

**SHHH, DON'T TELL! ETHICS
AND CONFIDENTIALITY IN
SCHOOL SOCIAL WORK
PART 2**



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IN PART I, WE REVIEWED THE NASW CODE OF ETHICS...NOW WE ARE GOING TO RELATE IT TO SCHOOL SOCIAL WORK.



BUT FIRST, DID YOU KNOW THAT THERE WAS THE NASW STANDARDS FOR SCHOOL SOCIAL WORK SERVICES?

- There are 11 standards written by NASW for school social workers.
- 11 lucky winners...Who has a pink slip of paper?



SO, WHAT ARE THEY?

- 1. **Ethics and Values:** school social workers must adhere to the NASW code of ethics as a guide to making ethical decisions.
- 2. **Qualifications:** school social workers must meet the provisions for professional practice set by NASW *and* their respective state department of education.
- 3. **Assessment:** school social workers must conduct assessments with the goal of improving student social, emotional, behavioral, and academic outcomes.
- 4. **Intervention:** school social workers shall understand and use evidence-informed practices in their interventions.



NASW SCHOOL SW STANDARDS CONTINUED...

- **5. Decision Making and Practice Evaluation:** school social workers should use data to guide service delivery and to evaluate their practice regularly to improve and expand services.
- **6. Record Keeping:** school social workers must maintain accurate data and records that are relevant to planning, implementation, and evaluation of school social work services.
- **7. Workload Management:** school social workers must organize their workloads to fulfill their responsibilities and clarify their critical roles within the educational mission of the school/district in which they work.
- **8. Professional Development:** school social workers must pursue continuous enhancement of knowledge and skills to provide the most current, beneficial, and culturally appropriate services to students and their families.



NASW SCHOOL SW STANDARDS CONTINUED...

- **9. Cultural Competence:** school social workers should ensure that students and their families are provided services within the context of multicultural understanding and competence.
- **10. Interdisciplinary Leadership and Collaboration:** school social workers must provide leadership in developing a positive school climate and work collaboratively with school administration, personnel, family members, and community professionals as appropriate to increase accessibility and effectiveness of services.
- **11. Advocacy:** school social workers must engage in advocacy that seeks to ensure that all students have equal access to education and services to enhance their academic progress.



IN PART 1, WE TALKED ABOUT OUR PERSONAL VALUES.

- Now, I would like for you all to take a moment to reflect on your ethical principles.



LET'S COMPARE CODES OF ETHICS REGARDING BREAKING CONFIDENTIALITY

NASW: The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent *serious, foreseeable, and imminent harm to a client or other identifiable person* (Section 1.07 (c), *emphasis added*).

ANA (American Nurses Association)

Duties of confidentiality however are not absolute and may need to be modified to protect the patient, and other innocent parties and in circumstances a mandatory disclosure for public health reasons (Section 3.2)

NASP (National Association of School Psychologists)

Information is revealed only with the informed consent of the child or the child's parent or legal guardian, except in those situations in which failure to release information would result in clear danger to the child or others (section III.A.9)

ASCA (American School Counselors Association)

Keeps information confidential unless disclosure is required to prevent clear and imminent danger to the student or others or when legal requirements demand that confidential information be revealed. (Section A.2.b)

SOME ETHICAL GUIDELINES TO CONSIDER:

- Check to make sure you have all the information you need about a particular situation before coming to any conclusions.
- Identify where your values may be in conflict with the client's values.
- Identify all the people that are likely to be affected by any ethical decision.
- Carefully consider parental rights and responsibilities when making a decision involving their child.
- Carefully consider how teachers and administrators can or should be involved in the ethical decision making process. If other pupil services providers are involved with the child, treat them as ethical equals in the decision-making process and compare professional ethical guidelines about the situation.



ETHICAL GUIDELINES CONTINUED...

- Collaborate with community-based professionals using a two-way release of information so that school-based and community-based practitioners are not manipulated into working against each other.
- Be clear about the identity of the primary client in each ethical predicament. Make a distinction between clients, targets, and beneficiaries in each situation. Think about whose interests are in competition or conflict.
- Mull over the different ethical standards that seem to be in conflict. Make sure you understand them correctly. Reflect on why the ethical standards seem unclear.
- Consider the ethical orientation provided to students. Make sure they understood the initial information and were reminded at suitable intervals about possible ethical issues. Consider the student's ability regarding capacity, information, and voluntariness. Think about which level of consent or assent was appropriate to the situation.
- Determine whether the issue is primarily ethical, legal, or both.



SO, WHAT IF YOU'RE HAVING A DIFFICULT TIME MAKING A DECISION?

- This is where ethical consultation comes in and there are several advantages of seeking consultation (with a supervisor or specified consultant in your field).
 - It can stimulate the practitioner's own thinking process so that he or she can generate new ideas or opinions about resolving the ethical predicament.
 - Clinicians receive feedback about their current thinking and the quality of their ideas.
 - The consultant may generate new options that the professional would not normally consider.
 - The consultant may point out personal factors and conflicts that were not apparent to the practitioner.
 - The consultant process may provide reassurance that the professional is making his/her best effort and even going the “extra mile” for the client.
 - The consultant process may provide the clinician with greater confidence in the outcome.
 - The consultant may reduce the professional's legal liability.
 - Last, and maybe most important, consultation is one of the best ways to prevent ethical problems.

