

Section: Human Resources	Policy Number: 4-6-100-03
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Policy:

Please note: This document should be reviewed in conjunction with the Agency’s Professional Conduct Policy No – No. 4-6-109-01

As each staff member is a representative of Frontenac Community Mental Health Services and an advocate for those who have a mental illness and all other clients of Frontenac Community Mental Health Services, it is important that employees perform their duties in a manner that maintains and enhances the community’s confidence and trust in the integrity of the Agency.

This code is intended to serve as a guide to the everyday conduct of staff members while in the employ of Frontenac Community Mental Health Services as well as volunteers who provide services to the agency. All of these individuals are considered in the wording of staff/employee in this document.

The purpose of this policy is to focus employees in the areas of ethical behaviour, provide guidance to help employees recognize and deal with ethical issues, provide mechanisms for employees to report unethical conduct and foster among employees a culture of honesty and accountability.

The code is based on the fundamental values of the psychosocial rehabilitation field. These include respecting the worth, dignity and uniqueness of all persons as well as their rights, opportunities and obligations within a safe, caring environment. It reflects the philosophy underlying the mission statement of Frontenac Community Mental Health Services. It honours the need for staff members to keep the person’s wants and needs primary in service delivery, to advocate for individual rights and interests and to oppose stigma in service and in the community. Staff members are expected to take into consideration all the principles in this code that have a bearing upon any situation in which professional intervention and ethical judgment are required.

Nothing in this Code is intended to conflict with the Agency’s obligations to its employees under its employment contracts or policies and procedures. As well as this Code, many employees may also be subject to other rules of conduct as part of their professional affiliation and/or regulatory bodies as cited under the Regulated Health Professions Act, 1991 and other official certification commissions/bodies. All conduct must abide by the regulatory requirements of professional and regulatory bodies.

Frontenac Community Mental Health Services encourages all employees as well as individuals in receipt of services to disclose any concerns they might have regarding an actual or potential ethical dilemma. Retaliation against someone who is a witness or who is involved in investigations into an ethical dilemma represents a serious threat to the integrity of the agency and is prohibited. Any employee with doubts regarding the interpretation or application of this code should consult with their immediate manager for clarification.

Ethics programs and training initiatives are a necessary foundation to ensure an ongoing and deepening response to ethical issues as they arise for staff members. Ethical training modules are designed to educate and build ethical character on an individual basis throughout the organization. Such training shall first be provided through the orientation sessions and thereon in regular staff training opportunities.

All research opportunities initiated by FCMHS must be vetted by the Professional Advisory Committee to ensure it meets the vision, mission and principles of FCMHS prior to being submitted to the Queen's Ethics Research Board. The Queen's Ethics Research Board will then review the research submission, evaluating it against the standards and guidelines in the Tri-County Policy Statement on Ethical Conduct for Research which concentrates on the following guiding principles while using a "subject-centred" approach when conducting research involving human participants.

Procedure:

1. IDENTIFICATION OF ETHICAL VALUES

When two or more ethical values apply to a situation, but these values support diverging courses of action, an ethical conflict or dilemma exists.

- i. Principles of Psychosocial Rehabilitation
 - Staff members shall make ethical choices that uphold the principles of psychosocial rehabilitation such as, but not limited to: an individual's values, needs, choices, cultural and ethnic customs
- ii. Knowledge
 - Staff members shall make ethical choices that incorporate their obligations as outlined in applicable legislation
 - Staff members shall make ethical choices that incorporate the theories and principles of practice as per their individual discipline, abiding by the requirements of their professional and/or regulatory body
 - Staff members shall make ethical choices that incorporate their obligations as outlined in Agency policies and procedures
- iii. Evidence Based Practice
 - Staff members shall make ethical choices that incorporate the findings of current research, as appropriate
 - Staff members shall make ethical choices that incorporate promising practices that are acceptable to the field, as appropriate

iv. Safety

- Staff members shall ensure that actions taken minimize any possibility of risk to an individual and provide the optimal opportunity for safety
- Any decision must ensure that proper consideration is given to every individual involved.
- Confidentiality must be observed
- There must be a balance of the benefits with the potential harm for each course of action

2. REPORTING REQUIREMENTS FOR POTENTIAL ETHICAL DILEMMAS

- i. It is the responsibility of Frontenac Community Mental Health Services to ensure that each potential ethical dilemma is thoroughly investigated.
- ii. Normally any employee who is faced with a potential or perceived ethical dilemma is required to promptly inform their immediate manager.
- iii. Confidential reporting of a potential or perceived ethical dilemma can be submitted through a written Incident Report, available on the FCMHS internal website, provided to a Director of the Executive Management team.

