

## Meaning & Purpose of Ethical Standards

Principles that when followed, [promote values](#) such as [trust](#), good [behavior](#), fairness, and/or kindness.

There is not one [consistent](#) set of standards that all companies follow, but each [company](#) has the [right](#) to [develop](#) the standards that are meaningful for their [organization](#). Ethical standards are not always easily enforceable, as they are frequently vaguely defined and somewhat [open](#) to interpretation ("Men and women should be treated equally, " or "Treat the [customer](#) with respect and kindness."). Others can be more specific, such as "Do not [share](#) the customer's private [information](#) with anyone outside of the company."

## **Work ethically**

Note: This topic — ***Work ethically***, appears in three units of competency in this course:

- CHCAOD402A Work effectively in the alcohol and other drugs sector
- CHCCS400A Work within a relevant legal and ethical framework
- CHCCS411A Work effectively in the community sector

The text is exactly the same for each unit so if you have already done it once there is no real need to do it again. You could revise it in the different context of the two other units.

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Ethics is not an easily defined term. At its highest level, ethical behaviour consists of universal principles underlining our rules of behaviour. Ethics is a set of moral values held by an individual or group. According to the Collins dictionary: values are the 'moral principles or accepted standards of a person or group'.

We all bring to our chosen area of work our own beliefs and values. We may need to modify some of these beliefs in order to work comfortably and for the benefit of our clients in the work setting. While this section will focus on ethical issues related to the CSI, you need to be aware of personal values and how they might impact on your work as they are so closely related to ethics.

**Go to Essential knowledge and read the topic Personal values, beliefs and attitudes**

## **Protect the rights of the client when delivering services**

Client rights are protected by legislation, codes of ethics and standards. From these, organisations develop policies and procedures which are the guidelines that operate in the workplace. Some examples of client rights are:

- the right to privacy

- the right to access all information held about themselves by the service
- the right to confidentiality
- the right to be treated with respect and dignity and to have their social, cultural and physical needs met
- the right to informed choice
- the right to complain about the service being received
- the right to be informed about the service, policy, procedures, expectations and rules of the service.

**For an overview of Client rights go to Essential knowledge and read the topic Client's rights**

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## **Use effective problem solving techniques when exposed to competing value systems**

Workers are in a relationship of trust with their clients and often also with the families of clients. This important relationship can be easily damaged. Workers often face situations that involve a conflict between the needs or behaviours of others and their own professional and personal values. This is what we call an 'ethical dilemma'.

Ethical dilemmas are often situations where there is a clash of values, and you are required to decide which value is the most important. As workers our own personal values can conflict with the values of our profession and/or the values of our clients.

When we are faced with an ethical dilemma we can feel confused and unsure how to respond. As a worker our primary responsibility is to safeguard the rights of our clients, but sometimes the best way to do this is not always clear. Other workers, clients, carers or family members may see the situation differently from us.

## **Principles of ethical decision-making**

Ethical dilemmas are characterised by the 'what if' question and are often situations where there seems to be no clear solution to the problem. So given the complex nature of ethical dilemmas, how do we resolve them and respond professionally and appropriately with our clients and colleagues?

All professional ethical codes and guidelines are based on care and respect for the client at all times. In order to ensure that the decisions you make are ethical you need to:

- be very clear on the guidelines of your particular profession
- be familiar with and guided by all relevant legislation
- be familiar with and guided by all relevant standards which further define how the legislation is applied
- be aware of your employing agency's code of conduct, which is reflected in their policy and procedures. This may be specifically linked to the client group you are working with
- demonstrate a commitment to a moral standard of professional behaviour, which you uphold at all times
- have a system in place which allows you to explore all sides of an ethical dilemma and examine the consequences of any action and/or decisions you may make.

While you explore and examine the ethical dilemma, it is important that you consult with your colleagues, supervisor, director or supervisor. In discussing the dilemma with them you may begin to see the situation more clearly.

You could also refer to the following model, which can assist you in dealing with ethical dilemmas:

## **Ethical decision making model**

The model as outlined below requires you to work through the following steps:

**1. Identify the dilemma.** Firstly you need to look at the dilemma and gather as much information as you can to clarify the problem. For example consider if there are any legal aspects to the issue or if the situation can be defined as an ethical dilemma. It might help to consult with a work supervisor or colleague about it.

**2. Apply the code of conduct or code of ethics.** Once you have a clearer picture of the nature of the problem you need to consult the code of ethics for your profession to see if there are clear guidelines on how the issue should be addressed. Sometimes further exploration is required. There may also be a code of conduct in your agency's policy and procedures manual. Read this.

**3. Determine the nature and dimensions of the dilemma and seek consultation.** In this step you will need to ask yourself questions such as: 'What actions will have the least chance of bringing harm to the client?' 'What decisions will safeguard the well-being of the client?' 'How can I best promote self-determination?'

Sometimes the dilemma may involve other agencies or other professionals. This is a situation where you must consult with your supervisor or director. Do not try to manage on your own! At times the dilemma may involve your director or supervisor. If this occurs, it would be important to raise your concerns with them directly. If you are unable to do this, it would be appropriate to speak to someone outside the agency, such as a management committee member, a superior from head office, a worker from an outside body or in extreme cases, the police. Appropriate people are usually at least one level up from the person concerned and perhaps two levels up if you feel that your immediate supervisor may be biased. It is therefore useful to know who people within the service are and the organisation's relevant reporting system.

