

A photograph of two women sitting on a light-colored couch. The woman on the left has long, wavy blonde hair and is wearing a grey blazer over a light-colored top. She is holding a clipboard and a pen, looking down at it. The woman on the right has dark hair pulled back and is wearing a light blue button-down shirt. She is looking towards the clipboard. The background shows a window with horizontal blinds.

# Legal and Ethical Challenges for Social Workers

**LORMAN**<sup>®</sup>

Published on [www.lorman.com](http://www.lorman.com) - November 2017

Legal and Ethical Challenges for Social Workers, ©2017 Lorman Education Services. All Rights Reserved.



## INTRODUCING

Lorman's New Approach to Continuing Education

# ALL-ACCESS PASS

The All-Access Pass grants you **UNLIMITED** access to Lorman's ever-growing library of training resources:

- ☑ Unlimited Live Webinars - 120 live webinars added every month
- ☑ Unlimited OnDemand and MP3 Downloads - Over 1,500 courses available
- ☑ Videos - More than 1300 available
- ☑ Slide Decks - More than 2300 available
- ☑ White Papers
- ☑ Reports
- ☑ Articles
- ☑ ... and much more!

Join the thousands of other pass-holders that have already trusted us for their professional development by choosing the All-Access Pass.



**Get Your All-Access Pass Today!**

# SAVE 20%

Learn more: [www.lorman.com/pass/?s=special20](http://www.lorman.com/pass/?s=special20)

Use Discount Code Q7014393 and Priority Code 18536 to receive the 20% AAP discount.

\*Discount cannot be combined with any other discounts.

Today's social workers represent an important component of everything from addiction recovery to childcare, spousal abuse, and even criminal rehabilitation. Their job is perhaps one of the most essential when it comes to ensuring that these individuals are able to more easily overcome the challenges that life has handed them, reentering society in a way that primes them for a greater chance at success and self-determination. A profession this important, with so many unique cases and so many variables, often puts social workers in a number of different ethical and legal dilemmas that can affect their profession in profound ways. The key to a long-term, successful future in social work is to successfully recognize, embrace, and navigate these dilemmas in the best interest of both the social work profession and the client that presents the challenge.

Of course, navigating these dilemmas is often harder than it might sound in theory. Many social workers are well-intentioned people who stumble across ethical dilemmas out of their sheer desire to help those clients who depend on their work. The important thing in all scenarios is to remember that the profession, and its long-standing code of ethics, must come first. By recognizing ethical dilemmas, confronting them directly, and using both intuition and professional guidelines as a blueprint those in the social work profession can ensure that their clients are served fully and their own interests are protected by their actions. Typically, the ethical and legal dilemmas come from one of three sources: The clients being helped by a social worker, the colleagues with whom a social worker is employed, and the unique practice settings that arise each day. Conflicts can be handled adeptly in all three cases.

### **Ethical Challenges that Arise in Client-Facing Situations**

During their undergraduate education, and even down the road in post-graduate studies, social workers learn that their first and most important commitment is always to their client. It is this philosophy, and a willingness to follow through on this client-centered nature of work, that makes social workers so valuable to those who are striving to better their own situations and overcome a wide variety of circumstances at all ages. Without a doubt, the client-comes-first mentality is the key to ensuring great outcomes for those who need the most help.

The downside of such a mentality, however, is that many social workers can feel compelled to go a bit too far in order to help their clients. The tendency to overstep the bounds of what the profession requires, and even what the law allows social workers to do, can present dilemmas that can leave those in the profession feeling conflicted, confined, or restrained, unable to help their clients. For those who do follow through on such impulses, they put their future in the profession at risk and they might end up being confronted by the harsh reality of the law. Client-facing dilemmas typically come in a few forms, each of which will be easily recognizable by existing social workers.

