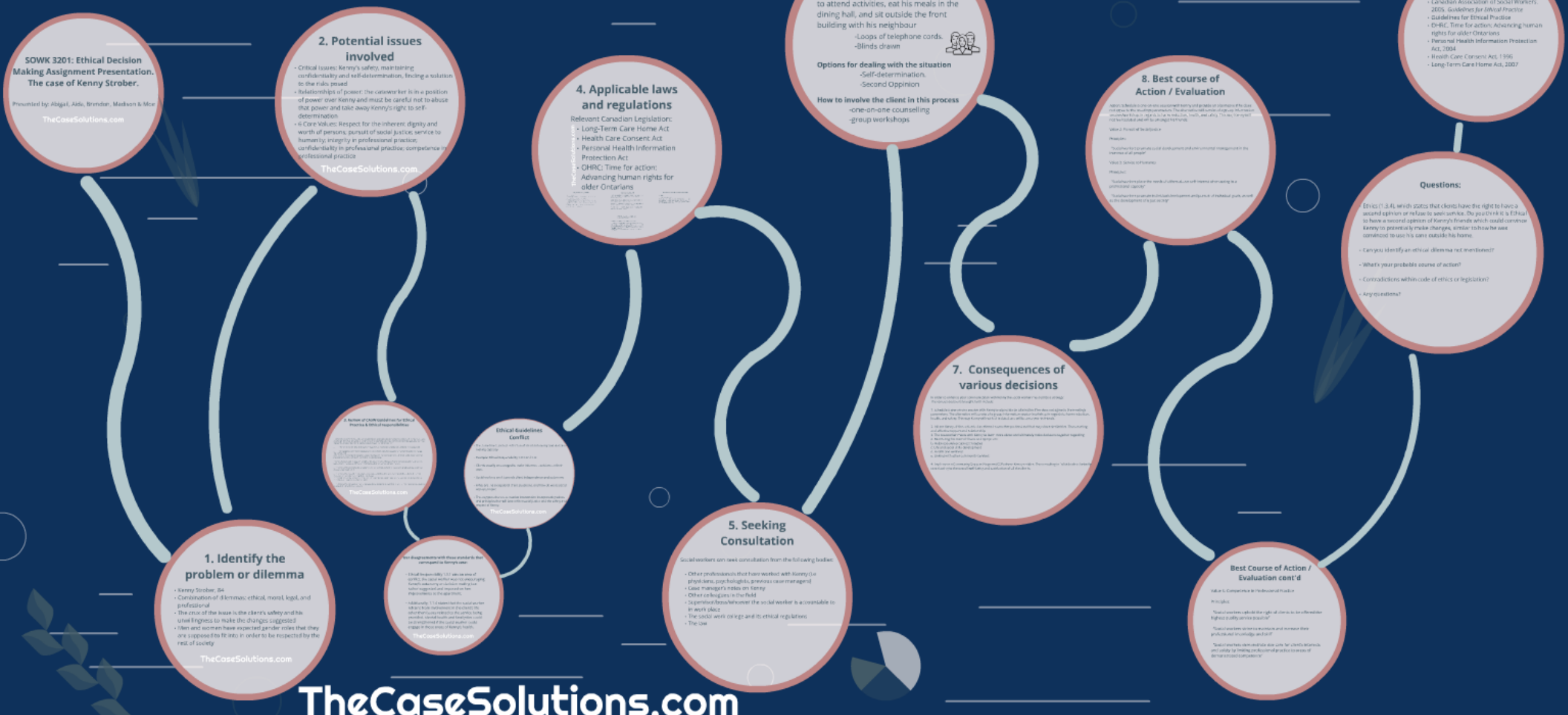
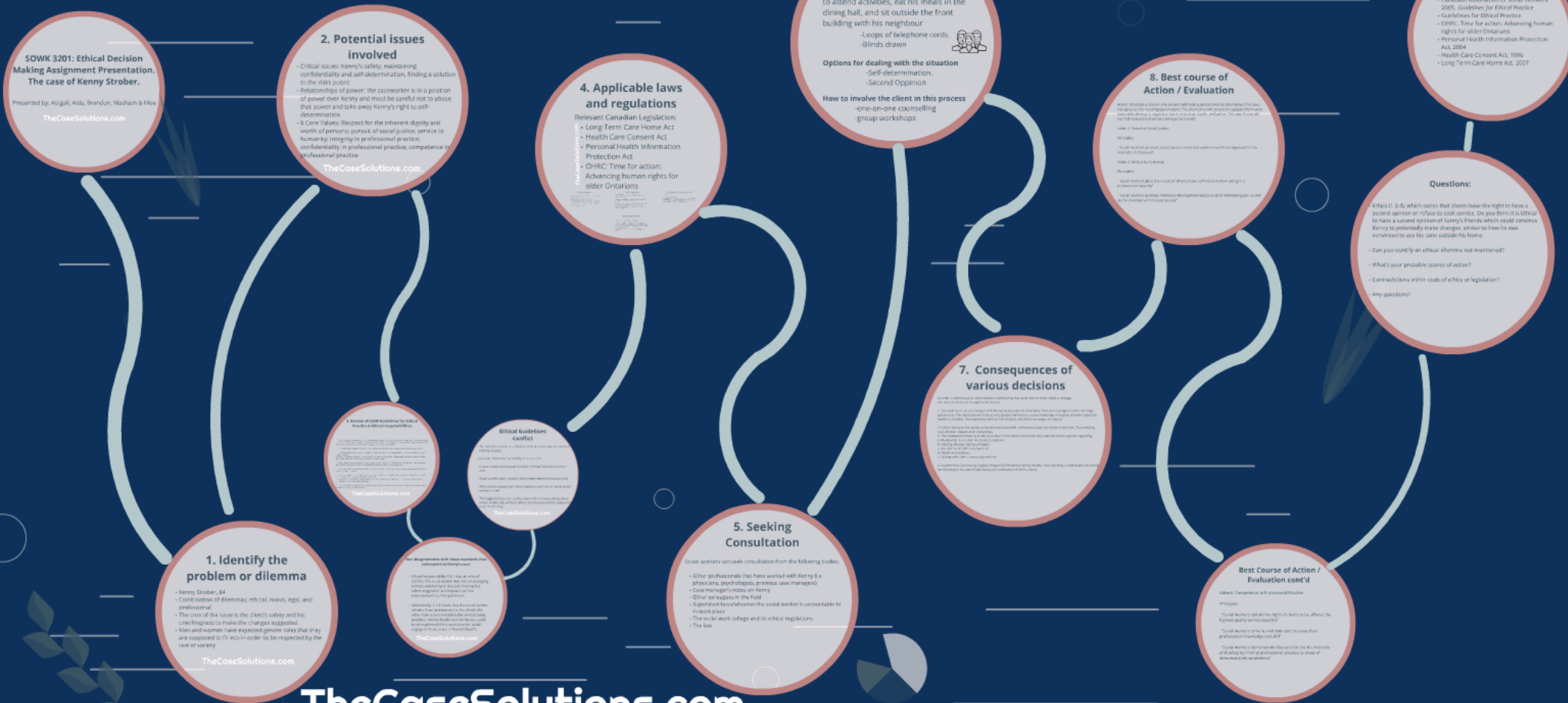