Be careful to protect the identity of the client in these situations unless they have given you permission to release their personal information.

**4. Generate possible actions.** Brainstorm (with colleagues if you can) possible solutions to the problem/dilemma.

**5. Consider the possible consequences of all options and determine a course of action.**

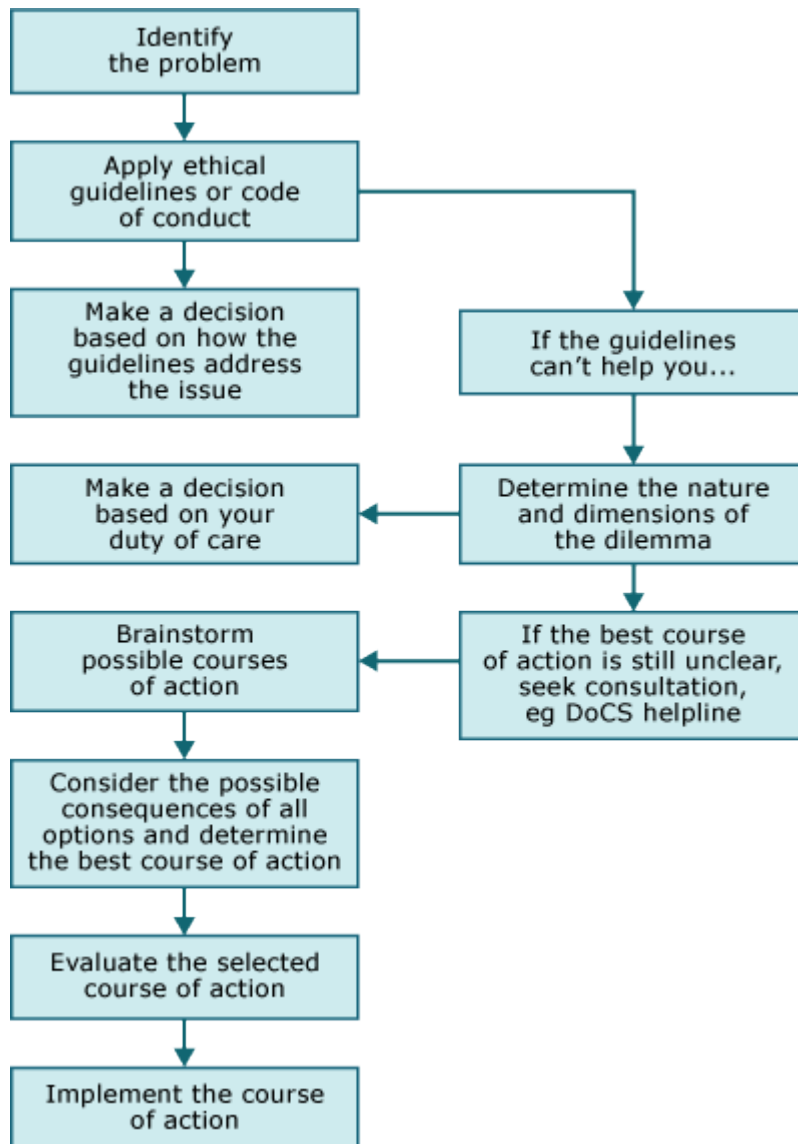
This stage involves looking at all the options and the consequences of actions for all relevant parties, clients, colleagues, agency, profession etc.

**6. Consider the rights and responsibilities of all people involved.** It is critical to consider the balance between rights and responsibilities of workers and clients. It is possible that as a worker you may consider that a client's actions may be putting them at risk of injury. The dilemma arises out of the responsibilities of workers to maintain a safe environment for all clients while at the same time maintaining the rights of clients to make informed choices which may have an element of risk attached to them.

This is called 'dignity of risk'. It is important to consider this balance and choose alternatives which uphold the rights of clients and allow them to accept personal responsibility for their choices and actions.

**7. Evaluate the selected course of action.** Review your selected course of action. Be careful that the action chosen doesn't raise any new dilemmas!

**8. Implement the course of action.** You have worked through a process and should be able to justify your actions and responses. It is always useful to reflect on the effectiveness of your choices, once again with a supervisor or colleague if possible.



Ethical decision making model

There is also a common law responsibility of a duty of care towards clients. This duty exists and is owed at all times by all staff catering for the needs of others. Ethical issues do arise from time to time and it is up to you to be able to recognise it to then to be able to discuss the issue with an appropriate person.

### Activity 1: Case study – Amy and Harry

Harry McDonald is 82 years old and cares for his wife Amy who is an 83 year old community care client. She has later stage Alzheimer's and uses a pickup frame for mobilising. Amy has urinary incontinence. Harry is her primary carer.

Harry is becoming increasingly stressed in his role as carer and has been leaving Amy in her room while he goes to the pub. There has also been evidence of injuries on Amy's wrists which seems to have resulted from her being tied to the bed. Amy wants to remain at her house.

**Use the ethical decision making model to explore this situation. There are eight steps in the model and you need to list what you would do at each step in relation to this case study.**



### Feedback

No matter what way you go about ethical decision-making, you still may feel some anxiety about your decision. This is understandable given the serious nature of the situations and life choices we are involved in supporting our clients to make. Rarely is ethics black and white, right or wrong. Situations are often controversial, because they may be complex, relate to conflicting values or contain a confusing mix of legislation and ethics.