### 1. Patient Confidentiality

Like the medical profession, the legal profession, and several other industries that deal in sensitive matters and client issues, social work hinges on a commitment to strict confidentiality. The problem, of course, comes when social workers hear about unique circumstances that they feel the need to share and discuss, largely to decide exactly how to handle that issue. There is often a great deal of temptation to discuss client matters with others in the profession to determine how they would handle the issue, what approaches they would use to benefit their client, and more. Unfortunately, this is also illegal under both federal law and most state statutes.

Under those laws, social workers are strictly forbidden from discussing any client matters with anyone other than law enforcement officials. Even then, professionals in the industry are only allowed to discuss or disclose patient information if it is deemed that the patient stands an elevated chance of harming themselves or others. These laws are taken very seriously, and social workers who breach patient confidentiality can find themselves in professional hot water as well as serious legal trouble.

## 2. Overstepping Professional Boundaries

Social workers get into the profession because they're interested in helping people and they have the capacity to turn others' problems into varying degrees of personal triumph. This is an admirable quality that deserves to be honed and showcased by social workers, but not to the point that social workers overstep the boundaries of their profession. As a general rule, those in the social work profession should remember that virtually all of their duties and responsibilities can be taken care of within the office. Going out of the way to check up on the patient outside the office, whether they know it or not, is generally considered overstepping the bounds of what social work entails.

Social workers and their clients may come to an agreement about meetings outside the office, and perhaps the client requires that extra bit of attention. But without a mutual agreement and an understanding of how any extra effort might help, social workers risk invading their clients' space, privacy, and personal lives, to a degree that might lead to problems in the office.

## 3. Interfering with Patient Self-Determination

Similar to overstepping the bounds of the profession, many passionate social workers can find themselves interfering with one of the most important patient qualities: Self-determination. This quality assures that the patient will be able to leave the office after a meeting with their social worker and make the choices needed to better their lives, enhance their personal strength, and overcome the addiction, abuse, or other situation, that has sent them to a social worker in the first place.

Those who are particularly passionate about their patients' success and their ability to overcome their circumstances can often eliminate the potential for self-determination. Social workers can sometimes saddle their patients with in-depth plans and processes, excessive "real world" checkups and follow-ups, and a helicopter-style approach that never lets the patient explore their own decision-making skills and personal strength. This defeats the very nature of social work itself, which is designed to be a temporary series of meetings and strategies that can lead to long-term independence and success for the client.

A successful social worker can avoid legal and ethical hassles simply by accepting that their clients need room to breathe and explore. Allow room for both success and failure and, if failure does happen, be prepared to explore that failure and plant new tools for success. The job of a social worker necessitates patient self-determination in all aspects. Anything less is a serious professional dilemma.

### **Ethical Dilemmas Facing Social Workers When Interacting with Colleagues**

While there are plenty of potential legal and ethical stations that face social workers while they interact with their list of clients, the number of problems that can arise when interacting with colleagues either in the workplace, or in the broader profession, is just as large and just as consequential for long-term success. Social workers need to be mindful of everything from workplace relationships to a duty to report ethical or legal wrongdoing by those with whom they work.

Being mindful of these unique challenges can give social workers the tools they need to protect their own interests and maintain a high level of ethics and respect for the wider profession.

## 1. Reporting Ethical or Legal Wrongdoing by Colleagues

There is a tendency in any workplace to protect someone who has run afoul of workplace rules, professional guidelines, or legal requirements, largely because a personal relationship with that person makes it harder to report their wrongdoing. The simple fact of the matter, though, is that these issues must be reported so that social workers can remain effective at performing their duties on a daily basis. Furthermore, those social workers who strive to cover up wrongdoing, rather than report it to the proper authority within the profession, are essentially complicit in that same incident. In many workplaces, and according to many state and federal laws, social workers who don't report known incidents of ethical or legal malfeasance can be held accountable for it as well.

Virtually all workplaces offer anonymous tip lines or electronic reporting tools that allow social workers to indicate wrongdoing without giving their names or feeling that their profession is at risk. This allows for the reporting of issues even as they pertain to supervisors and those who might seek recourse. Whether or not it "feels" right to report a friend or supervisor for their legal challenges, it is always the right thing to do.