# Who's With Me? False Consensus and Ethical Decision Making



# Who's With Me? False Consensus and Ethical Decision Making



**SOWK 3201: Ethical Decision  
Making Assignment Presentation.  
The case of Kenny Strober.**

Presented by: Abigail, Aida, Brendon, Madison & Moe

**TheCaseSolutions.com**

# 1. Identify the problem or dilemma

- Kenny Strober, 84
- Combination of dilemmas: ethical, moral, legal, and professional
- The crux of the issue is the client's safety and his unwillingness to make the changes suggested
- Men and women have expected gender roles that they are supposed to fit into in order to be respected by the rest of society

[TheCaseSolutions.com](http://TheCaseSolutions.com)

The

## 2. Potential issues involved

- Critical issues: Kenny's safety, maintaining confidentiality and self-determination, finding a solution to the risks posed
- Relationships of power: the caseworker is in a position of power over Kenny and must be careful not to abuse that power and take away Kenny's right to self-determination
- 6 Core Values: Respect for the inherent dignity and worth of persons; pursuit of social justice; service to humanity; integrity in professional practice; confidentiality in professional practice; competence in professional practice

### 3. Review of CASW Guidelines for Ethical Practice & Ethical responsibilities

1.1.3 Social Workers collaborate with other professionals and service providers in the interests of clients with the client's knowledge and consent. Social Workers recognize the right of client determination in this regard and include clients (or legally mandated client representatives when clients are not capable of giving consent) in such consultations.

