

LOVE—A tool for making ethical decisions

Jeremy Le Comte, Private Practice, Supervision and Development, Aotearoa New Zealand

ABSTRACT

Social workers regularly engage in astoundingly complex ethical dilemmas. Castro-Atwater and Hohnbaum (2015) even advocated that understanding a professional body's code of ethics is just a necessary first step and is not enough, by itself, to equip practitioners to make ethical decisions. The key outcome of this practice note is to share a practical supervision tool, LOVE, that arose from working (as a supervisor, trainer, and professional body ethics panel member) alongside practitioners to respond to ethical dilemmas and complaints. The LOVE tool will help safeguard social workers while they navigate ethical dilemmas by assisting them to systematically consider different lenses (legal requirements, organisational requirements, values, and ethical codes) which will help mitigate the risk of them overlooking something of significance.

Keywords: Ethics; dilemma; supervision; decision framework; model

Having worked alongside practitioners to respond to complaints or explore ethical dilemmas in a variety of roles (supervisor, trainer, manager, and professional body ethics committee member), I am in awe of the complexities that social workers encounter. Hosmer (1996) capsulates these complexities in his statement: "Ethics is normally used in the plural form since most people have a system of interrelated beliefs rather than a single opinion" (p. 87). As a practitioner myself, I felt empathy for colleagues who had been caught up in a complaint because, in this system of interrelated beliefs, they had not considered the tensions between the social worker's professional advocacy, societal and personal values, legal requirements, funding pressures, and organisational policy. This practice note will introduce and demonstrate how to apply a practical supervision tool, LOVE, that I created to help safeguard social workers, by prompting them to assess ethical dilemmas from different perspectives: legal requirements, organisational requirements, values, and ethical codes.

The deliberate naming of the acronym LOVE reminds supervisors that when they assist social workers to navigate ethical situations or respond to complaints; they should do so in a compassionate and supportive manner that challenges hindsight bias or scapegoating. Supervisors and managers should endorse a learning culture which assesses what could have been done to prevent the situation, including analysing workplace culture and systems that drive practice (Hawkins & McMahan, 2020).

The need to critique what we perceive

I have deliberately worked in a variety of sector settings (statutory government, small and large not-for-profit organisations, faith-based, kaupapa Māori, and private practice). All these lenses have challenged how I perceive situations. This is important, as a theme that arose from responding to complaints was that, while practitioners were almost always acting with good intent and drawing upon a particular body of knowledge or values, they often would have

AOTEAROA
NEW ZEALAND SOCIAL
WORK 36(1), 156–162.

CORRESPONDENCE TO:
Jeremy Le Comte
Jeremy.m.lecomte@hotmail.com

benefited from also reflecting on the situation from a different perspective. For example, rather than react on what they deemed to be fair, to first consider their scope of practice, organisation policy and how their actions would reflect on the reputation of the organisation and profession.

As I progress on a bi-cultural journey, I often wonder as Tauivi (non-Māori), what subtleties I might not see or value. A whakataukī (proverb) that has helped enhance my practice is the caution, “He maha nga kaupapa kai roto I tēnei āhuatanga hai whakaarotanga.” A cultural advisor explained this whakataukī to me as: In this situation there are many elements to consider—some of which may not be apparent at a first glance. Hendrick and Young (2017) vulnerably shared their personal journeys of becoming aware of how their context growing up had influenced them, and even years into their social work they still had to intentionally examine things that they had unconsciously assimilated. “It’s difficult for me to say that I myself am not racist as my whiteness often renders me blind to, and perpetuating, systems that continually privilege my everyday being” (p. 18). As a supervisor, I, too, must be deliberate about assessing what has prejudiced my practice, affecting what I see and what I espouse to others.

The LOVE tool

I wanted social workers to easily remember the LOVE model and so, as Karpman (2019) championed, have presented it in a simple diagram. Practitioners have shared that the diagram not only aided their memory it also had the benefit of allowing them to externalise their situation which was particularly helpful when they had interpreted differing views of colleagues or line managers as a personal affront. Practitioners also reflected that the structure of the tool gave them a broader context in which to consider the dilemma and possible ramifications.

The LOVE tool has four quadrants covering personal values and the requirements of the: law, organisations, and ethical codes. The lines between the quadrants are visually broken to acknowledge there are links between areas.

