



## **ETHICAL BASIS FOR GOOD PRACTICE**

### **Introduction**

ELHAP (A Special Needs Adventure Playground) has a duty to afford the highest possible standards of protection to service users and to the public and to promote the best standards of personal and professional conduct within ELHAP. The ELHAP Ethical Basis for Good Practice contains advice and guidance to all ELHAP employees, trustees, volunteers and work placements on values, ethical principles, personal qualities and ethical practice.

The ELHAP Ethical Basis for Good Practice replaces all earlier codes of ethics, conduct and practice and is applicable to all those using ELHAP or ELHAP related services.

Within this document, the term 'employee' is generally used to refer to anyone undertaking the role of an employee, trustee, volunteer or work placement at ELHAP. The term 'service user' is used as a term to refer to any recipient of ELHAP services, including both the service users and their parents/carers.

The ELHAP Ethical Basis for Good Practice is not a static set of rules and regulations covering every aspect of behaviour. Employee conduct and practice requires the acceptance of responsibility and the exercise of professional judgement.

The ELHAP Ethical Basis for Good Practice has been produced to guide ELHAP employees towards achieving the highest standards of practice and will be used to inform the ELHAP policies and procedures.

### **The Values of ELHAP**

The fundamental values of ELHAP include a commitment to:

1. Respecting human rights and dignity
2. Ensuring the integrity of employee-service user relationships
3. Enhancing people's quality of life
4. Facilitating opportunities for fulfillment and satisfaction
5. Respecting people's preferences, choices and decisions
6. Developing independence and autonomy
7. Appreciating the diversity of human experience and culture
8. Striving for the fair and equal access to ELHAP services

Values inform ethical principles that in turn define employee's ethical practice.

## **Ethical Principles**

The establishment of dynamic ethical principles for ELHAP employees' work related conduct requires both a personal commitment and acceptance of responsibility to act ethically and to encourage ethical behaviour by ELHAP employees.

These ethical principles are intended to guide and inspire employees towards achieving the highest ideals of the profession. Ethical principles, as opposed to Standards or Codes, do not represent obligations in their own right. However, all employees are obliged to consider their practice with direct reference to each of these ethical principles.

### **PRINCIPLE A: RESPONSIBILITY**

Since these principles are aspirational in nature, ethical practice always involves free will. To be motivated, concerned and directed towards ethical practice requires responsibility. Employees accept responsibility for their behaviour and actions. Employees are concerned about the ethical compliance of their own practice and their colleagues' professional conduct. When ethical conflicts occur, employees attempt to resolve these conflicts in a responsible manner. Employees are also aware of their professional responsibilities towards society and to the communities in which they work.

### **PRINCIPLE B: BENIFICENCE**

Employees strive to benefit those with whom they work, acting in their best interests and always working within the limits of their competence, training and experience. This principle involves an obligation to enhance the quality of service provision. An obligation to act in the best interests of users is paramount for employees because users are often non-autonomous and dependent on significant others. Ensuring that the user's best interests are met requires monitoring of practice and outcomes.

### **PRINCIPLE C: NON-MALEFICENCE**

Employees are committed to not harming those with whom they work. Because employees professional judgements and actions may affect the lives of others, they are aware, concerned and committed to guard against personal, financial, social, organisational, emotional, sexual or political factors that may lead to a misuse of their influence or exploitation of those with whom they work. This may involve not providing services when unfit to do so due to personal impairment, including illness, personal circumstances or intoxication. Employees have a responsibility to challenge the incompetence or malpractice of others and to contribute in investigations or adjudications concerning the professional practice and/or actions of others.

### **PRINCIPLE D: FIDELITY**

Employees behave in a trustworthy manner and establish relationships of trust with those with whom they work. Employees honour and act in accordance with the trust placed in them. This principle obliges employees to be aware of ELHAP's mission, values and philosophy of care and to act honestly and responsibly, promoting ethical practices on the part of ELHAP.

### PRINCIPLE E: JUSTICE

Employees recognise that fairness and justice is an entitlement for all persons. This obliges employees to ensure that all persons have fair and equal access to and benefit from the contributions of ELHAP (including ELHAP facilities and services) and to equal quality in the services offered by ELHAP. Employees exercise judgement and care to ensure that their potential biases, levels of competence and limitations of their experience do not directly or indirectly lead to unjust practices.

### PRINCIPLE F: RESPECT FOR PEOPLE'S RIGHTS, DIGNITY AND WORTH

Employees recognize and respect the dignity and worth of all people and the rights to privacy, independence, inclusion and choice. Employees are aware that special safeguards may be necessary to protect the rights, choices and welfare of users who are dependent on significant others. Employees seek to enhance user's capacity and opportunity to change and to address their own needs.

