



ETHICAL DECISION-MAKING FRAMEWORK

INTRODUCTION

At Traverse Independence we strive to maximize our clients' ability to live independently by providing support services for adults with a physical disability or brain injury, we support them to traverse the distance to independence by offering many different programs and services, including, the day program, outreach, residential and transitional living programs.

Traverse Independence recognizes that employees in the course of the work they perform often encounter ethical issues. We are committed to creating an environment where employees are encouraged to consider and deliberate ethical issues. This framework provides a common approach for making decision in an ethical way. Having an ethics framework helps promote ethical behaviour and clarifies ethical issues when they arise.

We have several policies and procedures developed with input from clients, families and stakeholders that support staff when dealing with situations that might present an ethical issue for them.

A common framework to manage ethical issues is necessary to support employees in dealing with complex issues. To address this need, it was determined that the "IDEA" model, created by the Community Ethics Network¹, was the framework most suitable for the organization.

The following eleven principles in the framework are supported by the organization:

Advocacy: Employees will help to improve the awareness, accessibility, and quality of services by advocating on behalf of the individuals served.

Autonomy: Clients have the basic right to self-determination, independence, and freedom over their actions and what happens to their bodies.

Capacity: Clients and decision makers fully understand their options and appreciate the consequences of the various choices being considered.

Commitment to Quality Services: The highest quality service is with the resources available. Employees will respect the role of other community agencies and work with them to maximize the effective delivery of services.

Confidentiality: Clients and their decision makers are informed of their right to consent to the sharing of necessary information. Employees will hold as confidential all information obtained in the course of their employment with Traverse Independence.

Conflict of Interest: Employees will not compromise service to clients or responsibilities to the agency for personal benefit.

Consent: Clients and decision makers freely authorize and agree to treatment with no coercion.

¹ <https://communityethicsnetwork.ca/>

Dignity: In all interactions, employees will demonstrate respect for human dignity and will be responsive and sensitive to diversity. All client intervention will be least intrusive.

Employee Safety: Employees will take necessary measures to ensure personal safety and will report and address all safety concerns in a supportive and non-threatening manner.

Justice: Service provision and the allocation of resources are distributed justly and according to need.

Personal Inclusion: A holistic approach to the needs of clients will take into consideration all things important to them in their community, by treating people and groups fairly, by treating morally relevant cases alike, and by promoting fair relations among individuals and social groups. Discrimination based on income, gender, sexual orientation, ethnicity or race, physical or mental ability, diverse behaviours, lifestyle or any other factor is not practiced.

ETHICAL ISSUES

At Traverse Independence we will recognize potential ethical issues using the 'yuck', "muck" and 'pluck' response process.

YUCK – expressive, an unanalyzed expression or feeling that, by themselves, don't provide reasons or justification.

MUCK - pre-reflective, a justification via law, religious tenets, social values, code of ethics, etc.; accepted uncritically.

PLUCK – reflective, a reasoned ethical response, based on values and principles to which we consciously subscribe.

Some potential ethical issues that are often seen are:

Access to service- limited resources, allocation decisions, program development, program closures, budget cuts, client hours of service, waiting list management.

Workplace demands - employee safety, equity/diversity/inclusion,

Client/staff safety - choosing to live at 'risk', behaviours that might put others at risk, intensity of adverse behaviours such as addictions, mental health issues.

Complex clinical relationships - potentially charged with emotions.

Boundaries - just like home, just like family – just how far?

Client sexuality & sexual expression - conflicts in beliefs and values, lack of privacy, need for assistance, free and informed decisions?

Uncertainty/Conflict over treatment decisions - issues of autonomy, disagreement with client choice, relationship of client & family

Emergent decision-making capacity - those capable to make own decisions, potential for differing opinions between clients and spouse, parents, navigating consent/assent/dissent.

Privacy – clients do not want families involved even in emergency situations.

OVERVIEW

The ethical decision-making framework and worksheet can be used in various ways, including:

- Complaint process/investigations
- Appeal process
- When an employee is faced with an ethical issue
- During incident report follow up
- For information sharing purposes.
- During the intake process or at client review meetings
- When trying to decide the best course of action with employees or clients

The decision-making worksheet is designed to assist employees address complex and challenging issues in a comprehensive and logical manner. It is a step-by-step tool that is used for documentation and communication, it allows for open and non-threatening communication. As required, the decision-making worksheet can also be used to clarify the rationale for challenging decisions that were made.

GUIDELINES FOR USING THE ETHICAL DECISION-MAKING WORKSHEET

1. **Identify** the facts.
2. **Determine** the ethical principle.
3. **Explore** the options.
4. **Act** on the decision and evaluate.

Step 1: Identify the facts.

State the presenting issues, identify, and gather the facts of the situation. Using the four-box format, gather relevant information including, Client Preferences and Quality of Life. Consider all the relevant considerations and stakeholders.

When considering the facts reflect on your own emotions, feelings, and values to help understand how they may influence how you respond to a particular situation. Be aware of such emotions/values/biases and act accordingly (e.g., if objectivity is not possible, remove yourself from the situation and ask a peer/manager to become involved).

In addition to considering your own thoughts, emotions, and cultural traditions, explore those of the client and other relevant stakeholders (family, caregiver, etc.).

Use the worksheet to make notes. The worksheet is not meant to be an official document. Document the results in meeting minutes, case notes, summary notes, etc. as appropriate.

Step 2: Determine the ethical principle(s)

Identify the ethical principle(s) that is relevant in the situation and determine if any of these conflict with each other. This will assist to clarify and articulate the issues. You may determine that this is not an ethical issue; however, the decision-making framework can still be applied to assist with resolution of the issue.