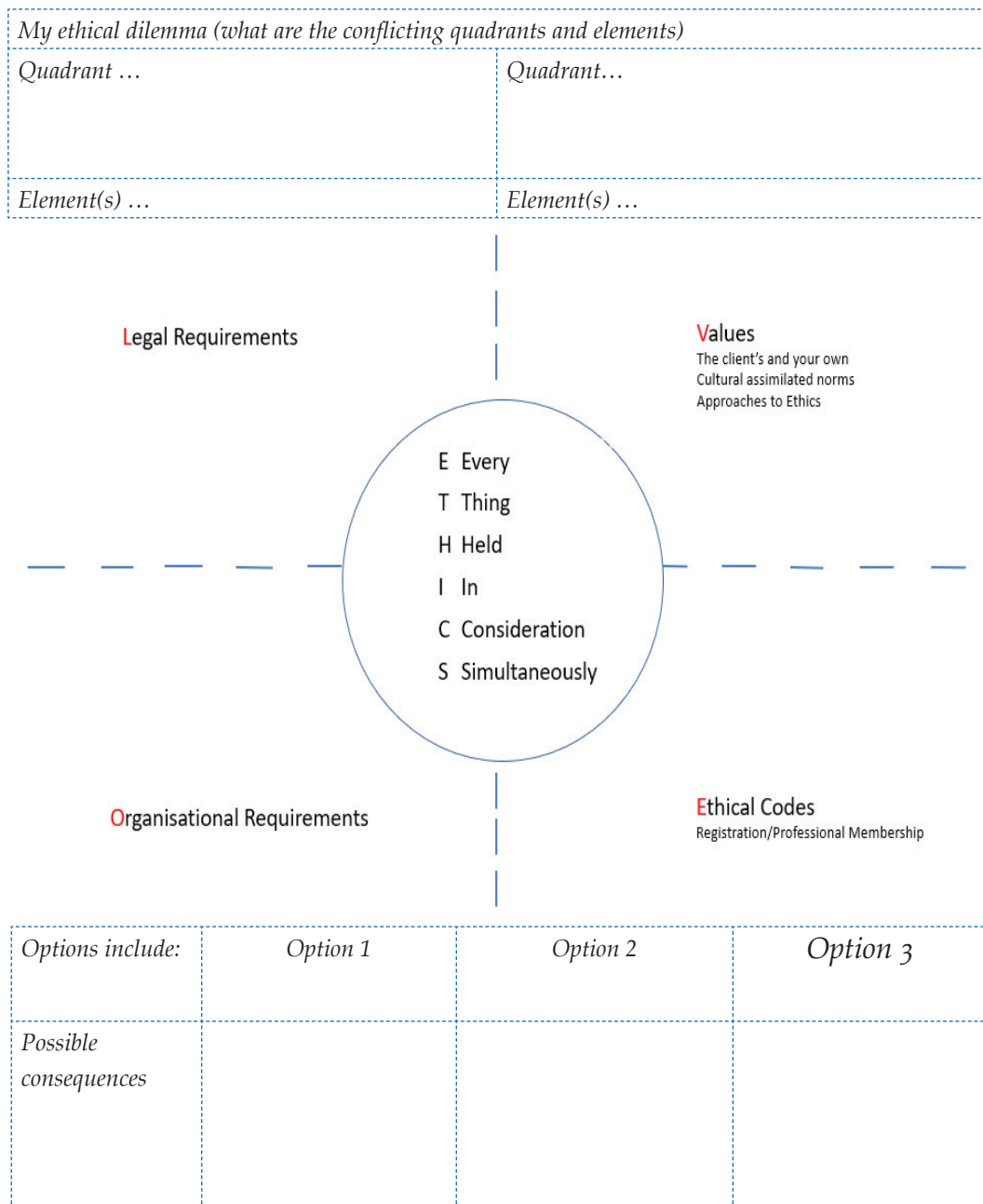
Understanding the LOVE tool quadrant of legal requirements

Many professional bodies state that practitioners should practise within the law, for example, Social Workers Registration Board (2021) 1.2: “You are expected to comply with all legal obligations” and 4.2 “work in accordance with the law”. Likewise, the Aotearoa New Zealand Association of Social Workers (ANZASW, 2019) mandated: “We are law-abiding citizens of Aotearoa” (p. 12).