An important sign of your commitment to ethical practice is your willingness to share your concerns or struggles with supervisors or colleagues. Also keep yourself very informed of the latest developments in your field and legislation changes, as well as be prepared to continually self reflect and learn from your experiences. As you can see, a process that should never end, no matter how many years you are in a job or how much experience you have in a given field. We owe it to our clients to ensure that they receive the most professional and ethical assistance possible.

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## Ensure services are available to all clients regardless of personal values, beliefs, attitudes and culture

In order to be an effective worker in the Community Services Industry (CSI) you must be able to reflect upon and recognise your personal values and attitudes. Being able to identify how you think and feel about certain issues, for instance, those related to older people and people with disabilities will enable you to understand how your personal views might impact on your role as a care worker. Being empathic, unbiased and non-judgemental are essential attributes if you intend to work in the community services field. It is important to understand your personal values and attitudes because it enhances your professionalism and ethical work practice.

### Definitions

#### **Value**

A value is defined as that which individuals, groups and communities view as important in life. Values are part of each person's belief system. They develop from rules learnt as we grow up, and become internal messages about how we should behave and what we believe in.

We are all influenced in varying degrees by the values of our family, culture, religion, education and social group. We unconsciously absorb values when we are young from the socialisation processes we undergo. During adolescence we consciously explore our values and after self-evaluation and gaining information we start to develop our own values. As people grow older, values will be altered through personal experience. Since each person has a different life experience and family background, their values will also be different.

#### **Attitude**

An attitude is defined as a belief and describes what we think is the proper way of doing or thinking about something. Attitudes vary in intensity. When we feel strongly about something they are called values. Attitudes that are less important to us are called opinions.

## **Stereotype**

A stereotype is a simplified image that develops when you group people together on the basis of a similarity or characteristic. For example an image that comes to mind when you think about 'the elderly', 'politician', 'Aboriginal', 'Muslim', 'teenager', 'single parent', 'drug addict' 'alcoholic' or a 'disabled person' is probably a stereotype. You may only know one or two people from each group and sometimes none at all but to simplify things you assume that most people from that group are the same. This is also called homogenising.

We all bring to our work our own attitudes and values. In the CSI, being an effective worker will sometimes involve the challenge of moving beyond our own values and attitudes and seeing a perspective different from our own. We will be challenged to establish an effective working relationship with clients of different age, ethnicity, gender, sexual orientation and religious affiliation, with different values and beliefs.

## **Diverse values**

Views about drug use, culture, sexual preference, politics and gender roles will always be present in one way or another, so we all need to be aware of the impact our values have on processes inside and outside of the workplace. We do not all think about and respond to issues in the same way!

Values influence the choices you make. As a care worker in the CSHI you will be constantly faced with choices on a daily basis:

- Which job should be completed first?
- How should you respond to clients' needs?
- What are your priorities when work and personal life conflict?

Different values can create competing needs for you in the workplace. Your values about older people, people with disabilities, people with alcohol and other drug issues, your caring duties, your honesty, your work ethic, your acceptance of other people's values may all differ from your work colleagues' values. They may also be different to the standards and policies of your organisation.

## **Stereotypes**

As previously defined a stereotype is a simplified image that develops when you group people together on the basis of a similarity or characteristic. Negative images or stereotypes of older people and people with disabilities influence the way we think about ageing and disabilities.

## **False beliefs**

Some of these misconceptions of older people and people with disabilities include:

- being dependent
- incapable of contributing to the community
- unproductive
- living on the pension
- being in need of services
- ending up in nursing homes
- having poor health
- being a burden on family
- being unable to work.

Over time these images develop into false beliefs or myths that come to represent what it's like to be older or to have a disability, living in our society. This not only affects the way people feel about themselves but also impacts on their quality of life. The media play a major part in perpetuating negative images, by portraying older people and people with disabilities as victims, as being lonely, being poor, unhealthy, unfit, depressed and inactive.

These negative images are stereotypes. The reality is that the vast majority of older people and people with disabilities would fit into the opposite category! Unfortunately, those stereotypes are

believed to be true by the community at large, including care workers and even older people themselves.

### **Pre-existing beliefs**

As a worker in the CSI, the pre-existing beliefs you may have could be related to stereotypes that have developed for you around issues like sexuality, alcohol and other drugs, ageing and disabilities, independence, health, the rights of people, your idea of health and what it's like to be older and/or disabled.

These stereotypes could affect the way you interact and work with clients. This is because you have assumptions about what your clients can and can't do for themselves, the way they should think about issues and what is best for them. If you make assumptions as a worker then you are denying clients their rights, respect and dignity. As a worker this would be regarded as a breach in your duty of care towards clients.

### **Work practice and stereotypes**

It is important that you explore your personal beliefs and become more aware of the way you view older people and people with disabilities. This will assist you in your work to:

- develop objectivity and avoid stereotyping
- develop a better understanding of clients as individuals
- identify individual needs and use a client centred approach
- encourage clients independence
- improve communication skills
- plan and implement services appropriately
- work professionally and ethically.

Tip: Don't allow stereotypes to cloud your vision!

