

Ethical Considerations in Batterer Intervention Service Delivery

Robert Agnoli, LCSW CPAIP

copyright 2005

Grassroots to a profession

- BIPs rooted in women's movement.
- Increasing research and body of knowledge.
- A calling requiring specialized knowledge and often long and intensive academic preparation.
- A vocation founded upon specialized educational training, the purpose of which is to supply objective counsel and service to others.

Characteristics of a profession

- Characteristic features of a profession:
 - They have a professional association.
 - Cognitive base.
 - Institutionalized training.
 - Licensing.
 - Code of ethics.
 - High standards of professional and intellectual excellence.

Larson, Magali Sarfatti (1978) *The Rise of Professionalism: a Sociological Analysis*. Berkeley, California: University of California Press

What is Ethics?

- Code of morality: a system of moral principles governing the appropriate conduct for a person or group.
- Value system that dictates decisions.
- Can be personal, professional, organizational.

Code of Ethics vs. State Guidelines

- Code of Ethics: Set of values, principles, and standards that guide the profession.
- State Guidelines: Describes standards, underlying tenets, and principles for programs working with individuals who have committed acts of intimate partner violence.

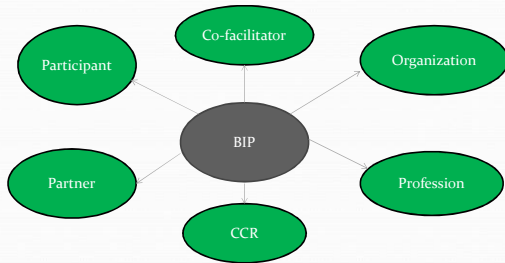
IDHS Protocol (3.31)

- PAIPs and their personnel must meet standards outlined by professional groups with which they are affiliated.
- Group facilitators must be violence-free in their own lives.
- Group facilitators must consistently act and communicate in ways that do not perpetuate attitudes of bias.
- Group facilitators must immediately report to the Department of Children and Family Services when they discover that a child has been subjected to abuse or alleged or suspected child abuse or neglect by a participant or other family member. Facilitators must refer suspected cases of elder abuse, neglect, and financial exploitation to the Department on Aging's Elder Abuse and Neglect Program. PAIPs must have written procedures in place reflecting mandated reporter status.

Basic Premises

- Common sense is not enough.
- A code of ethics does not guarantee ethical behavior.
- A code of ethics cannot resolve all ethical dilemmas.
- Ethical conduct rooted in self-awareness.
- One of the best ways to maintain an ethical position is to focus on the best interest of the client.

BIP Relationships



Ethics and group participants

- Privacy and Confidentiality
- Informed Consent
- Self-determination
- Fees
- Conflicts of interest
- Termination/ completion
- Dual or inappropriate relationship
- Duty to warn

Confidentiality & applicable laws

- Do state and/or federal confidentiality laws apply?
- Individual state AIDS Confidentiality laws
- Public Health Services Act (Alcohol & substance abuse treatment)
- Abused and neglected child reporting
- Elder abuse and neglect reporting

Informed consent

- Provide participants, in a clear and understandable manner, information about the nature of the services, the limits of services, what is expected of them, the cost of the services and their rights of confidentiality.
- The consent must be free of coercion and presented clearly in understandable language. The participant must also be capable (legally, medically, and mentally) of providing the consent.
- Must be informed of rights before consenting, otherwise the release is invalid.

Privacy & confidentiality

- Valid releases of information:
 - Name of program
 - Name of the participant
 - Name of individual/organization to which disclosure can be made
 - Specific information to be disclosed
 - Purpose of the disclosure
 - Date effective/ date expires
 - Signatures: Participant & witness
 - Right of revocation and statement of consequences.

Confidentiality and substance abuse treatment

- Protect the rights of individuals seeking substance abuse treatment due to potential stigmatization.
- Allows for non-identifying disclosure (i.e. public health) and subpoena and court order.
- What does this mean for BIPs?

Confidentiality and HIV

- States have varying criminal transmission laws.
- In Illinois only physicians “have the ability to disclose status to a married partner or civil partner someone’s status” but are not required to.
- What is the impact of having an HIV + group member? Who is impacted?

Ethics and Fees

- Is bartering for services acceptable?
- What do state guidelines say?
- What do professional codes of ethics say?
- What about insurance?

Conflicts of interest

- **Conflict of interest:** occurs when an individual or organization is involved in multiple interests, one of which could be **perceived as possibly** corrupting the motivation for or acting in another.
- A primary interest may be unduly influenced by a secondary interest.

Dual or Inappropriate Relationship

- Blending of the facilitation relationship with another kind of relationship.
- Some multiple relationships are potentially more damaging than others.
- Dual relationships cannot always be resolved with policies alone.