In the public arena, and even professional circles, there can be misunderstanding of what laws stipulate though. Practitioners must do their own diligence to be aware of how legal requirements apply to their situation. This includes the broader component of their work, for example: registration, scope of practice, retention of records, employment law, taxation, and The Privacy Act.

Just because something is enshrined in law, however, does not always make it fair or just. Enriquez (2020) asked “what if what is permissible and acceptable today is anathema tomorrow? Slavery, segregation, misogyny, the Holocaust ... all were ‘legal’” (p. 212). While Enriquez’s example is a teaching hyperbole, within New Zealand’s short history laws have been repealed to right ‘legal’ inequities. The ANZASW *Code of Ethics* (2007) stated, “Members engage in constructive action to change the structures of society that create and perpetuate injustice. They respect the law, whilst working towards change in any laws that disadvantage clients or other members of the community” (p. 9). Their new version (2019) stated, “we advocate fair and equitable treatment for all persons under the law and challenge injustice, especially injustice which affects the vulnerable and disadvantaged” (p. 12).

Figure 1: LOVE—A Tool for Making Ethical Decisions



Understanding the LOVE tool quadrant of organisational requirements

As practitioners can be held accountable to organisation’s policies; they need to know what their organisation requires of them. Banks (2016) advocated, however,

that professional integrity is more than just good conduct and following the rules, professional integrity means being able to use moral reasoning to advocate and challenge shortcomings in policy. Martin (2016) explored how students may see a divergence between the ideal of what they are taught in academia and what

they observe in placements due to time and fiscal restraints. This is concerning as Weinberg (2009) highlighted, it takes courage for an individual to challenge their manager or peers; especially, when there are real issues such as 'battle fatigue', job security or alienation. This peer pressure has a compounding effect for as Banks (2008) reflected, what practitioners and organisations condone has a circular effect:

Matters of conduct, ethical judgement and decision making of individual professionals cannot be abstracted from the political and policy contexts in which they take place. Individual professionals are both influenced by and help create the ethical discourses of the organizations where they work and the policy frameworks within which they practise. (p. 1244)

During my career, I have noticed that in Aotearoa New Zealand there has been a push for inter-agency collaboration. A by-product of this, though, is that practitioners sometimes straddle conflicting procedures and work-cultures. Practitioners in private practice may be relieved to escape organisational oversight, yet Parkin and Crocket (2011) asked "how many private practitioners have pro-actively determined their own procedures?"

Understanding the LOVE tool quadrant of values

In my experience, the Quadrant of Values, is the most intrinsically influential and is likely to be evoking the ethical dilemma. The quadrant is not only about exploring the social worker's values but also how they align/conflict with those of colleagues, the organisation, and clients. Narayanan and Bharadwaj (2019), for example, ask when working with stigmatised communities, like sex workers, just whose values are being valued? Likewise, at the centre of Porotaka

Kōrero (a culturally responsive framework; Tsuruda & Shepherd, 2016) sits 'Two-Eyed Seeing', which validates the importance of seeking both Western and Indigenous values and knowledge. In genuinely listening to people's experiences, we gain appreciation about diversity, clarity about their needs and what they consider important, and the impact that policies and decisions might have.

This understanding is important, as Gasker and Fischer (2014) revealed, within social work there are inconsistent presumptions about social justice and how to remedy injustices. If this is true for a core tenet of social justice, then it also applies to other fundamentals for example, interpretations of: risk, neglect, best practice, strengths-based, client-centred, or kaupapa Māori. This variance is further expounded when working in multi-disciplinary or cross-cultural settings. Watson (2019) discussed how Aotearoa indigenous workers in a 'Te Ao Pākehā' (Eurocentric agency) can feel that their cultural norms conflict with the organisation's and this needs to be proactively addressed. Values or actions that might be paramount to one practitioner may be deemed negotiable or irrelevant to another. The Australian Association of Social Workers (2020) 4.1 states that "social workers have a responsibility to acknowledge the significance of culture in their practice, recognising the impact their own social locations, views and biases can have on their practice and on culturally different service users and colleagues" (p. 12). To further complicate matters, practitioners must consider how the context dynamics affect the hierarchy of co-existing values and, therefore, also the consequential decisions (Edwards & Mamadou, 2018).