### **Discrimination**

This section will explore some strategies for developing cultural sensitivity and effective communication practices with older people from Culturally and Linguistically Diverse (CALD) backgrounds. You will also gain an understanding of why it is important to accept the cultural and spiritual practices of clients in the workplace.

As a care worker you must understand the implications of anti-discrimination legislation. Every day at work you will be in dealing with people from varied backgrounds and different issues. By being aware of the anti-discrimination guidelines you will be a more effective worker.

Many Australians frequently stereotype other Australians from marginalised or minority groups. These groups include people from non-Australian or CALD backgrounds that do not fit a typical 'Australian stereotype'. We often form a negative view about people we think are different. This contributes to their isolation from community life.

Care workers often use culturally inappropriate attitudes even when they are trying to be helpful. These stereotypes and attitudes are often based on assumptions and false beliefs because of what we have seen in the media, or from stories we've heard from other people. Care workers often just lack knowledge and sensitivity about culturally appropriate ways of working with CALD groups.

### ***Being fair and consistent***

It is essential that workers be fair and consistent when working with clients. This means not letting your personal biases and opinions impact on the way you interact with clients, regardless of their race, culture, religion, gender, age, disability or even the way they look. If we treat some clients differently based on any of the areas mentioned above then we are being discriminatory. Discrimination is illegal in Australia—you can be sued if you discriminate against people in any of these ways.

It is essential you know about the anti-discrimination laws that exist in Australia if you intend to work as a care worker with older people and people with disabilities. Anti-discrimination also forms part of care workers' requirements for working in an ethical and professional manner.

### Developing cultural sensitivity

There are a number of steps we can take as care workers in the CSHI to develop cultural sensitivity with clients from CALD backgrounds:

- Identify our attitudes and values before entering the workplace.
- Try not to make value judgements about what is right and wrong for other people.
- Communicate directly with the client, using an interpreter if needed, and take the time to get to know them.
- Encourage the client to communicate in their first language if they feel more comfortable doing so.
- Communicate and respond to the client in a professional manner regardless of your opinions about their behaviour and values.
- Try to imagine what life is like from the client's perspective.
- Keep in mind that the client has the right to respect and dignity; this includes respecting their choices.
- Avoid stereotyping and labelling of the client's behaviour.
- Record only factual information about the client, not opinions.
- Obtain information about clients from as many other sources as possible: read social history, care plan, talk to co-workers, family members etc.
- Research the client's culture, lifestyle practices and religion.
- Check whether your observations are similar to those of your work colleagues.

### Enhancing communication

Here are some useful communication tips when working with interpreters and clients who can speak some English:

- Don't rush—be prepared to spend time.
- Provide a comfortable environment for the client, interpreter and you the worker.
- Speak in plain English. Use simple phrases. Avoid using jargon.
- Show empathy and positive body language—ie use good eye contact, be relaxed.
- Paraphrase, reflect and summarise to clarify what is being said and demonstrate your understanding.
- Accept your client's cultural and spiritual practices.

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### Recognise potential ethical issues and ethical dilemmas in the workplace and discuss with an appropriate person

Ethical dilemmas are recognisable by the fact that there are at least two sets of values involved, and you are being asked to decide which is most important. Being faced with conflicting values usually gives us a sense of confusion and makes us feel unsure. You need to ask yourself: what is the most important point (ie obligation, value, need, issue, etc) here?

As a worker your primary responsibility is to safeguard the client's rights, but sometimes the best way to do this is not always clear. Other workers, carers or family members may see the situation differently. The situation may not be clear-cut.

Ethical dilemmas can be roughly categorised in the following ways:

- **Competing values** – for example, you may be working with a young person who is abusing drugs. You have to acknowledge your client's right to self determination (which would be the case for not intervening) versus the value of protecting human life (the case for intervening).
- **Multiple client system** – Your client may have certain priorities and concerns, but there may be parents/carers in the client's life who view the situation differently and



have conflicting concerns. To whom does the worker owe the primary obligation? The answer should of course always be the client, but this is not always straightforward especially when the client may be reliant on others to care for them. An example is an ageing person wanting to stay in their own home while family members want them to move to an aged care facility.

- **Value dilemma** – This is where your own personal values may conflict with the action you need to take. For example you have been working with a client for a number of months. At times the client can be difficult. Her family appear very supportive of her, are friendly and seem to do a lot for her often in very difficult situations. Recently however your client has been telling you that her mother has been taking money from her and hit her on one occasion. You know that this situation should be reported but on the other hand you really like your client's mother and are also aware that the family are operating under stress. You have the dilemma of wanting to cause the least harm to the family, but have the legal responsibility to act appropriately.

Ethical dilemmas are recognisable by needing to ask the 'But, what if ...?' question and the feeling of confusion or tension around how to respond.

## Activity 2

Fran is a 24-year-old mother. Her son, Josh, attends a therapeutic preschool due to problems with socialisation and a mild delay in speech and gross motor skills. Josh's father is around but Fran is the parent the preschool has most contact with.

Fran has a history of postnatal depression, and from the time Josh was born displayed ambivalence about being a mother. She took her baby to the hospital when he was four days old and left him there for one week.

Fran openly says that she is looking forward to Josh going to school next year. She says she doesn't enjoy being a mother and that she does not want to have another child. Fran states she finds it hard to tolerate Josh's demanding behaviour.

