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Forensic Social Work: Seeking Ethical Solutions in Interprofessional Practice

Las Vegas, NV

Lessons Learned from the Field: A Best Practice Model to Resolve Competing Professional Ethics such as Confidentiality and Duty to Report in Community Law Offices.

Presenter: Shawna Paris-Hoyte QC, JD, MSW RSW

Roundtable Discussion: June 13, 2019 @ 1:00 pm (24.1)

The contemporary social issues of our times have become very complex. People are challenged every day in terms of their survival in these changing times. Many children, youth, adults, families and communities struggle for survival as they manage an existence of poverty, oppression and marginalization in the face of discrimination, prejudice and racism. In most major cities and urban centers in Canada, community law offices and government legal aid, offer free legal services to the low income and marginalized population to help address these issues. The clientele are members of society who are dealing with very complex social-legal issues that impact the very core of their daily survival specific to housing, income assistance, domestic violence, child protection, human rights, mental health, disability, criminal law and youth justice. In light of the complexity of these social- legal issues, community law offices in Canada are recognizing the value of collaborative law and social work practice as integral to providing a holistic service to clients. As a result, social workers in Canada are being hired in community and government legal aid law offices. This integration of sometimes opposing professions has raised new concerns around competing ethics.

Social work researchers and scholars have addressed the topic of collaborative practice in law and social work. However, there has been limited discussion of the complexities of competing professional ethics between these two professions in community and legal aid law offices.

The integration of law and social work professionals in a common workplace raises such concerns. As a practicing lawyer, social worker and supervisor of social work and law students in a community law office, I have often had to address the competing ethical issues regarding confidentiality and duty to report, especially in child protection and youth justice cases. Over the past two decades, I have adhered to a best practice model that enables the social worker in the

community law office to remain engaged in work with the client while adhering to the Code of Ethics for professional practice for social workers.

The RoundTable

This roundtable discussion will provide an opportunity for participants to consider the practical challenges of inter-professional practice in community law offices whether in Canada or the United States given that the CASW and NASW Codes of Ethics have many similarities.

Participants at the roundtable will discuss proactive solutions and the tools of a best practice model to address competing ethical responsibilities with respect to confidentiality and duty to report.

In community law offices and legal aid offices the goals of the collaboration between the lawyer and the social worker should be to:

1. Provide critical perspectives from professionals from different disciplines.
2. A common purpose- SW Code of Ethics / Lawyers Code of Ethics.
3. Interdependence and engagement.
4. Coordination and interaction to the benefit of the client.
5. Efficient and effective communication.
6. Shared Outcomes- supporting families.

“Social workers who incorporate interdisciplinary collaboration into forensic practice are able to address social legal issues with the help of a variety of professionals in a group problem-solving process, which makes it possible to examine the problem from all angles ethical considerations, (Abramson and Rosenthal, 1995).”

These goals can be reached through effective collaboration and understanding.

Effective Collaboration

Lynch and Brawley (1994) highlight three points of focus with respect to the relationship between legal and ethical issues for those in integrated law offices which require and understanding of:

1. ***The Intersection between*** youth justice courts, domestic violence courts and child welfare. Many social worker's clients in a law office will/ could be the perpetrators, victim/survivor or witness.
2. ***An Integrated Service Delivery*** and why social workers must develop successful integrated delivery systems. Each discipline should come into the process with an understanding and respect for the other's missions, ethical codes and roles (Forgey & Colarossi, 2003).
3. ***Role of Social Workers*** in law offices are often hired to perform a variety of roles. At the BSW level in Canada the job would entail: case management, report writing for courts and third parties, service linkage, program evaluation, advocacy on quasi-legal issues, and service monitoring. A Master level social worker in a law office would conduct psychosocial assessments, write reports for courts and conduct many of the same duties of the BSW social worker.

Effective collaboration requires the social worker and the lawyer to be aware and informed. The social worker must adhere to the professional code while also balancing the challenges of collaborative practice.

Learning Goals for this Roundtable

- To understand how and why the ethical issues arise in law offices between lawyers and social workers.
- To consider solutions when Confidentiality and Duty to Report are competing in social work practice in the agency.
- To learn a best practice model process that provides a solution to address competing ethics between lawyers and social workers in community law offices.
- To develop an awareness of the common similarities and challenges between practice in Canada and the United States regarding this topic.

Providing social work services to clients in a law office requires the social worker to be aware of legal and ethical guidelines that govern practice with a variety of populations dealing with a variety of complex social legal issues. Practitioners using a social work model and anti-oppressive practice need to be aware of confidentiality regulations and ethical considerations, as well as, informed consent, duty to care/warned considerations, and the duty to report.

- Social workers are guided by the **NASW Code of Ethics** and in **Canada the CASW Code of Ethics** (provincial regulations).
- In Canada lawyers are guided by the **Legal Profession Act and Code of Ethics**. Canadian Bar Association – Codes of Professional Conduct. Nova Scotia has codes of Professional Responsibility. Lawyers have a duty of confidentiality and must abide by the principle of solicitor-client privilege.

Join in this roundtable to discuss how the merging of two distinctly different disciplines in one agency can create challenges which can be resolved to the benefit of the client and the law firm.