Understanding the LOVE tool quadrant of ethical codes

Ling and Hauck (2016) noted that ethical models should not be confined to just one

specific code of ethics (this is particularly evident in multi-disciplinary teams). Shevellar and Barringham (2017) explore the complication of role identification with some people working as part of a ‘regulated’ workforce and others ‘under the guise of another title’. Indeed, I have noticed that with the Social Workers Registration Act 2003, and ‘social worker’ becoming a captured term there has been an increase in ‘support worker’ or ‘navigator’ roles. It is important that practitioners are clear with the public and multi-disciplinary teams about what professional body they are part of and how their work is governed.

The Australian Association of Social Workers (2020) warned, in 1.5, “Members ... understand that the Standards of Ethical Conduct ... are not exhaustive” (p. 8). Likewise, Castro-Atwater and Hohnbaum (2015) asserted, “Learning to rely on and use the published ethical guidelines of their profession is a necessary first step, but not enough to equip students with the means to make valid and useful ethical decisions” (p. 278). There might, for example, be principles within a code that both apply and yet paradoxically conflict.

While being referred to as guidelines, a code of ethics should never be diminished as merely being suggestive; for not only have they been collectively ratified by the professional membership, they also are the standard which complaints are judged against.

Applying the LOVE tool

Hays (2015) surmised that supervision is to develop supervisee’s self-awareness; enabling them to have ‘super-vision’ or a greater meta-perspective. Supervisors can use the LOVE tool to extend supervisee’s meta-perspective and protect them from complaints by compassionately drawing the social worker’s attention to areas they had discounted or not perceived.

The following are examples of practice reflection questions that supervisors could ask to discuss the various quadrants of the LOVE Tool.

Quadrant of legal requirements:

- What does the law *stipulate* (rather than hearsay)?
- What, should I do when something is legal but contradicts my values or supports inequity?
- If working with youth, then how does the law apply to minors?
- If I now work in a different state / country, what legal differences do I need to be aware of?

Quadrant of organisational requirements:

- What do the organisation’s policies say and what was the reason this became the policy?
- When working across agencies, is there a clear shared understanding of role expectations and the procedures that will govern actions?
- How can I challenge a divergence between organisational stated values and day-to-day practices?

Quadrant of values:

- When working cross-culturally, how can I enhance my understanding of the client’s values or culture?
- What societal norms or biases are influencing me?
- How do I proceed when the values of a client, organisation, or another practitioner conflict with my own values and spiritual beliefs?
- Are my values impeding on the mana motuhake (autonomy) of the client / supervisee?
- To what degree have we discussed with colleagues / clients our interpretations of ... or have we assumed that we share the same understanding?

Quadrant of ethical codes:

- Am I familiar enough with my own professional body's ethical code that I can recall it in everyday practice?
- How does my code of ethics differ from others who I work with?
- If I were on an ethics panel investigating a complaint, how would I have to rule and what would the consequences be?

Analysis and consultations over ethical situations clarify the issue, options for proceeding and possible consequences. Even when some required courses of actions seem initially clear-cut (for example mandated by the law), there will still be options relating to how they are conducted as well as the timing and sequencing of those actions.

Forester-Miller and Davis (1996) said:

... different professionals may implement different courses of action in the same situation. There is rarely one right answer to a complex ethical dilemma. However, if you follow a systematic model, you can be assured that you will be able to give a professional explanation for the course of action you chose. (p. 5)

Conclusion

As a supervisor, trainer, and professional body investigator of complaints, I have observed how practitioners can struggle to articulate the factors involved in ethical dilemmas. Practitioners who have used the LOVE tool have shared that seeing the situation from different perspectives and understanding options and the ramifications has given them assurance and confidence. I would be interested in further researching supervisors' experiences of using this tool, particularly about how an externalised method assists them to avoid being authoritarian and instead allows them to come alongside the supervisee to collaboratively explore the situation. This tool, LOVE, will provide a coherent and

practical method for supervisors and social workers to constructively work together to identify factors (legal, organisational requirements, values, and ethical codes) involved in ethical dilemmas. This will assist them to avoid potential complaints and help them determine how they might confidently proceed.