## 2. Respectful Treatment of Colleagues

Whether or not social workers like the people they work alongside each day, it is their ethical responsibility to treat those people with respect and to communicate with them about issues that affect the profession and any issues that might affect their clients. In fact, the National Association of Social Workers indicates that a healthy professional relationship with others in the profession is an absolutely essential aspect of the job. The organization publishes its own code of ethics for those in the field, and the organization takes seriously a commitment to good workplace relations.

That's largely because social workers need colleagues with whom they can discuss ethical and legal challenges, approaches to client problems, and more. Of course, these discussions never disclose client names or other identifying information, but they do help social workers come to a more complete understanding of their duty and their approach to client assistance. Without these essential workplace relationships, clients can be underserved and social workers can be severely limited in their capacity to help and guide those who depend on their expertise.

### 3. Avoid Inappropriate Relationships with Colleagues or Clients

While it's a great idea to get along with people in the office, social workers should avoid taking things a bit too literally and entering into sexual relationships with their coworkers. These relationships, in and of themselves, pose ethical dilemmas. After all, romantic relationships make it all too easy to disclose otherwise confidential information about cases and clients, and that can lead to real professional uncertainty.

The profession's code of ethics also demands that social workers avoid any and all romantic or strong personal involvement with the clients they serve or the students that they help. The reasons for this are obvious, of course, since personal relationships can cloud the social worker's judgment and make the client's recovery from any affliction a great deal more complex and difficult to achieve. The profession's code of ethics, as well as many workplace regulations, strictly forbids such relationships due to their complex nature, their legal uncertainty, and their effect on treatment and guidance.



## **Legal and Ethical Challenges Facing the Broader Social Work Practice**

There are very few social workers who work completely on their own, without a larger practice that backs up their work and provides the necessary supervisory structure for greater success. These practices need to be run in a legal and ethical way, and there are some procedures that need to be followed in order to protect social workers from the pitfalls of such organizations.

### **1. Transparent Billing Procedures are a Requirement**

The services provided by social workers almost always come at a cost, whether that cost is paid directly by the patient or fronted by state or federal government agencies. The cost for all services must be plainly stated, and generally printed in the practice's operating materials, in the interest of transparency. This ensures that individuals within the organization won't double-bill or over-bill clients for services, largely to enrich either themselves or the practice for which they work.

Billing fairness and transparency is one of the foremost commitments that any practice can make to its clients, and it's one of the largest focuses of the National Association of Social Workers. Those in a management capacity at these practices should keep an eye on billing, costs, and transparency, making adjustments where necessary in order to best serve clients.

### **2. Don't Run Afoul of Changes to State or Federal Regulations and Guidelines**

The social work profession, like virtually all fields, is one that is constantly evolving as new procedures are discovered and new technologies are developed. As the profession changes, the laws and guidelines that govern social workers also change to accommodate for new concerns. It's important that any social work practice stays up to date with these regulations, encouraging or even requiring their employees to seek continuing education into new procedures, new laws, and any other developments that concern their ethical treatment of patients within the law.

Furthermore, it's important for the practice to continually integrate new procedures and guidelines into the company's training materials, employee handbooks, and other documents that give the practice a moral guide for client outcomes. This combination of education and documentation is the best preventative measure against the individual ethical and legal dilemmas presented earlier.

### **Remember that Social Workers Have a Duty to Their Community**

People in many professions can get away with completely separating their personal life and out-of-office activities from the career that they've chosen, but social workers do not enjoy that benefit. Indeed, those in the social work profession live with the responsibility of conveying moral, leadership-oriented behavior both in the workplace and while they're enjoying the company of friends and loved ones outside the office. Those who forget this crucial rule can often find themselves in trouble not only with their supervisor and the practice that employs them, but also with state bodies governing social work and the National Association of Social Workers itself.