The teachers at the preschool have a number of concerns about Josh. He has some quite advanced skills in some areas, but marked delays in others. They believe his skills are due to him being exposed to ABC TVs children's programs and some educational videos (which Fran encourages) but that he lacks other basic needs and socialisation skills. They also feel Josh is no trouble and see no evidence of his 'demanding' behaviour.

However the teachers do not support Josh going to school next year. They feel he will get 'lost' in the system even though he is old enough. Fran's family are applying a lot of pressure on her to send Josh to school. They see him as a normal little boy.

The staff at the preschool feel that Fran just wants Josh to go to school so that she can get on with her life. They feel angry with Fran because they see her as selfish and lacking maternal feeling and skills. They feel sorry for Josh and at a recent review meeting told Fran they felt he was not ready to go to school next year.

Fran and her husband insisted they would like to give school a try. The teachers found this exasperating and threatened to ask them to remove Josh on the basis that Josh should probably go to a different, regular preschool now as this would prepare him for the 'shock' of school next year.

You are a family worker at this centre. You have been working with Fran and Josh from the time Josh started at the preschool. You now feel disturbed and uncomfortable about the way the meeting went.

**What ethical issues can you identify in this case scenario? Hint: Go through the types of ethical dilemmas listed above to consider how they apply to this situation.**

## Feedback

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## Recognise unethical conduct and report to an appropriate person

Unethical conduct is when you can see that another person is not adhering to professional ethics and is behaving in a way that puts clients at risk.

Examples of unethical conduct could include situations when:

- a fellow worker is overheard gossiping about a client at the local pub
- a fellow worker is openly intolerant of other cultures and says negative things about people belonging to different cultures
- two workers argue with each other in front of clients.

A code of ethics helps us to identify unethical situations, and is therefore important to think about regularly. It should never be a dead piece of paper stuck at the back of the filing cabinet.

## Reporting unethical conduct

When you recognise another worker's unethical act, your first option is to confront the worker yourself and discuss the issue. If that is not successful you may need to report the unethical conduct to someone in higher authority. You will certainly need to report the conduct if the rights of others, as outlined in the code of ethics, are not being respected.

When reporting unethical conduct, you need to be clear:

- who was involved
- when the incident(s) occurred and who else was present
- the grounds on which you believe the conduct to be unethical, and
- what other actions you have taken eg spoken to the person.

When considering reporting unethical conduct, you need to access your agency's policy and procedures to know who to direct the report to.

## Activity 3a

Respond to the following incidents by completing the information you would put in a report.

A service director instructs you to go and borrow equipment from another service down the road, as your service is being inspected today and it is short on essential equipment.

- Who was involved?
- When the incident(s) occurred and who else was present.
- The grounds on which you believe the conduct to be unethical.
- What other actions you have taken, eg spoken to the person.

### Your response

## Feedback

### Activity 3b

Your co-worker takes a box of foodstuff every Friday afternoon on late shift, saying that 'it will only rot over the weekend'. You notice that the 'rotting' food includes tins and jars of food.

#### Your response

#### Feedback

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### Work within boundaries and constraints applicable to work role

Workers in the CSI are often faced with situations that require an ability to make good ethical decisions. Management has a responsibility to develop policies and procedures within their organisation and ensure practice that reflects the values, mission and purpose of the organisation.

An ethical organisation has a clear set of values and principles that direct that everyone undertakes their role. That is why it is so important to have ethical standards, so that we are operating by a professional set of guidelines, not what we personally think is right or wrong.

Each professional discipline or its professional association, e.g. social work, psychology, nursing, welfare work, etc, has its own particular code of ethics and/or code of conduct. All members are required to abide by their own professional code of ethics and sanctions may be applied by the professional body for breaches of these codes. Ethical codes are usually broad and encompass key areas of concern for the particular type of work being performed. By clarifying what ethical conduct is supposed to be, professions show commitment to a moral standard of behaviour.

As well as professional codes of ethical behaviour, some services also require their workers to comply with additional and more specific guidelines in keeping with the needs of that particular community and/or agency. For example, child care services and services for people with disabilities have particular requirements or standards, as does the aged care industry. All ethical code requirements are based on respect for the client, care and protection for the client where required, and appropriate behaviour towards the client at all times.

#### Code of ethics

A professional code of ethics is a set of guidelines that outlines the expected behaviour of workers. It exists to ensure that clients' rights are protected and to ensure that there is consistency and credibility in professional practice.

Ethical guidelines allow us as workers to operate by a professional set of guidelines rather than what we personally think is right or wrong.

In the CSI, organisations have codes of conduct which steer ethical practice. The code of conduct relevant to your service or profession provides specific guidelines for individual staff behaviour in the service. Along with professional codes of ethics, these tools assist workers in having a framework for guiding their behaviour within their profession, to do what is best for clients. It outlines what a worker's responsibilities are to clients and their families, their colleagues, the community and to the profession.

An acceptance of the code of ethics by workers ensures that the safety, wellbeing and rights of clients are being actively considered in the workplace at all times.

The code of ethics relevant to your client service or profession provides specific guidelines for individual staff behaviour in the service.

Workers are in a relationship of trust with their clients and often also with the families of clients. This important relationship can be easily damaged. Workers often face situations that involve a conflict between the needs or behaviours of others and their professional and personal values, called 'ethical dilemmas'.