References

- Aotearoa New Zealand Association of Social Workers. (2007). *Code of ethics*. <https://anzasw.nz/wp-content/uploads/Code-of-Ethics.pdf>
- Aotearoa New Zealand Association of Social Workers. (2019). *Code of ethics*. <https://anzasw.nz/code-of-ethics-2019/>
- Australian Association of Social Workers. (2020). *Australian Association of Social Workers code of ethics*. <https://www.aasw.asn.au/document/item/13400>
- Banks, S. (2008). Critical commentary: Social work ethics. *The British Journal of Social Work*, 38(6), 1238–1249. <https://doi.org/10.1093/bjsw/bcn099>
- Banks, S. (2016). Professional integrity: From conformity to commitment. In R. Hugman & J. Carter (Eds.), *Rethinking values and ethics in social work* (pp. 49–63). Macmillan International Higher Education.
- Castro-Atwater, S., & Hohnbaum, A. (2015). A conceptual framework of "top 5" ethical lessons for the helping professions. *Education*, 135(3), 271–278.
- Edwards, A., & Mamadou, M. (2018). Ethnicity, values, and value conflicts of African American and white social service professionals. *Journal of Social Work Values & Ethics*, 15(2), 37–44.
- Enriquez, J. (2020). *Right/wrong: How technology transforms our ethics*. The MIT Press.
- Forester-Miller, H., & Davis, T. (1996). *A practitioner's guide to ethical decision making*. American Counseling Association.
- Gasker, J., & Fischer, A. (2014). Toward a context-specific definition of social justice for social work: In search of overlapping consensus. *Journal of Social Work Values and Ethics*, 11(1), 42–53.
- Hays, J. (2015). Supervision or super-vision? *Journal of the Association for Management Education and Development*, 22(1), 18–24. <https://amed.org.uk/article/supervision-or-super-vision/>
- Hawkins, P., & McMahon, A. (2020). *Supervision in the helping professions* (5th ed.). Oxford University Press.
- Hendrick, A., & Young, S. (2017). Decolonising the curriculum, decolonising ourselves: Experiences of teaching in and from the "third space". *Advances in Social Work & Welfare Education*, 19(2), 9–24.
- Hosmer, L. (1996). *The ethics of management* (3rd ed.). Irwin.
- Karpman, S. (2019). "Don't say anything you can't diagram." The creative brainstorming system of Eric Berne. *International Journal of Transactional Analysis Research & Practice* 10(1), 4–20. <https://doi.org/10.29044/v10i1p4>

- Ling, T., & Hauck, J. (2017) The ETHICS model: Comprehensive, ethical decision making. *VISTAS Online*. Article 18. https://www.counseling.org/docs/default-source/vistas/the-ethics-model.pdf?sfvrsn=c9c24a2c_6
- Martin, S. (2016). Being pono: Ethical dilemmas as learning tools for student social workers. *Aotearoa New Zealand Social Work*, 28(1), 68–70.
- Narayanan, P., & Bharadwaj, S. (2019). Whose ethics counts? Ethical issues in community development and action research with communities facing stigmatisation. In S. Banks & P. Westoby (Eds.), *Ethics, equity and community development*. (pp. 103–119). Policy Press.
- Parkin, F., & Crocket, K. (2011). The setting for counselling: Private practice. In K. Crocket, M. Agee, & S. Cornforth (Eds.), *Ethics in practice: A guide for counsellors* (pp. 6–68). Dunmore Publishing.
- Social Workers Registration Board. (2021). *Code of conduct*. <https://swrb.govt.nz/practice/code-of-conduct/>
- Shevellar, L., & Barringham, N. (2019). Negotiating roles and boundaries: Ethical challenges in community work. In S. Banks & P. Westoby (Eds.), *Ethics, equity and community development*. (pp. 59–82). Policy Press.
- Tsuruda, S., & Shepherd, M. (2016). Reflective practice: Building a culturally responsive pedagogical framework to facilitate safe bicultural learning. *Advances in Social Work & Welfare Education*, 18(1), 23–38.
- Watson, A. (2019). Collision: An opportunity for growth? Māori social workers' collision of their personal, professional, and cultural worlds and the values and ethical challenges within this experience. *Journal of Social Work Values and Ethics*, 16(2), 28–39.
- Weinberg, M. (2009). Moral Distress: A missing but relevant concept for ethics in social work. *Canadian Social Work Review / Revue Canadienne de Service Social*, 26(2), 139–151.