



MODULE 12: ETHICAL ISSUES

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WHY IS TALKING ABOUT ETHICAL ISSUES IMPORTANT?

“ [With the] **recognition of the private spheres** of family, sexuality and interpersonal relationships as sites for violence [we now build] on a broad consensus in Europe that the state has responsibilities to protect children [...] from violence. To enter these arenas, however, is to encounter complex intersections of **power relations** with respect to gender, generation, race/ethnicity, nationality and faith: a matrix of rights and responsibilities which professionals have to navigate. Professionals are stepping into the lives of others, which raises a set of **ethical issues and dilemmas** which also are linked to power: of the state, of belonging and knowing. ”

Kelly & Meysen (2016, p. 2)

! Therefore, professionals in child protection need ethical awareness and orientation.

OVERVIEW

- ▶ Introduction: highlighting briefly the purpose of the module
 - ▶ Presentation: introducing ethical issues
 - ▶ Exercises: discussing case examples
 - ▶ Wrapping up: concluding what has been learned

BY THE END OF THIS MODULE YOU SHOULD HAVE...

- ▶ Reflected on ethical issues when intervening in the lives of others.
- ▶ Gained orientation about how an ethical practice in child protection could look like.
- ▶ Started or continued to develop your construction of self as an ethical professional.

INTRODUCING THE TRANSNATIONAL FOUNDATIONS FOR ETHICAL PRACTICE IN INTERVENTIONS AGAINST CHILD ABUSE

MAPChiPP

Transnational Foundations for Ethical Practice in Interventions Against Violence Against Women and Child Abuse

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ETHICAL PRACTICE: ACTION AND ATTITUDE

Respect and human dignity

Ethics in child protection encompass both **action and attitude**.

You need both because one could

- ▶ act with care and respectfulness yet still fail to take protective action,
- ▶ be sharp and unsympathetic but take protective action.

Kelly & Meysen (2016, p. 3)

“Well, once again, we have to remind ourselves how important it is to take your clients seriously, and to respect them.”

Statutory social worker from Germany (ibid.)

ETHICAL PRACTICE: IMPLICATIONS FOR INTERVENTION

Respect and human dignity

Violence is about being diminished, made feel less than and controlled

- ▶ Interventions should **not reproduce** that positioning
- ▶ Starting point: interest to **move in connection** to, and conversation with, the persons affected by the intervention
- ▶ **Joint exploration** of the past, present and potential futures
- ▶ Protection: not simply to end violence but:
 - ▶ to support ways of living beyond the harms,
 - ▶ to remake self and
 - ▶ to (re)build social connection

ETHICAL PRACTICE: HOW TO APPROACH THE FAMILY

Respect and human dignity

Principles of respect and human dignity as foundation of all engagement

- ▶ Approaching children and parents/carers
 - ▶ with **genuine interest** and concern,
 - ▶ with the intention to be **fair and just**,
 - ▶ with the intention to do **more good than harm**.
- ▶ Children and parents/carers are **sensitive to stereotypes** (linked to class and/or race/ethnicity)
- ▶ Approach them as **complex whole individuals**, as girls, boys, women, men

Kelly & Meysen (2016, p. 4)

EXERCISE #1: REFLECTING ON ETHICAL ISSUES

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ETHICAL PRACTICE: HOW TO APPROACH THE FAMILY

Respect and human dignity



Exercise: Vignette #1

Discuss in small groups

Laura, 14 years old,, is in constant conflicts with her parents. Especially her stepfather takes a tough stance on her. For more than two months Laura is grounded over the weekends and not allowed to leave the house or invite friends for more than two months. In school, Laura cloisters herself from her school mates. Her friends are very concerned and one day they call up statutory social services and plea them to look after Laura. The appointed social worker does not know Laura and her family, yet. She asks herself how to approach Laura and her family and how to gather information from the family as well as other professionals/persons that are in contact with Laura (teachers, paediatricians, etc.).

When considering how to proceed, please reflect on the questions of gathering information effectively as well as building a professional helping relationship to the different family members, and the difficulties and tensions that might come up?



MAINTAIN FOCUS ON PURPOSE OF INTERVENTION

Professionals working in the field of child protection have a hazardous job.