The code of ethics provides workers with a framework for guiding their behaviour within their profession, to do what is best for clients. It sets out the obligations and responsibilities of those working with clients and their families. It also states the responsibilities workers have to their colleagues, the community and to their profession.

### ***Why work within the code?***

An acceptance of the code of ethics by workers ensures that the safety, well-being and rights of clients are being actively and continually considered within the workplace.

A code of ethics is only useful if it is part of everyday work practice. The code is voluntary, but most services require workers to adhere to a professional code or the code of the service, for the benefit of both the client and the service.

### **Activity 4: Code of ethics for community service workers**

**What do you think might be the kinds of guidelines in a code of ethics for community service workers? For example: confidentiality an important guideline for CSI workers to follow.**

#### **Feedback**

### **Activity 5: Community services workers' code of ethics**

Find the code of ethics at the website of the Australian Institute of Welfare and Community Workers at: [www.aiwcw.org.au](http://www.aiwcw.org.au)

**What are the responsibilities of a welfare and community worker to clients and client groups in relation to confidentiality? Comment on confidentiality exceptions.**

#### **Feedback**

### **Where do ethical standards come from?**

### ***Community attitudes***

Ethical standards are based on the underlying values held by the industry itself. These values about how we care for people and the services we provide are tied to social attitudes of the time. For example, until the mid 1980s in Australia it was acceptable to 'lock away' in an institution a person who had a disability. These actions came from a belief that people with disabilities were sick and not capable of participating and contributing to the community. In the last 20 or so years there have been enormous shifts in community attitudes towards disabilities. It is now no longer acceptable to lock people away – this is a violation of people's rights and their ability to make choices about the type of life they want to lead. The Disability Services Act is the legislation that sets out very clear guidelines on how services now need to provide care that upholds these new community attitudes.

### ***Human rights***

As members of the Australian community we all have rights and corresponding responsibilities.

Rights are our basic entitlements as members of a community and are linked to the concepts of social justice and empowerment (ensuring that everyone has the knowledge, skills and confidence to take control of their lives and be treated equally in society).

The concept of human rights is a value which has influenced codes of ethics in the CSI. The concepts of freedom, choice, privacy, dignity, social justice, participation and non-discrimination are all reflected in the ethical standards.

The United Nations' Universal Declaration of Human Rights is probably the most well known statement on the rights of individuals. This is an example of an International Charter that the Australian Government has agreed to uphold.

You can read about this on the following site: Universal Declaration of Human Rights  
<http://www.universalrights.net/main/declarat.htm>

### ***Duty of care***

The concept of duty of care is also tied in with ethical standards and reflects a community attitude that people have a right to be cared for in environments that are safe and free from abuse and neglect.

Duty of care refers to your legal responsibility to provide a proper standard of care to all clients. It is an obligation of all workers to perform their duties with care, attention and caution. This includes your duty to protect confidential information.

### ***Self- determination***

This refers to clients being able to make their own decisions and choices about their own lives (as long as other people are not harmed by those choices).

### ***Acceptance***

Acceptance involves recognising the importance and the value of each individual person. It does not mean always agreeing with their behaviour but rather acknowledging their right to exist, be understood and valued. It relates to the respect and dignity which everyone is entitled to.

### ***Confidentiality***

Confidentiality is the protection of personal information. Confidentiality applies to all information that a client or other care worker tells you verbally or gives you in writing. It also applies to things that you learn through observation. All information in a person's health care record or file is confidential and may not be disclosed without permission from the client or their guardian. Information may be shared with other team members but only when they need the information in order to provide proper care.

Only the client has the right to decide who to share their personal information with.

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## Demonstrate effective application of guidelines and legal requirements relating to disclosure and confidentiality

### Confidentiality and duty of care

Confidentiality is the protection of personal information. Confidentiality applies to all information that a client or colleague tells you verbally or gives you in writing. It also applies to things that you learn through observation. All information in a person's health care record is confidential and may not be disclosed without permission from the client or their guardian.

Confidentiality is a critical aspect of your duty of care.

Remember that all clients have the same rights as everyone else in the community, regardless of whether they have a drug and alcohol problem, a mental illness, or a physical or intellectual disability. Their confidentiality must be respected. This includes difficult clients and clients with dementia. Unless you believe a client is at risk of serious harm, don't share the client's personal information with others. Respect their right to privacy.

Only the client has the right to decide who to share their personal information with.

**Go to Essential knowledge and red the topics: 'Confidentiality' and 'Duty of Care'**

### Organisational policies and procedures

How would you find out about your agency's policies and procedures regarding recording client information and maintaining confidentiality?

- ask your supervisor
- look at the Policy and Procedures Manual
- look at relevant Department of Health Circulars
- ask other staff members.

What are some good ideas for organisational procedures that protect confidentiality?

When storing and maintaining confidential information, it is essential to keep legal requirements in mind. Ignorance of the law is never an excuse. Because legal requirements change and are often very issue specific, all workers should make it a priority to find out what the requirements are for the area in which they work.

Also, different government departments produce circulars or documents that outline the legal requirements for their staff in relation to storing and maintaining information. Your agency or department should be able to provide you with the relevant documents.

Generally, case notes should be kept for seven years after the last entry. In some medical settings however, they have to be kept for 15 years after the last entry. Notes on people under the age of 18 years also have to be kept for 15 years after that person reaches 18.

The types of information and the ways that information can be stored are endless. It is up to workers to find out the different ways information is stored in their agency and to follow proper procedures. Systems are usually in place for a reason.