3. RESOLVING ETHICAL DILEMMAS

- i. When an ethical dilemma occurs, the immediate manager will encourage discussion amongst team members and/or with the individual in receipt of services to resolve the situation.
- ii. In the event that the dilemma cannot be resolved through informal discussion at the team level, the team will utilize a resolution focused ethics decision making model as outlined in Appendix 4-01-01 - Ethical Decision Making Model, paraphrased from Making Ethical Choices: An Ethical Decision-Making Handbook for Health Care Practitioners and Administrators.¹
- iii. In the event that the dilemma cannot be resolved at the team level, the immediate manager will consult with the relevant Director and the Director of Human Resources & Organizational Development, as appropriate. The relevant Director will convene the Ethics Review Committee which will be comprised of the Executive Director or delegate, a member of the Executive Management team, a member of the Professional Advisory Committee, a member of the Client Advisory Committee and other staff members as designated by the Executive Director. Normally this shall occur within one week of notification of the Director by the immediate Manager.
- iv. The Ethics Review Committee will utilize a resolution focused ethics decision making model as outlined in Appendix 4-01-01 - Ethical Decision Making Model, paraphrased from Making Ethical Choices: An Ethical Decision-Making Handbook for Health Care Practitioners and Administrators¹ and review the obligations as per professional and regulatory bodies of practice.

¹ A copy of this handbook is provided to all members of the FCMHS Management Team and available in the Training Packages Section of the Resource Source

- v. All applicable legislation shall be applied to each incident including, but not limited to:

Personal Health Information Protection Act
Mental Health Act
Health Care Consent Act
Local Health System Integration Act
Residential Tenancy Act

Employment Standards Act
Occupational Health and Safety Act
Human Rights Code
Workers Safety and Insurance Act
Labour Relations Code

- vi. The Ethics Review Committee will present its findings and a recommended course of action in writing to the Executive Director for final approval normally within 48 hours from the time of the meeting.

4. REPORTING ETHICAL DILEMMAS TO THE BOARD OF DIRECTORS

- i. The Board of Directors shall receive a report on the result of the review through the regular monthly report submitted by the Executive Director.
- ii. The Board of Directors shall receive and review the above noted findings and recommended course of action in light its governance responsibilities

II. APPEAL PROCESS

- i. The findings and associated corrective action as a result of the investigation or review by the Ethics Review Committee may be appealed to the Executive Director, within 7 days of receipt of written notification of the outcome. All such appeal actions shall be reported to the Board of Directors through the regular monthly report submitted by the Executive Director.

Ethical Decision-Making Model

(Paraphrased from: *An Ethical Decision-Making Handbook for Health Care Practitioners and Administrators*)

This Ethical Decision-Making Model can be used when a situation has arisen that has no clear alternatives, far-reaching implications, involves a number of people (directly and indirectly) and has a perception of unresolvability through an identifiable clinical solution. Prior to using this model take the matter to your team for discussion. Remember to keep in mind the situation should be treated with a sense of urgency and full confidentiality. Your team will either develop a reasonable and ready explanation or solution or identify a dilemma exists. If a dilemma is confirmed, the team should proceed to the First Stage in the Ethical Decision-Making Process.