### PRINCIPLE G: RESPECT FOR PEOPLE'S RELATIONSHIPS

Employees recognize, respect and understand the importance of relationships between and among people and that positive relationships are an important vehicle for change. Employees who respect people's needs and relationships are aware that users may, on occasion, be dependent upon others to facilitate choice, preference and decision making. Employees respect the user's relationships and ensure that, where needed, those in significant relationships to the user are included in the decision making processes.

### PRINCIPLE H: SELF RESPECT

Employees apply all of these principles to themselves. This involves a respect for the employees own knowledge, competence, needs and development. This includes accessing opportunities for personal and professional development.

## **Personal moral qualities**

The employee's personal moral qualities are of the utmost importance to service users, their families, funding bodies and to society. Many of the personal qualities considered important in the provision of ELHAP services have an ethical or moral component and are therefore considered as virtues or good personal qualities. Personal qualities to which employees are strongly encouraged to aspire include:

1. **Humility:** the ability to assess accurately and acknowledge one's own competencies, strengths and weaknesses.
2. **Self-responsibility:** To operate and function efficiently within own level of competence.
3. **Empathy:** the ability to communicate understanding of another person's experience from that person's perspective.
4. **Sincerity:** a personal commitment to consistency between what is professed and what is done.
5. **Integrity:** acting in a whole and sound manner towards self and others.
6. **Resilience:** the capacity to work with the client's concerns without being personally diminished.

7. **Respect:** acknowledging and showing esteem to people's understanding, experience, preferences, choices and abilities.
8. **Competence:** the effective deployment of the skills and knowledge needed to do what is required.
9. **Wisdom:** possession of sound judgement that informs practice.
10. **Courage:** the capacity to act in spite of known fears, risks and uncertainty.

## **ELHAP Ethical Standards**

The following ethical standards are relevant to the professional activities of all employees. These standards concern (1) employees' ethical responsibilities to service users, (2) employees' ethical responsibilities to colleagues, (3) employees' ethical responsibilities as professionals, (4) employees' ethical responsibilities to ELHAP, and (5) employees' ethical responsibilities to the local community and to broader society.

Some of the standards that follow are enforceable guidelines for professional conduct, and some are aspirational. The extent to which each standard is enforceable is a matter of professional judgment to be exercised by those responsible for reviewing alleged violations of ethical standards.

### **1. Employees' Ethical Responsibilities to Service Users**

#### 1.01 Commitment to Service Users

Employees' primary responsibility is to promote the well-being of service users. In general, service users' interests are primary. However, employees' responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty owed to service users, and service users should be so advised. (Examples include when an employee is required by law to report that a service user has abused a child or has threatened to harm self or others.)

#### 1.02 Self-Determination

Employees respect and promote the right of service users to self-determination and assist service users in their efforts to identify and clarify their goals. Employees may limit service users' right to self-determination when, in the employees' professional judgment, service users' actions or potential actions pose a serious, foreseeable, and imminent risk to themselves or others.

#### 1.03 Informed Consent

(a) Employees should provide services to service users only in the context of a professional relationship based, when appropriate, on valid informed consent. Employees should use clear and understandable language to inform service users of the purpose of the services, risks related to the services, limits to services because of the requirements of a third-party payer, relevant costs, reasonable alternatives, service users' right to refuse or withdraw consent, and the time frame covered by the consent. Employees should provide service users with an opportunity to ask questions.

(b) In instances when service users are not literate or have difficulty understanding the primary language used in ELHAP, employees should take steps to ensure service users' comprehension. This may include providing service users with a detailed verbal explanation or arranging for a qualified interpreter or translator whenever possible.

(c) Employees should obtain service users' informed consent before audiotaping or videotaping service users or permitting observation of services to service users by a third party.

#### 1.04 Competence

(a) Employees should provide services and represent themselves as competent only within the boundaries of their education, training, supervised experience, or other relevant professional experience.

(b) Employees should provide services in substantive areas or use intervention techniques or approaches that are new to them only after engaging in appropriate study, training, consultation, and supervision from people who are competent in those interventions or techniques.

(c) When generally recognized standards do not exist with respect to an emerging area of practice, employees should exercise careful judgment and take responsible steps (including appropriate education, research, training, consultation, and supervision) to ensure the competence of their work and to protect service users from harm.

#### 1.05 Cultural Competence and Social Diversity

(a) Employees should understand culture and its function in human behavior and society, recognizing the strengths that exist in all cultures.

(b) Employees should have a knowledge base of their service users' cultures and be able to demonstrate competence in the provision of services that are sensitive to service users' cultures and to differences among people and cultural groups.

#### 1.06 Conflicts of Interest

(a) Employees should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Employees should inform service users when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the service users' interests primary and protects service users' interests to the greatest extent possible. In some cases, protecting service users' interests may require termination of the professional relationship with proper referral of the service user.