Because there are exceptions to confidentiality, it is always good practice to tell clients at the beginning of your contact with them that whatever they tell you is confidential except in the above circumstances. This means that if you do have to act to keep them safe, it is not a shock to them.

Confidentiality is not just about health records, it also applies to names and addresses of clients or residents, phone numbers and addresses of staff and volunteers, names and personal details of people who donate money or time, details of funding agreements and information about strategic planning.

Upholding confidentiality and security involves keeping information and documents in a place that can't be easily accessed by non-authorised people. Filing cabinets that are locked, rooms that are locked, passwords on computers and drawers that are locked are examples of secure spaces.

Talking about clients in a private and soundproof place or not using their names are other ways of respecting security and confidentiality.

Clients must give permission, (preferably in writing), for information to be released to another person. In the case of a deceased person, consent may be gained from their executor. Where a client is unable to give consent due to an irreversible medical condition or a cognitive disability e.g. dementia, then the person's guardian may give consent.

Clients have a right to view their records. Complex health records and sensitive health information such as information about treatment should only be released to the client/resident or an authorised person, by a health professional only, for example, a Nurse Unit Manager or Medical Officer should issue health information such as test results, a social worker should issue information about the results of an aged care assessment.

Judgements may need to be made about information that is damaging to the physical or mental health of the person.

When access is denied, the client should be given the reason(s) for refusal and advised that the decision may be reviewed if desired.

When a client disagrees with the information in the record, the client's comments should be attached as an addendum. Alterations should not be made.

All agencies should have guidelines in place for dealing with workers who breach confidentiality. If they don't have a specific policy for breaches of confidentiality they should have grievance and dispute procedures in place. Most policies require a worker to either approach the person involved first or else take concerns to a supervisor or to management who will then deal with the situation.

Consequently, all staff must know about the legal aspects of confidentiality, the organisation's policies and what constitutes confidential information. They must know what policies and procedures apply and in what situations. Training is imperative!

Remember: No information regarding the resident may be disclosed to those who are not directly involved in their care

**Go to Essential knowledge and revise the topic Organisational policies and procedures**

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## **Demonstrate awareness of own personal values and attitudes and take into account to ensure non-judgmental practice**

Knowing your own values can help you work effectively with clients, resolve conflicts and appropriately support the organisation's philosophy. It is important that you explore your values and understand how they shape your attitudes about other people and about issues that confront us everyday in the workplace.

**Go to Essential knowledge and read the topic Personal values, beliefs and attitudes. Do the activities in this topic to explore and understand your values.**

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## **Recognise, avoid and/or address any conflict of interest**

In the community services industry, a conflict of interest occurs in any situation where a worker or the organisation is in a position to take advantage of a client, be influenced by their other interests or make a decision in some way for their personal benefit. It can also be a conflict of interest where a worker has enough influence, or can appear to have influence that it impacts on their ability to perform their duties objectively. A conflict of interest can exist even if the worker or organisation does not behave in this way, but even the existence of this situation can create a lack of confidence in the individual or organisation.

Workers need to ensure that they are not putting themselves in a position where it could appear that any part of their private life is in conflict with the organisation. This could include personal relationships, political views, and financial interests, cultural or other private activities. Workers and organisations have a duty to avoid situations of potential conflict of interest.

Workers who believe they do have a conflict of interest or an appearance of a conflict of interest should inform management as soon as possible. This would include requesting permission to take on secondary employment, that is, additional work outside the organisation.

To avoid a conflict of interest, workers should not accept or offer money or gifts to any individuals, including clients, where it might appear that they have influence in a decision.

### Examples of conflict of interest

Let's look at some examples of conflict of interest that may occur in the Community Services Industry and how they can be managed.

- A worker's relative is put to the top of a long waiting list for services offered by the organisation. This potentially is a conflict of interest if the organisational procedure for placing people at the top of the waiting list is ignored and the worker's relative is advantaged over other clients who may genuinely meet the requirements. However, where the relative truly meets the requirements, the decision will need to be made by another worker and documented.
- A worker's family printing business is given a printing contract by the organisation without any other quotes being asked for. This may be a conflict of interest if the interests of the worker and their family business have been put ahead of the organisation. There may well be other printing companies that can offer a cheaper or better quality service. The organisation should get a range of quotes from different printing companies and the worker should not be involved in the decision making process.
- A worker's child is given a job with the organisation without the position being advertised. Advertising and recruiting new workers can be a lengthy and expensive process and organisations may be tempted to employ someone they know rather than going through a selection process. All workers should be recruited based on merit to ensure that the process is open and fair to all potential applicants and so that the organisation gets the best worker possible.
- A worker employed by two organisations is fund raising for both. Fundraising is highly competitive as organisations fight for the same fundraising dollar from businesses and members of the community. It would be very challenging for a worker to ensure that they are operating in the best interests of each organisation at the same time, undertaking the same roles and responsibilities for an ever shrinking pool of funds. Successful fundraising for one organisation automatically means that the same money is no longer available for the other organisation.
- A worker regularly refers clients to a fee-for-service organisation that is owned by a friend when there are non-government organisations offering similar services for free. It may well be that the private organisation offers the best service to meet the needs of a particular group of clients or that the non-government services may have waiting lists or less than effective programs. However, to manage the potential conflict of interest clients need to be given information about the choices available to them so that they can participate in the decision making process.
- A management committee needs to make a decision which project proposal will be funded and a worker who wrote one of the proposals is on the committee. This decision may mean that the worker who wrote the unsuccessful project proposal may not be able to deliver their planned services or even have their employment contract terminated. So it is important that the decision making process is transparent and fair and this can only be done by excluding the worker from the decision making process.