The complete handbook, An Ethical Decision-Making Handbook for Health Care Practitioners and Administrators, may be accessed from the Training Packages under Making Ethical Choices on the Resource Source

Stage One: Recognition of Dilemma & Comprehensive Information Gathering, Including Personal Values and Contextual Constraints

- Gather as much information as possible and ensure no relevant information is missed.
 - Keep all judgments suspended and do not rush to any conclusions.
 - Brainstorm: Explore and generate a wide variety of possibilities and options.
 - Voice professional and personal values, opinions, ideas and feelings.
 - Keep an atmosphere of mutual trust, respect and co-operation.
 - Team members need to feel their respective positions have been heard, appreciated and critically evaluated and the decision that is made is one they could live with.
- Things to Consider:**
- *Dilemma*
 - *Stakeholders*
 - *Patient's values, wishes and preferences*
 - *Time*
 - *Resources*
 - *Information gathering*
 - *Professional Code of Ethics*
 - *The Law*
 - *Agency policy & practices*

Stage Two: Attempt to Separate the Clinical, Legal and Ethical Components

- Team needs to identify the nature of the difficulty.
 - Within the ethical component of the dilemma there will be some or all of these considerations interwoven: clinical, legal, social, policy and procedural.
 - Need to attempt to separate these apart to ensure clarity.
- Things to Consider:**
- *What is the legal, clinical and ethical dimension of the dilemma?*
 - *If it is predominantly an ethical issue, progress to Stage Three.*

Stage Three: Pertinent Ethical Duties & Obligations

- Specify the ethical duties and obligations that pertain to the case and how they apply.
- Remember, the client probably has the most at stake.
- Pertinent ethical principles:
 - Respect for Autonomy
 - Non-maleficence
 - Beneficence
 - Distributive Justice

Things to Consider:

- *Role of each stakeholder*
- *Treatment team's duties and obligations*
- *Agency's duties and obligations*
- *Client's special responsibilities in his/her care*
- *Treatment process*
- *Obligations to legitimate third party stakeholders*

Stage Four: Identification of Specific Conflict

- Need to specify as clearly as possible what conflict exists or whether there is a perception that someone is failing to discharge his/her obligations adequately and effectively.

Things to Consider:

- *Nature of the conflict*
- *The ethical principles or interests in conflict in the situation.*
- *Are we meeting the specific ethical obligations to a legitimate stakeholder?*

Stage Five: Critical Analysis & Viable Alternatives

- Critically analyze the implicated duties and obligation
- May need to gather more information or get more clarification.
- "Prioritize" the ethical principles that conflict in a rationally justifiable way.
- Examine all viable alternatives – including the option of delay and non-intervention.
- Take into account the foreseeable consequences both short and long term for all viable possibilities
- Include the anticipated goods/benefits and anticipated harms/evil.
- Exclude deficient alternatives – team needs to reach a consensus.

Stage Six: Resolution Strategies and Preferential Scale

- Rank the list of viable alternatives according to those choices that appear most desirable.
- Juxtapose each chosen and ranked alternative with the patient's values, beliefs and goals.
- Rank order those alternatives that are most congruent with the patient's own moral position.
- A reasonable compromise: Undertake an acceptable course of action for a trial period.
- **Documentation** – carefully document all the content of all meetings and proceedings, including names and roles of all participants.

Things to Consider:

- *Harms/evils that should be avoided/prevented/removed*
- *Desirable benefits*
- *Promises that have been made*
- *Proposed choices violate the institutional policies and values*
- *Choices that appeals to the universal ethical principles rather than personal preference*

Stage Seven: Action Implementation

Answer the following questions:

1. Who is most appropriate to implement the choices arrived at, and why?
2. When is the best time to implement the decision, and why?
3. When do you expect to see anticipated results?

Stage Eight: Evaluation of Effectiveness

Answer the following questions:

- Were the effects of the intervention those that were expected? Did the decision resolve the specific dilemma?
- Did the results occur within the time frame anticipated?
- Are there other consequences that were unforeseen and were new difficulties created?
- Was the decision the most ethically justified under the circumstances?

Stage Nine: Prevention Strategies

Answer the following questions:

- What can be learned from the dilemma?
- What factors contributed to the dilemma?
- Are there problematic policies and procedures?
- Is there a need to modify current policies/procedures/guidelines in order to prevent a recurrence in future?