WHAT ABOUT RELIGIOUS ISSUES IN PUBLIC EDUCATION?

- What accommodations can schools make regarding dietary restrictions (e.g., pork)?
- What accommodations can schools make regarding pious modesty (e.g. rules against communal showers or shorts)?
- What accommodations can schools make to allow religious clubs or groups to meet on campus?
- What are schools allowed to do to recognize religious holidays?
- What can schools allow when students want to express their faith in their student assignments?
- How should schools handle student absences for the religious observance of their holidays?
- How can schools accommodate students who need to pray during school hours (e.g. muslims)?

WHAT DO YOU KNOW ABOUT RESPONDING TO A SUBPOENA?

- A subpoena is a legal document that requests someone to testify and/or produce documents requested by the court.
- Clients do not have to agree to the release of information to the court. The NASW (1999) *Code of Ethics* addresses what happens if the client refuses to comply:
 - When a court of law or other legally authorized body orders social workers to disclose confidential or privileged information without a client's consent and such disclosure could cause harm to the client, social workers should request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection. (section 1.07 (j))



SUBPOENA INFORMATION CONTINUED...

- Clinicians should always obtain a signed release to talk to and give copies of the requested records to the client's attorney.
- If the court upholds a subpoena, clinicians should ask that the documents remain “under seal” and be reviewed in chambers only.
- Complete failure to appear or produce documents, however, may result in being charged with contempt of court.



SO, WHAT'S THE RELATION BETWEEN ETHICS AND LAW?

Ethical conundrums can be placed into four categories.



HERE ARE SOME ETHICAL GUIDELINES WHEN DEALING WITH A LEGAL ISSUE.

- Seek consultation for all ethical predicaments prior to taking action if possible.
- Routinely seek clinical consultation if clinical supervision is unavailable in your work setting.
- Identify a legal consultant who is familiar with all the sources of law-related advice.
- Do not expect one definitive ethical answer. To expect that options will be broadened and reasons deepened as a result of consultation.
- Do not comply with a subpoena in a knee-jerk fashion; protect your client.
- Be sure to seek emotional support during adverse incidents involving potential job loss, lawsuits, or revocation or certification or licensure.



**SPEAKING OF LAWSUITS...LET'S TAKE A
LOOK AT SOME LAWSUITS THAT HAVE
IMPACTED SCHOOL SOCIAL WORKERS.**



[HTTP://WWW.NJ.COM/CUMBERLAND/INDEX.SSF/2014/10/VINELAND SOCIAL WORKERS RELATIONSHIP WITH STUDENT LEADS TO 750K LAWSUIT.HTML](http://www.nj.com/cumberland/index.ssf/2014/10/vineland-social-workers-relationship-with-student-leads-to-750k-lawsuit.html)

TAKE A MOMENT TO ANSWER THE FOLLOWING QUESTIONS WITH SOME OF YOUR NEIGHBORS.

1. What ethical values and principles from the NASW Code of Ethics are violated in this situation?
2. What standard(s) from the NASW school social work services are violated in this situation?
3. If you knew of a co-worker who was engaging in inappropriate, unethical conduct, what would you do? (remember, every situation may be different...or is it?)
4. If you were the school social workers assigned to this case after Stacy was removed, how would you approach this student? What would be your focus of therapy?



WHAT ABOUT THIS ONE?

- <http://www.socialworkersspeak.org/media/school-social-worker-fired-after-reporting-elder-abuse-involving-student.html>



ANSWER THE FOLLOWING QUESTIONS WITH YOUR NEIGHBORS:

- What NASW Code of Ethics values and principles did the social worker use in this situation?
- Do you agree or disagree with the social worker making the report?
- What would you have done?
- Have you been in a situation before where you were obligated to follow school policy before social work policy? Explain.



**LET'S TAKE A LOOK AT A FEW MORE
ETHICAL SCENARIOS THAT SCHOOL
SOCIAL WORKERS MAY FACE.**



ANSWER THE FOLLOWING QUESTIONS WITH YOUR NEIGHBORS:

- Which of the 6 ethical standards should be considered in each of these situations?
- What would you do?
- Have you ever been put a situation like this and what did you do?



HERE ARE A FEW LAST MINUTE ETHICAL GUIDELINES TO CONSIDER...

- Remain empathic about the client's feelings regarding the problem.
- Maintain positive regard for the client even if you disagree on the ethical issue.
- Focus on managing, not solving, the ethical predicament in the best possible manner.
- Try to anticipate possible criticism from the student and/or stakeholders and be prepared to respond.
- Use available parameters to help justify your decision: laws, school board policies, administrative procedures, and group practice decisions and protocols.
- Override client self-determination only in extraordinary circumstances.



QUESTIONS AND COMMENTS



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