- 1.1.4 Social Workers limit their involvement in the personal affairs of clients to matters related to service being provided.

- 1.1.5 In exceptional circumstances, the priority of clients' interests may be outweighed by the interests of others, or by legal requirements and conditions. In such cases clients are made aware of the obligations the social worker faces with respect to the interests of others (see section 1.5), unless such disclosure could result in harm to others

1.1.6 Social Workers seek to safeguard the rights and interests of clients who have limited or impaired decision-making capacity when acting on their behalf, and/or when collaborating with others who are acting for the client.

- 1.3.1 Social Workers promote the self-determination and autonomy of clients, actively encouraging them to make informed decisions on their own behalf.

- 1.3.4 Social Workers, at the earliest opportunity, discuss with clients their rights and responsibilities and provide them with honest and accurate information regarding the following:

- their right for a second opinion or to refuse or cease service (recognizing the limitations that apply with involuntary clients)
- the limitations on professional confidentiality

- 1.4.1 Social Workers recognize that in some cases their ability to promote self-determination is limited because clients may not be capable of making their own decisions

TheCaseSolutions.com

**Our disagreements with these standards that correspond to Kenny's case:**

- Ethical Responsibility 1.3.1 was an area of conflict, the social worker was not encouraging Kenny's autonomy or decision making but rather suggested and imposed on him improvements to the apartment.
- Additionally, 1.1.4 states that the social worker refrains from involvement in the client's life other than issues related to the service being provided. Mental health and family ties could be strengthened if the social worker could engage in those areas of Kenny's health.

**TheCaseSolutions.com**

# Ethical Guidelines Conflict

- The sometimes unclear definition of client autonomy and decision-making capacity
- Example: Ethical Responsibility 1.3.1 and 1.4.1
- Clients usually encouraged to make informed decisions on their own.
- Social workers work towards client independence and autonomy
- What are the exceptional client situations, and how do we as social workers know?
- This suggests there is a creative intervention incorporating values and principles that will best reflect social justice and the safety and respect of Kenny.

[TheCaseSolutions.com](http://TheCaseSolutions.com)



# 4. Applicable laws and regulations

Relevant Canadian Legislation:

- Long-Term Care Home Act
- Health Care Consent Act
- Personal Health Information Protection Act
- OHRC: Time for action: Advancing human rights for older Ontarians

TheCaseSolutions.com

#### Long-term Care Home Act, 2006

1. Purpose of the Act  
1.1 The purpose of this Act is to establish a regulatory framework for long-term care homes and to ensure that the residents of long-term care homes are treated with dignity and respect and that their rights are protected.

2. Definitions  
2.1 In this Act, "long-term care home" means a residential facility in which a person is provided with long-term care services, and "resident" means a person who is provided with long-term care services in a long-term care home.

3. Powers of the Director  
3.1 The Director may, for the purpose of this Act, do all things that are necessary or advisable to do to carry out his or her duties under this Act.

4. Powers of the Board  
4.1 The Board may, for the purpose of this Act, do all things that are necessary or advisable to do to carry out its duties under this Act.

5. Powers of the Long-term Care Homes Association  
5.1 The Long-term Care Homes Association may, for the purpose of this Act, do all things that are necessary or advisable to do to carry out its duties under this Act.

#### Health Care Consent Act, 1996

10. (1) A health practitioner who proposes a treatment for a person shall not administer the treatment, and shall take reasonable steps to ensure that it is not administered, unless:  
(a) he or she is of the opinion that the person is capable with respect to the treatment, and the person has given consent;  
(b) he or she is of the opinion that the person is "capable", if consent is required to proceed with advance directives, to treatment or to care.  
Consent may not be required if, in the instance there is an "emergency" or it is deemed that the person is "incapable".

#### OHRC: Time for action: Advancing human rights for older Ontarians

On the subject of issues of and contributions to elder abuse:  
"...many vulnerable and at-risk children or other caregivers want to make decisions for older persons, especially when they perceive that an older adult cannot make decisions for themselves. However, a number of organizations noted that, perhaps for fear their rights to self-determination, independence and dignity in the process."  
Ontario Association of Social Workers and The Canadian Mental Health Association

#### Personal Health Information Protection Act, 2004 (PHIPA)

1. Purpose of this Act  
1.1 The purpose of this Act is to establish rules for the collection, use and disclosure of personal health information about individuals that protect the confidentiality of that information and the privacy of individuals with respect to that information, while facilitating the effective provision of health care.