(b) Employees should not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, or business interests.

#### 1.07 Privacy and Confidentiality

(a) Employees should respect service users' right to privacy. Employees should not solicit private information from service users unless it is essential to providing services or

conducting service evaluation or research. Once private information is shared, standards of confidentiality apply.

(b) Employees may disclose confidential information when appropriate with valid consent from a service user or a person legally authorized to consent on behalf of a service user.

(c) Employees should protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. The general expectation that employees will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a service user or other identifiable person. In all instances, employees should disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made should be revealed.

(d) Employees should inform service users, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made. This applies whether employees disclose confidential information on the basis of a legal requirement or service user consent.

(e) Employees should discuss with service users and other interested parties the nature of confidentiality and limitations of service users' right to confidentiality. Employees should review with service users circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion should occur as soon as possible in the employee-service user relationship and as needed throughout the course of the relationship.

(f) Employees should protect the confidentiality of service users when responding to requests from members of the media.

(g) Employees should protect the confidentiality of service users' written and electronic records and other sensitive information. Employees should take reasonable steps to ensure that service users' records are stored in a secure location and that service users' records are not available to others who are not authorized to have access.

(h) Employees should take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of identifying information should be avoided whenever possible.

(i) Employees should transfer or dispose of service users' records in a manner that protects service users' confidentiality and is consistent with ELHAP policies and procedures.

### 1.08 Sexual Relationships

(a) Employees should under no circumstances engage in sexual activities or sexual contact with current service users, whether such contact is consensual or forced.

(b) Employees should not engage in sexual activities or sexual contact with service users' relatives or other individuals with whom service users maintain a close personal relationship when there is a risk of exploitation or potential harm to the service user.

Sexual activity or sexual contact with service users' relatives or other individuals with whom service users maintain a personal relationship has the potential to be harmful to the service user and may make it difficult for the social worker and service user to maintain appropriate professional boundaries. Employees, not their service users, their service users' relatives, or other individuals with whom the service user maintains a personal relationship, assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.

(c) Employees should not engage in sexual activities or sexual contact with former service users because of the potential for harm to the service user. If employees engage in conduct contrary to this prohibition or claim that an exception to this prohibition is warranted because of extraordinary circumstances, it is employees, not their service users, who assume the full burden of demonstrating that the former service user has not been exploited, coerced, or manipulated, intentionally or unintentionally.

### 1.9 Physical Contact

(a) Employees should not engage in physical contact with service users when there is a possibility or likelihood of physical or psychological harm to the service user as a result of the contact.

(b) Employees who engage in appropriate physical contact with service users are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.

### 1.10 Sexual Harassment

Employees should not sexually harass service users. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

### 1.11 Derogatory, Threatening or Abusive Language

Employees should not use derogatory, threatening or abusive language in their written or verbal communications to or about service users. Employees should use accurate, considerate and respectful language in all communications to and about service users.

### 1.12 Service Users who Lack Decision-Making Capacity

(a) When employees act on behalf of service users who lack the capacity to make informed decisions, employees should take reasonable steps to safeguard the interests and rights of those service users.

(b) Employees should recognize and respect that all service users are able to express their preferences, wishes, needs and desires regardless of their capacity to make informed decisions.

(c) When employees support service users who lack the capacity to make informed decisions, employees should acknowledge, respect and respond to service users preferences, wishes, needs and desires.

(d) When employees are unable to respond to service users preferences, wishes, needs and desires (normally only for reasons of health and safety and other legal obligations – never for the employee's own personal interests), this will be clearly explained to the service user and, where possible, alternatives found.

### 1.13 Interruption of Services

Employees should make reasonable efforts to ensure continuity of services in the event that services are interrupted by factors such as unavailability, relocation, illness, disability, or death.

## **2. Employees' Ethical Responsibilities to Colleagues**

### 2.01 Respect

(a) Employees should treat colleagues with respect and should represent accurately and fairly the qualifications, views, and obligations of colleagues.

(b) Employees should avoid unwarranted negative criticism of colleagues in communications with service users or with other professionals. Unwarranted negative criticism may include demeaning comments that refer to colleagues' level of competence or to individuals' attributes such as race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, and mental or physical disability.

(c) Employees should cooperate with ELHAP colleagues and with colleagues of other professions when such cooperation serves the well-being of service users.

### 2.02 Confidentiality

Employees should respect confidential information shared by colleagues in the course of their professional relationships and transactions. Employees should ensure that such colleagues understand employees' obligation to respect confidentiality and any exceptions related to it.

### 2.03 Interdisciplinary Collaboration

(a) Employees should participate in and contribute to decisions that affect the well-being of service users by drawing on the perspectives, values, and experiences of their colleagues.