Use the worksheet to make notes.

Step 3: Explore options.

Explore options. Consider the strengths, weaknesses, and outcomes of each one. Brainstorm and be creative in your thinking. The chosen option may not necessarily be the one that has the most strength or least weaknesses; rather each option should be considered on the overall importance of its related principles, strengths, and weaknesses.

Use the worksheet to make notes.

Step 4: Act on your decision and evaluate.

Develop an action plan and document it. Determine how the plan is to be communicated to the client and relevant stakeholders to maximize understanding. Ongoing communication with the client is critical.

The plan must be documented in meeting minutes, case notes, summary notes, etc. as appropriate.

Evaluate the plan after implementation. Consider if the intended results were obtained or if additional follow up and/or action is required. Document evaluations and communications as required.

Evaluate your decision. Reflect on the decision-making process and your feelings with respect to the situation.

REFERENCES

- Jonson, AR, Siegler, M, and Winsdale, W, (2002) Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine (5th edition) New York” McGraw Hill.
- Core Curriculum Working Group² of the Clinical, Organizational and Research Ethics (CORE) Network (formerly the Clinical Ethics Group), University of Toronto Joint Centre for Bioethics (JCB)
- Toronto Community Care Access Centre (CCAC). 2009. Community Ethics Toolkit. Toronto. http://www.utoronto.ca/jcb/ethics/documents/CEN_community_ethics_toolkit.pdf
- Kevin Reel --- CEN Member and video

² Members, in alphabetical order, include Kyle Anstey, Shane Green, Sue MacRae, Deb Pape, Barbara Russell, Barbara Secker, Frank Wagner, and Shawn Winsor.

ETHICAL DECISION-MAKING WORKSHEET (SAMPLE)

I – Identify the facts.

D – Determine the ethical principles

E – Explore the options

A – Act on your decision and evaluate

What are the presenting concerns?

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Step 1: Identify the Facts

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| <p>Clinical Indications:</p> <p>State the client’s clinical issues, history, and diagnosis. Is this an emergency or crisis? Are there other relevant medical conditions, seizure disorder to consider, etc. Describe clinical issues relevant to the present concern. Are there rehabilitation goals relevant to this issue? Are there plans in case of therapeutic failure?</p> | <p>Client Preferences:</p> <p>State the client’s preferences. Are they relevant to the current situation? What are the client’s values? Does the client have capacity to decide in this situation? Is the client/DM making an informed, voluntary decision?</p> |
| | |
| <p>Quality of Life:</p> <p>Describe quality of life as perceived by the client. Examine the emotional factors influencing everyone involved in the situation. Consider your own feelings, values, biases, and prior experience.</p> | <p>Contextual Features:</p> <p>Are there any family involved or other significant relationships? Are any care plans put in place so far? Are there relevant social, legal, economic and agency circumstances? What other relevant features (e.g., religious & cultural factors, limits on confidentiality, resource allocation issues, legal implications, research, or teaching involved and provider conflict of interest) need to be considered?</p> |
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Step #2- Determine the relevant Ethical Principles.

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|--|---|
| <input type="checkbox"/> Advocacy <input type="checkbox"/> Autonomy <input type="checkbox"/> Capacity <input type="checkbox"/> Confidentiality <input type="checkbox"/> Commitment to Quality Service <input type="checkbox"/> Conflict of Interest | <input type="checkbox"/> Consent <input type="checkbox"/> Dignity <input type="checkbox"/> Employee Safety <input type="checkbox"/> Justice <input type="checkbox"/> Personal Inclusion <input type="checkbox"/> Other |
| Principle | Explain the issue |
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Step# 3 – Explore Options

Explore options and consider the strengths and weaknesses and outcomes of each. Brainstorm, be creative, consider a compromise. Imagine the short-term and long- term foreseeable consequences and outcomes for each option.

Considerations:

- Do the options fit with the client’s values?
- Do the options meet agency policies, directives, and regulations?
- What principles guide your decisions?
- Can there be delayed or non intervention?
- Are necessary resources available?
- What are the client’s rights, feelings and wants?
- What is in the client’s best interest?
- Are your conscience and emotional reactions influencing your decisions?
- What is the impact on other professionals and the agency.

Document and discuss with your supervisor as appropriate.

| Options | Strengths | Weaknesses |
|---------|-----------|------------|
| | | |

Step #4 – Act on your Decision and Evaluate

Develop an Action Plan:

Given the information you have, choose the best option, and develop an action plan. If the client is not capable is the DM making the decision in accordance with the client's prior wishes or client's best interests? Are the client's rights being respected? Is there any reason why the client's preferences may not be followed? Present your suggested option and action plan to the client and those involved. Refine the plan based on additional information. Identify how to best implement the option. If the client or decision maker does not consent to the plan, repeat Steps 1, 2 & 3. Determine when and how to evaluate, document, and communicate the plan, using case notes and other relevant communication tools.

Evaluate the plan:

Use your problem solving and critical thinking skills. What was the outcome of the plan? Are changes necessary? Follow Steps 1,2 &3 as indicated if other factors come to light or if the situation changes. Debrief with client/DM/supervisor. Identify learning opportunities for employees. Document the evaluation in the client file as a case note.

Evaluate your decision:

How do you and/or team feel about the decision and outcome? What would you do differently and what would you do the same next time? What have you learned about yourself? What have you learned about the decision-making process? Debrief with supervisor if necessary. When the issue is resolved, shred worksheet. Document appropriately in client file.