

Ethical Compass



Ethical Compass is an initiative of the NLCSW Ethics Committee and is intended as a resource for members. The issues covered in this publication have been identified by social workers as part of the NLCSW ethical consultation process and from a review of ethical trends in practice.

Is This Something I need to Report?

Confidentiality in professional practice is a core social work value. Social workers respect the trust placed in them by clients to maintain confidentiality, and support clients' right to self-determination and how their information is shared. Yet, there are times when social workers question whether they have a duty to report client information in meeting their ethical, professional, and legal obligations. This edition of Ethical Compass will explore duty to report and highlight areas for consideration.

Practice Scenarios: 1) A client tells you they robbed a convenience store. 2) A client discloses intimate partner violence. 3) During a session, a client says they are in possession of an illegal drug. 4) An adult client discloses childhood sexual abuse. 5) A client threatens to harm their ex-partner. **Reflection question:** What are your immediate thoughts on how to approach each of these scenarios?

Understand Your Professional Responsibilities: Every practice situation that leaves a social worker questioning if they have to report client information is unique. In thinking through the ethical complexities, a review of one's professional obligations outlined in the Canadian Association of Social Workers (CASW) (2005) [Code of Ethics](#), CASW (2005) [Guidelines for Ethical Practice](#) and the Newfoundland and Labrador College of Social Workers (NLCSW) (2020) [Standards of Practice](#) is essential. Consider the following:

"Social workers respect the client's right to confidentiality of information shared in a professional context"(CASW Code of Ethics, p.7).

"Social workers discuss with clients the nature of confidentiality and limits....Social workers review with clients when disclosure of confidentiality may be legally or ethically required" (CASW Guidelines for Ethical Practice, p. 7).

"Social workers may disclose client information without consent when

- disclosure is necessary to prevent serious, imminent and foreseeable harm to self or others
- required by law or court order" (NLCSW Standards of Practice, p. 7).

NLCSW's [Ethical Decision-Making in Social Work Practice](#) is a great resource to review. Working through the steps outlined in the document allows social workers to think through the different aspects of a dilemma, ground one's decision-making within an ethical framework, and maintain professional accountability. Importantly, this process of pause and reflection will help to ensure that one's professional duty regarding client confidentiality is maintained. This duty may also include the need to disclose client information when warranted.

Questions for Consideration:

- 1) What do clients anticipate will happen as a result of disclosure? Do they consent for this information to be shared? Were the limits to confidentiality previously discussed? Are there concerns about the client's capacity? It is important to engage clients in a conversation on one's professional obligations regarding the disclosure of client information at the beginning of the social worker-client relationship and throughout the relationship as necessary. This open dialogue allows clients to decide what information they disclose and is in keeping with the client's right to self-determination.
- 2) Is there a law that requires reporting, even without client consent? Social workers have an ethical responsibility to be aware of legislation impacting on their practice (e.g., Children, Youth and Families Act, Adult Protection Act). Seeking a legal consultation to provide clarity and guidance on one's legal responsibilities on reporting is important. Engaging clients in conversation about these legal responsibilities can also be helpful.
- 3) If this information is not required by law or court order, does the situation meet the threshold for serious, foreseeable, and imminent harm? It is recommended that social workers consult with a supervisor/manager or trusted colleague to explore the situation, discuss options and next steps, and seek appropriate legal consultation. It is important to document the nature of these consultations and one's decision-making.
- 4) Are my own moral convictions impacting my decision-making? What about my own risk tolerance? It is important that social workers are attuned to any pressures, biases, assumptions, or conflicts impacting on one's decision-making. Through a process of self-reflection, social workers can consider these issues and mitigate personal issues that are impacting professional practice.

This edition of Ethical Compass highlighted areas for consideration when navigating ethical issues pertaining to the reporting of client information. It is imperative social workers understand their ethical, professional, and legal obligations, ensure clients are aware of these responsibilities, and engage in a process of ethical decision-making. The importance of consultation and documentation was highlighted and questions for consideration were posed to encourage critical thinking. While the resolution of these dilemmas are not always straightforward, and the nuances in each case are important to consider, social workers do have a clear framework to use in making decisions that are ethically informed and in keeping with the Code, Guidelines and Standards.

References:

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