As a rule, social workers should avoid participating in activities that would be viewed negatively on the job, and they should avoid participating in things that they would advise their clients against. It's advisable, for instance, that drug and alcohol addiction workers not be seen in the community after a night of excessive binge drinking. There's always the risk that the social worker's clients might see them participating in this behavior, and it serves to invalidate the advice and guidance they've given throughout their time with those clients.

## **Beyond the Community, There is a Commitment to the Profession Itself**

The social work profession has been a key way to help at-risk populations for a long period of time, and it has benefitted from greater research in fields like sociology, psychology, addiction and substance abuse, and even technology. Over time, the field has become one of the most well-researched, well-developed, and most respected fields serving state governments, private individuals, prisons, and a wide variety of other outlets. Social workers need to take on their daily responsibilities and meetings with this in mind.

Social workers need to make sure that their daily actions, and their professional philosophy itself, pays respect to the wider social work field. There is a long history of successful client consultation in this field that has led to happier adults, more productive children, and recovering addicts who have the right tools for long-term success. It is absolutely essential that social workers continue to further the success and vitality of the field by engaging in ethical behavior, respecting the importance of client self-determination, and using their position only to enhance the lives of those who depend on their work.

With a collective sense of how important social work is and how respected the field has become since it first emerged, social workers can ensure that future generations will have the tools and professionals they need to build a better life for themselves and to overcome the sometimes trying situations that life is bound to throw their way. In essence, the integrity of the profession depends entirely on the integrity of its practitioners.

## **Looking for Guidance: Where Social Workers Can Go to Answer Ethical Questions**

When ethical or legal dilemmas make themselves apparent, as is bound to happen to virtually anyone in the social work profession, there are a few key resources that will help to clarify how to proceed, who can offer help, and how local laws or regulations can be employed to defuse the situation. Each of these resources offers a unique perspective that can be useful in certain situations.

### **1. The National Association of Social Workers' Code of Ethics**

Without a doubt, the largest professional organization governing the social work profession is the National Association of Social Workers, which has long produced an extensive code of ethics that governs everything from client meetings to the management of a larger practice. The association's code of ethics has essentially become the de facto source for resolving legal and ethical dilemmas, and most practices include it in their own employee handbooks and employment materials. When any issue arises, consult this resource first and foremost.

### **2. Employer Handbooks and Employee Guides**

To help avoid ethical or legal challenges in the first place, virtually all practices develop an extensive employee guide or handbook that makes clear the nature of local laws and regulations, federal statute, employee responsibilities, and ethical concerns. This secondary point of reference should be used for any workplace or coworker disputes, and it should also serve as a point of reference for any individual ethical concerns that might arise from time to time.

### 3. State and Federal Laws or Guidelines Concerning the Profession

Social work is governed by an extensive series of laws and guidelines issued by both state governments and federal authorities. These regulations govern anything from how a social worker should handle certain situations or clients to the necessity of strict privacy approaches and avoiding disclosure of certain information. If a large ethical or legal challenge has presented itself, it might be best to consult the very source of regulation governing that dilemma in the first place.

#### **Social Work Benefits from Legal and Ethical Compliance**

When social workers are respected and when they conduct themselves in a manner that complies with all laws and regulations, the social work profession itself stands to benefit in a big way. That's why it is absolutely essential for professionals in the field to develop a strong understanding of the most common challenges, the most helpful resources, and the unique ways that their behavior can benefit the community at large.



The material appearing in this website is for informational purposes only and is not legal advice. Transmission of this information is not intended to create, and receipt does not constitute, an attorney-client relationship. The information provided herein is intended only as general information which may or may not reflect the most current developments. Although these materials may be prepared by professionals, they should not be used as a substitute for professional services. If legal or other professional advice is required, the services of a professional should be sought.

The opinions or viewpoints expressed herein do not necessarily reflect those of Lorman Education Services. All materials and content were prepared by persons and/or entities other than Lorman Education Services, and said other persons and/or entities are solely responsible for their content.

Any links to other websites are not intended to be referrals or endorsements of these sites. The links provided are maintained by the respective organizations, and they are solely responsible for the content of their own sites.