

Module 7



Ethical Conduct and Legal Issues in Field Supervision

*California State University Los Angeles School of
Social Work*

OBJECTIVES

1. To understand the ethical and legal issues in field supervision.
2. To understand the areas of potential liability in field education.
2. To identify strategies for incorporating ethical and legal responsibilities into practice.

INTRODUCTION

NASW Code of Ethics:

- Establishes a set of principles to be used as guidelines for our professional decision making and conduct towards our supervisees, their clients, colleagues and the public.
- Ultimately to protect the public from harm

INTRODUCTION

NASW Code of Ethics:

- Is a guide and is not all encompassing
- Recognizes that ethical decision making is a process
- Cannot guarantee ethical behavior
- Creates standards for adjudication proceedings and disciplinary hearings

INTRODUCTION

3. SOCIAL WORKERS' ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS

■ 3.02 Education and Training

- (a) Social workers who function as educators, field instructors for students, or trainers should provide instruction only within their areas of knowledge and competence and should provide instruction based on the most current information and knowledge available in the profession.
- (b) Social workers who function as educators or field instructors for students should evaluate students' performance in a manner that is fair and respectful.

INTRODUCTION

3. SOCIAL WORKERS' ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS

■ 3.02 Education and Training

- (c) Social workers who function as educators or field instructors for students should take reasonable steps to ensure that clients are routinely informed when services are being provided by students.
- (d) Social workers who function as educators or field instructors for students should not engage in any dual or multiple relationships with students in which there is a risk of exploitation or potential harm to the student. Social work educators and field instructors are responsible for setting clear, appropriate, and culturally sensitive boundaries.

Ethical and Legal Issues

#1: Supervision and Consultation

- (a) Social workers who function as educators, field instructors for students, or trainers should provide instruction only within their areas of knowledge and competence and should provide instruction based on the most current information and knowledge available in the profession.

Ethical and Legal Issues

A social worker who assumes the role of field instructor or task supervisor, has special ethical obligations:

- Responsible for the quality of work done by those they supervise
- Must have knowledge and skills in the areas they provide supervision
- Evaluate the performance by using helpful and fair methods
- Assist supervisee's gain knowledge and skills
- Maintain professional boundaries

(GARTHWAIT, 2012, P. 39)

Ethical and Legal Issues

To meet this ethical obligation, you should:

- Have an MSW from an accredited School of Social Work.
- Have 2 years of practice experience.
- Complete a Field Instructor Training class.
- Engage in agency trainings and continuing education classes to maintain currency in the field.
- Practice only in the areas you have received sufficient training, supervision and experience in which to practice competently.

Ethical and Legal Issues

Sometimes students may want to explore other areas of practice within your agency. This is natural, as students sometimes want to learn as much as possible from the field internship.

Be careful what you agree to.

If your student wants to learn more about an area in which you have little knowledge in, or some knowledge but not enough to meet the standard of what is considered “competent”, you may be committing an ethical violation if you agree to provide the supervision.

How would you resolve this dilemma?

Ethical and Legal Issues

Suggestions

- Explore if you can find another person, who has the proper training and experience to provide the oversight. You can remain the field instructor while the other person can serve as the preceptor for the extra assignment.
- Be comfortable modeling ethical behavior. It is okay to say “no”. Explain that the additional work would be exciting but that you cannot provide the supervision because it is out of your area of training. You will be a good and an appropriate model for your student intern.

Ethical and Legal Issues

Competence

There are different ways to maintain your competence as a field instructor beyond attending the initial required field instructor training course.

- **Provide clinical supervision weekly for at least an hour.**
- **Build your supervisee's caseload at a slow, deliberate pace.**
- **Keep the supervisee's caseload at a manageable level.**
- **Remain up-to-date on documentation that informed you about the quality of the supervisee's work such as: progress notes, process recordings, etc.**

Ethical and Legal Issues

Competence

Pacing yourself and your intern with building a caseload, having regular supervision, monitoring agency documentation, etc., will allow you to better monitor the supervisee's learning style, how well they integrate the training offered, and quality of their work with clients. Moreover, will allow you remain in a position to identify any potential ethical or legal issues with the case.

Being stretched too thin as a supervisor will increase your liability for malpractice.

Ethical and Legal Issues

#2 Supervision and Consultation

- (b) Social workers who function as educators or field instructors for students should evaluate students' performance in a manner that is fair and respectful.

The Supervisory Relationship

Sherry (1991) noted three areas in the supervisory relationship having the potential for ethical complications:

- 1) The power differential
- 2) The therapy-like quality of the relationship
- 3) The conflicting roles of supervisor and supervisee-particularly around the comprehensive skills evaluation)

The Supervisory Relationship

The Power Differential

Many ethical dilemmas are the result of hierarchical nature of the supervisory relationship and unequal power sharing between the field instructor and supervisee.

