

Ethical / Confidentiality Dilemmas

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 scenario's, think of how they would respond and then read and reflect on the answers staff have put forward. These scenario's are to be read as part of new staff orientation.

The answers are based on taking our code of conduct, confidentiality, 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 options produces 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 of 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 you know in your life do?

Reflect after the action on did I do my best? What would work better next time?

Situation 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 makes 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 discuss further 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 work towards accommodating the request as it is 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. Want to be fair to our community partners.
 - Outline our services, give information on how client can contact other service providers.
 - Encourage person 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 / Confidentiality 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 confidentiality and be careful about what others may overhear.
 - Thank them for telling you they have a question and let them know how to contact you or you to contact them during your work hours.
 - Some clients will 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 are they ok sharing this publicly?

Situation 4:

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

- Ethical / Confidentiality Considerations: confidentiality, clients may not want others to know they are accessing Centre services. (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 they acknowledge us 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.
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Situation 5:

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

- Ethical Considerations: respect, professionalism, relates to our dress code and the interpretation of what is appropriate dress.

- 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, ask the staff to take from the client perspective.
 - Determine if there is any safety issues. (identify risks of)

Situation 6:

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

- Ethical Considerations: fairness
- What to do:
 - Acknowledge the concern as 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 will put their observation down in writing.
 - Ask do you feel I need to take this forward?
 - Inform the person that the process can be confidential if they wish and in no way will bringing a concern/complaint forward affect their ability to access or use our services.
 - I would like to share this concern with my supervisor but will do so anonymously.
 - 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 behavior affect the quality of our services? our reputation? Etc.
 - Then 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 / Confidentiality 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 might be “I am a friend.” or “ I am working”

Situation 8:

You are at the swimming pool assisting a child in swimming 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 / Confidentiality Considerations: confidentiality, respect, safety
- What to do:
 - Ask the parent or client what they wish 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 the lifeguard. Safety plans may include alerting colleagues of the child that tends to bolt. And letting others know of when you might need help.
 - If the parents have not fully disclosed, ask the lifeguard to call 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 preschool, questions you about what children in the preschool are being supported and why? How do you respond?

- Ethical / Confidentiality Considerations: confidentiality, respect,
- What to do:
 - Thank the person for their question and explain that you cannot release personal/confidential information.

Can you share what the program is?

Scenario 10

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

- Ethical / Confidentiality Considerations:
- What to do:

Scenario 11 Clients ask about your personal life?

- Ethical /Confidentiality Considerations
- What to do?

Also at the staff meeting the concept of having an ethics committee was brought forth. What do you think the terms of reference for the committee should be? How should this work? Who should be on it? Etc.. Feedback please..

Thank you

Margaret