of the same religious faith as she (although they are in different congregations). This particular religious tradition has a long-standing reputation of taking care of its own and being there for its members when they are in trouble or have needs. Without seeking the clients' consent, the worker decides to approach the head of the church in that area and seek his help in intervening with the family and providing resources.



# Scenario

- Marilyn is a CCW in your protective services unit, working with abused children in shelter. She has been employed as a protective services CCW for twelve years, ten years longer than you. For the past six months you have noticed that Marilyn has been coming in to work late on a regular basis (at least twice each week, usually on Mondays and Tuesdays), has taken every sick day that she has earned (often on Thursday and Fridays), and often looks somewhat haggard. When she arrives at work she has a distinct odor of alcohol on her breath. She does what is expected on the job; but her work has often been late, especially her documentation of findings regarding child abuse and neglect.



## Scenario

It has been brought to your attention that one of your colleagues, whose job title is “child care aide” and who is not registered as a CCW with the SACSSP, has been signing off on cases as “John Jones, Registered CCW,” more for the sake of convenience than to deceive anyone. He says that his supervisor has approved and that it makes no difference since he is a full-time employee.



# Scenario

A CCW employed in a well-respected sectarian child care agency met with his supervisor to discuss treatment of an HIV-positive adolescent's disclosure that he has anonymous sex with men. The following week, the CCW's supervisor, espousing agency policy – whether formal or informal – advised him that the youth must be discharged because he poses a safety risk to the other adolescents in the program and because the agency's reputation could be tarnished for serving gay boys with AIDS.