- Field instructors must be comfortable embracing that their role includes evaluation, giving direction, and supportive feedback to their supervisees.
- The Field instructor and supervisee relationship is a professional one, not a personal one.

The Supervisory Relationship

The Power Differential

- The Field instructor must be mindful to balance building a trusting, respectful relationship with one in which the supervisee understands that they are under the guidance and direction of their supervisor and will be asked and expected to follow supervisory instructions.
- Supervisees must be supported to embrace their role as a learner and appreciate and understand how to utilize their supervisor for support and guidance.
- The supervisee must understand and feel comfortable disclosing mistakes without fear of undue consequences.

The Supervisory Relationship

The Power Differential

Intern anxiety to supervision is a natural response and may play a role in shaping the supervisory relationship. Interns may have:

- 1) Anxiety around work with clients
- 2) Anxiety in their work with the supervisor

The Supervisory Relationship

The Power Differential

Bradley (2000) suggests two other categories of anxiety:

- 1) Approval Anxiety
 - 2) Dominance Anxiety
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- Approval anxiety, more commonly called performance anxiety, is the desire to have others see one as competent.
 - Dominance anxiety, refers to the supervisee's response to the power and authority of the supervisor.

The Supervisory Relationship

The Power Differential

The supervisee's level of anxiety could vary based on:

- Agency Setting
- Client Population
- Previous Information about the field instructor
- Intern's own maturity level
- Intern's professional background
- Intern's personality traits and coping styles

The Supervisory Relationship

Stop and Reflect: The Power Differential

- What was your relationship like with previous supervisors?
- How did you come to embrace being in the role of a student learner?
- How did you learn to feel comfortable disclosing mistakes?
- Do you believe you were evaluated fairly?
 - If so, how did your supervisor model this process for you?
 - If not, what did you learn from that experience that will help you be a fair evaluator with your supervisees?

Ethical and Legal Issues

#3: Supervision and Consultation

- (c) Social workers who function as educators or field instructors for students should take reasonable steps to ensure that clients are routinely informed when services are being provided by students.

Ethical and Legal Issues

Informed Consent

The orientation and training process should include a review of informed consent and what this process looks like at your agency.

Providing Informed consent to clients is both an ethical and a legal obligation. It is generally a written document that explains services to your clients.

Ethical and Legal Issues

Informed consent includes and explanation on the agencies policies on :

- The services the client is consenting to, the purpose of services, risks related to services, the right to decline, reasonable alternatives, time frame covered by the consent.
- Policy on how private information will be used and disclosed.
- Privacy Practices.
- Mandated reporting and the limits to confidentiality.
- Fees and policy on cancellation/termination of services.
- Supervision arrangements.

Ethical and Legal Issues

Informed Consent

Supervision arrangements are apart of informed consent. It is ethically and legally important for your supervisees to:

- Identify themselves as MSW student interns to their clients.
- Explain to the clients that an intern is a graduate student working towards a degree in Social Work.
- Inform the client that the supervisee's work is being supervised. The name and contact information of the supervisor must be provided to the client.

Ethical and Legal Issues

Informed Consent

In many cases agencies have a form called an “Informed Consent for Supervision” that discloses that the student intern is an MSW graduate student, what that means and provides the name and contact information of the supervisor.

The client signs this form and receives a copy of it.

Ethical and Legal Issues

Informed Consent

Mandated Reporting is a part of informed consent. It is ethically and legally important for your supervisees to:

- Receive training on their status as a mandated reporter.
- Demonstrate that they understand assessment, identification and reporting of child abuse, elder abuse, dependent adult abuse, and the Tarasoff law.
- Are provided with a script for how to explain mandated reporting so they can properly explain it to clients.
- Understand the agency protocol for reporting: How to contact their supervisor for consultation, where the abuse reporting forms are kept, and how to file the appropriate documentation.

Ethical and Legal Issues

Informed Consent

Confidentiality is a part of informed consent. It is ethically and legally important for your supervisees to:

- Receive training on their ethical and legal responsibilities to maintain client confidentiality.
- Learn when a breach of confidentiality is legally allowed, for example, child abuse, tarasoff, danger to self, etc.,
- How to reach the supervisor for consultation regarding confidentiality issues.

Ethical and Legal Issues

#4: Supervision and Consultation

- (d) Social workers who function as educators or field instructors for students should not engage in any dual or multiple relationships with students in which there is a risk of exploitation or potential harm to the student. Social work educators and field instructors are responsible for setting clear, appropriate, and culturally sensitive boundaries.