(b) Employees for whom a team decision raises ethical concerns should attempt to resolve the disagreement through appropriate channels. If the disagreement cannot be resolved, employees should pursue other avenues to address their concerns consistent with service user well-being.

### 2.04 Disputes Involving Colleagues

(a) Employees should not take advantage of a dispute between a colleague and an employer to obtain a position or otherwise advance the employees' own interests.

(b) Employees should not exploit service users in disputes with colleagues or engage service users in any inappropriate discussion of conflicts between employees and their colleagues.

### 2.05 Consultation

(a) Employees should seek the advice and counsel of colleagues whenever such consultation is in the best interests of service users.

(b) Employees should keep themselves informed about colleagues' areas of expertise and competencies. Employees should seek consultation only from colleagues who have demonstrated knowledge, expertise, and competence related to the subject of the consultation.

(c) When consulting with colleagues about service users, employees should disclose the least amount of information necessary to achieve the purposes of the consultation.

### 2.06 Sexual Harassment

Employees should not sexually harass supervisees, students, trainees, or colleagues. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

### 2.07 Impairment of Colleagues

(a) Employees who have direct knowledge of a colleague's impairment that is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties and that interferes with practice effectiveness should consult with that colleague when feasible and assist the colleague in taking remedial action.

(b) Employees who believe that a colleague's impairment interferes with practice effectiveness and that the colleague has not taken adequate steps to address the impairment should take action through appropriate channels established by ELHAP.

### 2.08 Incompetence of Colleagues

(a) Employees who have direct knowledge of a colleague's incompetence should consult with that colleague when feasible and assist the colleague in taking remedial action.

(b) Employees who believe that a colleague is incompetent and has not taken adequate steps to address the incompetence should take action through appropriate channels established by ELHAP.

### 2.09 Unethical Conduct of Colleagues

(a) Employees should take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues.

(b) Employees should be knowledgeable about established policies and procedures for handling concerns about colleagues' unethical behavior.

(c) Employees who believe that a colleague has acted unethically should seek resolution by discussing their concerns with the colleague when feasible and when such discussion is likely to be productive.

(d) When necessary, employees who believe that a colleague has acted unethically should take action through appropriate formal channels at ELHAP.

(e) Employees should defend and assist colleagues who are unjustly charged with unethical conduct.

### **3. Employees' Ethical Responsibilities as Professionals**

#### **3.01 Competence**

(a) Employees should accept responsibility or employment only on the basis of existing competence or the intention to acquire the necessary competence.

(b) Employees should strive to become and remain proficient in professional practice and the performance of professional functions. Employees should critically examine and keep current with emerging knowledge relevant to play work and care work.

(c) Employees should base practice on recognized knowledge, including empirically based knowledge, relevant to play work and care work.

#### **3.02 Discrimination**

Employees should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, or mental or physical disability.

#### **3.03 Private Conduct**

Employees should not permit their private conduct to interfere with their ability to fulfill their professional responsibilities.

#### **3.04 Dishonesty, Fraud, and Deception**

Employees should not participate in, condone, or be associated with dishonesty, fraud, or deception.

#### **3.05 Impairment**

(a) Employees should not allow their own personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties to interfere with their professional judgment and performance or to jeopardize the best interests of people for whom they have a professional responsibility.

(b) Employees whose personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance should immediately seek consultation and take appropriate remedial

action by seeking professional help, making adjustments in workload or taking any other steps necessary to protect service users and others.

### 3.06 Misrepresentation

Employees should ensure that their representations to service users, agencies, and the public of professional qualifications, credentials, education, competence, affiliations, services provided, or results to be achieved are accurate. Employees should claim only those relevant professional credentials they actually possess and take steps to correct any inaccuracies or misrepresentations of their credentials by others.

## **4. Employees' Ethical Responsibilities to ELHAP**

### 4.01 Integrity of ELHAP

- (a) Employees should work toward the maintenance and promotion of the highest standards of conduct and practice.
- (b) Employees should uphold and advance the values, ethics, knowledge, and objectives of the ELHAP. Employees should protect, enhance, and improve the integrity of ELHAP.
- (d) Employees should contribute to the knowledge base of ELHAP and share with colleagues their knowledge related to practice, research, and ethics.

## **5. Employees' Ethical Responsibilities to the Local Community and to Broader Society**

### 6.01 Social Welfare

Employees should promote the general welfare of service users, their families and their local communities. Employees should advocate for living conditions conducive to the fulfillment of basic human needs and should promote social, economic, political, and cultural values that are compatible with the realization of social justice.

### 6.02 Public Participation

Employees should facilitate informed participation by service users, the local community and the general public in shaping ELHAP policies and services.

**Implemented by the ELHAP Board of Trustees  
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