### Activity 6: Impact of conflict of interest

**What do you think could be the negative impact of these examples of conflict of interest?**





## Feedback

### What is not a conflict of interest?

It would not normally be considered a conflict of interest if a worker makes a decision that involves the whole community or a specific group. For example, a worker in a youth service would not have a conflict of interest just because they have a teenage child.

### Managing conflict of interest

The best way to manage a conflict of interest is to avoid one in the first place. By developing a code of conduct and policies and procedures that cover such issues as workers being required to declare any conflicts of interest, guidelines on how decision are made fairly and openly, what to do with gifts, how contracts are tendered, how services are delivered and how breaches of either policies, procedures or code of conduct are dealt with.

### Case study: the picnic

A local community club wants to take a group of clients from Boronia Village out for a picnic. They have asked John, one of the new care workers, to give them a list of people that they can contact and invite on this excursion.

After the last picnic, family members had complained about the way the clients were treated – they were in the sun for most of the day and there wasn't enough to eat and drink.

Boronia Village relies on the financial support of the club despite having some concerns about the way their clients are treated by club members.

John thinks the picnic is a great idea, especially if some of the more difficult clients can go as it will give him and the other workers a bit of a break for the day.

John gives the list of client names to the community club with details of special needs for all clients.

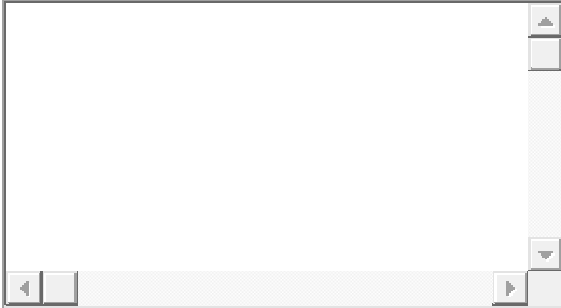
John does not inform the clients about the excursion because he knows that many of the clients will not want to go. They did not enjoy the last trip with members of the community club.

Aspasia, one of the clients, finds out and tells John that she does not want to attend. John informs Aspasia that she has to go and that the fresh air will 'do her good'. You also agree that a trip out would be beneficial for Aspasia.

There is also pressure from Aspasia's son who believes that the facility has not been providing enough recreational activities for his mother and the other residents.

### Activity 7a: the picnic 1

**What ethical dilemmas arise for you from the case study? You could use the categories of ethical dilemmas discussed above: competing values, multiple client system and value dilemma.**



### Feedback

Here's what some workers in the facility say about what aspects of ethical practice have been breached:

**Margaret:** Confidentiality — the worker should not have disclosed details of the clients without their permission. The worker could have passed on the contact details of the community club organiser to the clients or put up a poster advertising the event

**Paul:** Respect and self determination — the worker has not allowed the clients the dignity of choice and informed decision making. All clients should have been informed of the picnic and been able to make a decision about whether they go.

**Penny:** Professional integrity — potentially the worker has wanted clients away from the service to make their own job easier

**John:** Conflict of interest — the worker's concern for ongoing financial support from the club has put in jeopardy the best interests of the clients.

### Activity 7b: the picnic 2

You have some concerns about the organisation of the picnic and so do the clients. John is one of your favourite staff members and you have always enjoyed a very positive professional relationship.

**What should you do (more than one can be correct)?**

<input type="checkbox"/>	(1) Do nothing. After all, normally this person is a good worker.
<input type="checkbox"/>	(2) Tell the clients to raise their concerns with Margaret.
<input type="checkbox"/>	(3) Tell another worker over morning tea, but tell them to keep it quiet.
<input type="checkbox"/>	(4) Talk to the worker involved about your concerns.
<input type="checkbox"/>	(5) Document your concerns and submit them to Margaret.

### Feedback

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### Summary

In this topic 'Work ethically' we looked at the meaning of duty of care, confidentiality of information and ethical decision-making in relation to specific work role duties and responsibilities, as well as a discussion of what constitutes a breach of these and the potential consequences of such a breach.

We looked at rights and responsibilities of clients, employees and employer and finally discussed managing conflicts of interest in the workplace.

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### Additional resources

ASU (Australian Services Union): [www.asu.asn.au/sacs/](http://www.asu.asn.au/sacs/)

Community Services Safety Pack: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) Go to Publications and search for 'community services'

Department of Community Services: [www.community.nsw.gov.au](http://www.community.nsw.gov.au)

Human Rights and Equal Opportunities Commission: [www.hreoc.gov.au](http://www.hreoc.gov.au)

NSW Anti-discrimination Board: [www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)

NSW Council of Social Services: [www.ncoss.org.au](http://www.ncoss.org.au)

NSW Industrial Relations: [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)

Our community —a world-leading social enterprise that provides advice and tools for Australia's 700,000 community groups and schools, and practical linkages between the community sector and the general public, business and government: [www.ourcommunity.com.au](http://www.ourcommunity.com.au)

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