Ethical and Legal Issues

- Dual Relationships
 - A separate, distinct relationship held simultaneously ...(borrowing money, business ventures, close personal relationship- socializing with a supervisee's spouse, partner or family member...this includes sexual relationships with your supervisee, their spouse, partner or family member)

Ethical and Legal Issues

It is ethically and legally prudent to avoid having dual relationships with your supervisees.

Idea: To avoid situations that are reasonably likely to impair your professional judgment or lead to exploitation of the supervisee or yourself.

Ethical and Legal Issues

Potential Areas for Ethical Concerns

- Taking supervisee to dinner, lunch, happy hour, or other social engagements that are not agency based and for which the purpose is not professionally related.
- Contacting the supervisee on their personal phones, social media sites, email, etc., and engaging in conversation not professionally related.
- Borrowing money or personal items from supervisee or vice versa..
- Over-sharing details about your personal or social life with the supervisee where the disclosure is not rooted in supervisory instruction or professional development of the supervisee.

Ethical and Legal Issues

The Therapy-Like Quality of the Supervisory Relationship

Sometimes the therapy-like nature of clinical supervision makes it difficult to delineate boundaries and to set limits with supervisees. Personal issues, especially with inexperienced social workers and students, often arise in the supervisory relationship just as they do in counseling and therapy (Kaiser, 1992).

Ethical and Legal Issues

The Therapy-Like Quality of the Supervisory Relationship

- Supervisors must balance how to explore personal issues that may impact client care without turning supervision into a therapy session.
- Field Instructors have an ethical responsibility to address personal issues with supervisees when it is recognized that personal issues are interfering with client care (Russell and Petrie, 1994).
- How these issues will be addressed, to what extent, and at what point in supervision varies between supervisors.

Ethical and Legal Issues

The Therapy-Like Quality of the Supervisory Relationship

- Field instructors should limit their “therapist role” to exploring and clarifying how the personal problems are impacting work with clients. Here are a series of process questions for use with supervisees (Campbell, 2000):
 - What is the client doing to push your buttons?
 - What is it about the client’s behavior that brings about these responses?
 - Does anything remind you of another person or situation?

Ethical and Legal Issues

The Therapy-Like Quality of the Supervisory Relationship

- Is there anything happening in your life right now that may be contributing to this situation?
- How do you see this awareness affecting your relationship to this client?
- What might you want to do differently with the client to solve this problem?

Ethical and Legal Issues

The Therapy-Like Quality of the Supervisory Relationship

Other Tools:

- Consider direct observation by sitting in on a session between the intern and client (with signed consent).
- If direct observation is difficult or not an option, obtain an audio or video tape of the intern's session (with signed consent).
- Have the intern complete a process recording on the session and review it in supervision.

Ethical and Legal Issues

The Therapy-Like Quality of the Supervisory Relationship

Other Tools:

- Consult with the university liaison. This is an important step. The university field liaison is in a position to offer you supportive feedback, suggestions or to simply listen. You may not be ready for the field liaison to step in and take action, but it is important for the liaison to at least be aware of student performance issues.

Ethical and Legal Issues

The Therapy-Like Quality of the Supervisory Relationship

Other Tools:

- If after working the student and including the field liaison, the student's personal issues continue to impact his/her work with clients, consider a referral for psychotherapy.
- **NOTE:** You should never offer a student a referral for psychotherapy without first making the university liaison aware of the concerns.

Ethical and Legal Issues

The Conflicting Roles of the Supervisee and Supervisor

Just as in counseling and psychotherapy, the quality of the supervisory relationship is a critical to the success of supervision (Barrow & Domingo, 1997; Bernard & Goodyear, 1998; Borders & Usher, 1992; Chung, Baskin & Case, 1998; Holloway, 1995; Kaiser 1997).