Dual or inappropriate relationship

- What are the guidelines?
- Set healthy boundaries from the start.
- Talk to participants.
- Examine your motivation.
- Seek supervision/consultation.

Duty to warn/protect: ANCRA

- A mandated reporter, having reasonable cause to believe a child known to them in their professional or official capacity may be an abused or a neglected child, shall immediately report or cause a report to be made to DCFS.
- Abused and Neglected Child Reporting act
 - Abuser Acknowledges abuse of child
 - Abuser accuses partner of abuse of child

Duty to warn/protect: Elder Abuse

- Over 60
- Because of dysfunction, unable to self report.
- Includes: physical and sexual abuse, neglect and exploitation.
- Elder program accepts cases involving self neglect.

Duty to warn/protect: Threats to others/self

- In the providers **sole discretion**, disclosure is necessary to warn or protect a specific individual against whom the participant has made a specific threat.
- What if it is a something less than specific threat or unclear risk of imminent harm?

Duty to warn/protect: Threats to others/self

- Documentation:
 - Specifically what lead you to disclose.
 - What history of the participant played a part in your decision.
 - Who you consulted.
 - What actions you took.

Ethics and partners/ex-partners

- What information are partners and ex-partners entitled to know?
- When exactly do we have a duty to warn?
- Do we talk to new partners?
- Documentation of contact with partners?

Ethics and co-facilitation

- Role of the facilitator (Emerge):
 - Safety of partners
 - Offender accountability
 - Community deterrence
 - Keep class focused on violence, abuse, control, and ability to change
 - Facilitate reflective /critical thinking
 - Provide new information and teach skills
 - Facilitate healthy group process

Ethics and co-facilitation relationship

- Egalitarian Relationship
- Mutual Respect
- Accountability
- What are the expectations?
- Impairment, incompetence, unethical conduct

Ethics and the organization

- Organizations obligation to the employee
 - Supervision, consultation
 - Education, training
- Employees obligation to the organization
 - Maintain expectations
 - Follow organizations code of ethics

Ethics and Coordinated Community Response

- Effective CCR:
 - Written policies that focus on survivor safety and participant accountability.
 - An entity that tracks and monitors cases and assesses data.
 - An interagency process that brings practitioners together to dialogue and resolve problems.
 - A central role for victim advocates, shelters, and survivors.
 - A shared philosophy about domestic violence.
 - A system that shifts responsibility victim safety from the victim to the system.

*Adapted from the work of Barbara Hart and Michael Payne

Ethics and Coordinated Community Response

- Courts, DCFS, community stakeholders, victim services.....
- What information do you share?
- Confidentiality, dual relationship, source of referrals and income.
- Referral sources interest vs. group member rights.

Ethics and the profession

- What are our obligations to the profession as a whole?
 - Private conduct
 - Commitment to CCR
- Integrity: We represent the profession.
- Responding to questionable actions of others.

Ethical decision making

- Cognitivism: It is possible to use objective criteria for determining what is right and wrong.
- Relativism: Judgment of right and wrong is subjective.

Ethical Dilemma

- A situation where there are two or more conflicting values which independently would be equally upheld.
- Acting on one value automatically violates the other one.

8 principles in decision making

1. Self-determination
2. Non-malice
3. Justice and fairness
4. Fidelity
5. Individualization
6. Supportive environment
7. Participant directs change process
8. Truthfulness

Step 1

- Consultation with colleagues.
 - Alone not always easy to see whole picture.
 - Organizational structure.
 - Serves as a means of support and legal protection.
- Professional Consultation.
 - Expertise in BIPs, familiarity in standards.

Step 2

- Identify the issues, values and duties that are in conflict.
- Be aware of standards, codes of ethics, organizational policies, applicable laws, and own personal values.

Step 3

- Identify who is likely to be impacted by the decision. Includes yourself.
- Who is responsible for making the decision.
- Who has the right to make the decision.

Step 4

- Identify possible courses of action and who is involved in each.
- Identify possible benefits and risks of each course.
- Examine reasons in favor of and opposed to each course of action.

Step 5

- Make the decision
- Document the decision making process
 - Supervision/consultation
 - General summary of decision making process
 - Actions taken
 - Is follow up necessary?

Step 6

- What are the consequences?
- What are the tools available to evaluate the decision making process and the impact?
- Document subsequent action. Are changes in policy and procedures needed?

Robert Agnoli, LCSW, CPAIP
The Salvation Army Family and Community Services
5045 W. 47th Street Chicago, Illinois 60638
(773) 735-6773 ex. 1203

robert_agnoli@usc.salvationarmy.org