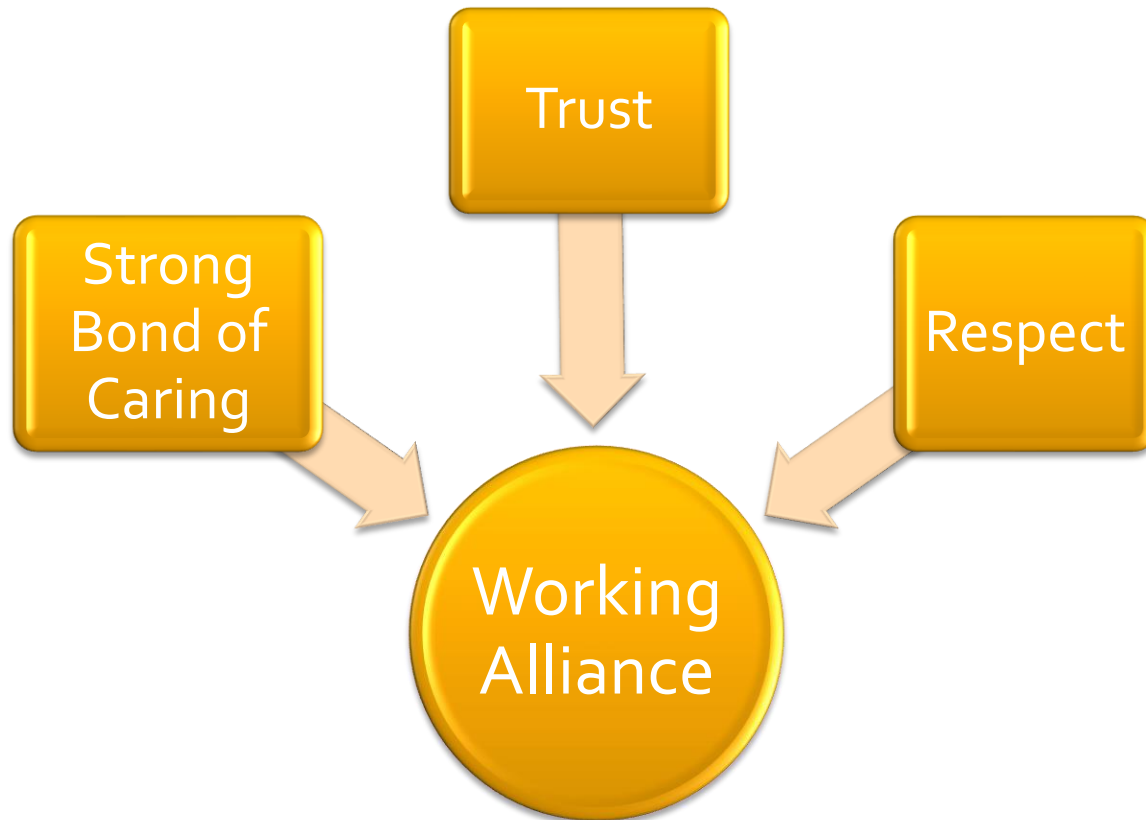
Ethical and Legal Issues

The Conflicting Roles of the Supervisee and Supervisor

The field instructor should have tools to increase collaboration and the quality of the supervisory relationship.

Bordin (1983) uses the term “working alliance” to describe this collaboration between a supervisor and an intern.

Ethical and Legal Issues



The working alliance is based on a strong bond of caring, trust, and respect.

Ethical and Legal Issues

The Conflicting Roles of the Supervisee and Supervisor

- Role conflicts may threaten the security of the supervisory working alliance. (Ladany & Friedlander, 1995)
- Supervisees are encouraged to explore their personal character and discuss their limitations while simultaneously being evaluated by a supervisor for their competencies and suitability for the profession.

Ethical and Legal Issues

The Conflicting Roles of the Supervisee and Supervisor

Field instructors must balance building a safe and trusting supervisory relationship where the supervisee feels “safe” to disclose mistakes, while not crossing over into conducting therapy and, while simultaneously evaluating the supervisee for competencies and suitability for the field.

Ethical and Legal Issues

The Conflicting Roles of the Supervisee and Supervisor

Ways to minimize role conflict:

1. Supervisor and supervisee must have a clear understanding of the goals of supervision, how goals will be achieved, and how any problems or issues will be addressed when they arise.
2. Developing the learning agreement goals will assist you in this process. This should be a mutually agreed upon collaboration between you and your supervisee.

Conclusion: Ethical and Legal Issues

Do:

- Review the NASW Code of Ethics with your supervisee.
- Give your supervisee ample time to ask questions.
- Reinforce learning via role playing ethical dilemmas during orientation/training.
- Keep ethical and legal conduct an ongoing theme during individual & group supervision and agency training(s).

Conclusion: Ethical and Legal Issues

Do:

- Review mandated reporting, confidentiality laws, and exceptions with supervisees during orientation.
- Keep legal issues as an ongoing theme during individual and group supervision and agency trainings.
- Ensure supervisee has a script for explaining to clients their MSW intern status and how to explain supervision arrangements.

Conclusion: Ethical and Legal Issues

Do:

- Monitor pacing of assignments and caseload.
- Meet for individual supervision weekly for a minimum of one hour.
- Remain up-to-date on reviewing supervisee's documentation.
- Approve assignments for your supervisee that you are competent to supervise.

Conclusion: Ethical and Legal Issues

Thank you.

THE END