"Everyone is so risk averse and even in those finely balanced cases you come down on the side of caution."

Lawyer from England (Kelly & Meysen, 2016, p. 4)

"It's a massive anxiety. I really struggle."

Statutory sector social worker from England (Kelly 2015, p. 15)



- ▶ To secure or restore a safe environment for children lays **high responsibilities** on the professionals' shoulders.
- ▶ Failure to protect when one knew about abuse or neglect exposes professionals to **public critique**.

EXERCISE #2: REFLECTING ON ETHICAL ISSUES

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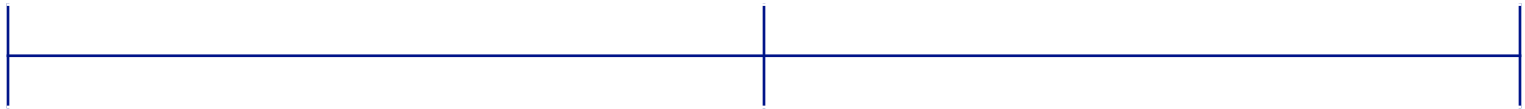
REFLECTIONS ON PROFESSIONAL ORIENTATION

Where would you position yourself?

- ▶ Where would you position your main focus/orientation?
(please pin your sticker point on the scale prepared for you at the wall)

Not making mistakes and preventing the worst from occurring

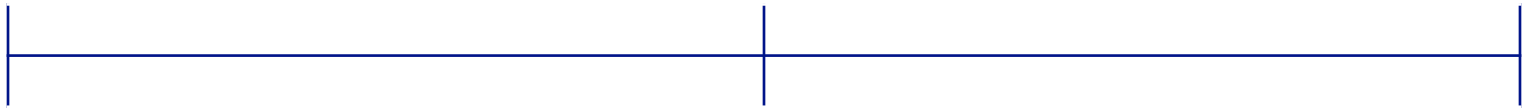
Building trust and connection and enabling good outcomes



- ▶ Where would you position your main focus/orientation?
(please pin your sticker point on the scale prepared for you at the wall)

Following the rules/guidelines ensures certainty best

Professional judgement in individual situations is crucial



- ▶ How important is the gut feeling for you in your daily work?
(please pin your sticker point on the scale prepared for you at the wall)

Not important at all

Extremely important



ACCEPTING UNCERTAINTY: TOO EARLY OR TOO LATE, TOO MUCH OR NOT ENOUGH?

- ▶ perception as a tightrope walk
- ▶ usually the **path is much broader**
 - ▶ leaving room for alternatives in the process of decision-making
 - ▶ asks you to create space for participation and alternatives

"Yes, at the best one would like 100-percent safety: 100 percent, but you just can't have that."

Child care worker from Germany (ibid.)

"So it's like at the beginning it all happened too fast and now everything is all happening too slowly."

Adolescent from England (ibid.)

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▶ **assessment requirements need balance with concrete situation**

- ▶ Begin from engagement with family members, wherever possible.
- ▶ Ask about abuse confidently, with care and sensitivity, be able to listen and hear what is said.
- ▶ Whilst investigating further keep open lines of communication, be curious and open to what you do not know.
- ▶ Let children and parents feel that you prioritise cooperation with them over cooperation with other professionals.

CONFIDENTIALITY, TRANSPARENCY AND RELATIONSHIPS OF TRUST

“ To experience violence and abuse, especially from a partner or family member, is to have trust betrayed. Building and maintaining trust in helping relationships is therefore a necessity, but also a challenge. ”

Kelly & Meysen (2016, p. 7)

- ▶ create a trusting relationship
- ▶ ongoing balancing between confidentiality and transparency.

“When I went to the institution I was assigned a tutor. My tutor is an incredible person. She is like a mother to me. Inside the institution she treats me like anyone else, outside the institution she is a mother and treats me as if I was her own daughter.”

Adolescent from Portugal (ibid.)

CONFIDENTIALITY, TRANSPARENCY AND RELATIONSHIPS OF TRUST

▶ Return control to children and parents in need

- ▶ Honesty and **transparency** as primary orientation, especially where confidentiality cannot be promised or guaranteed.
- ▶ Make **clear limits of confidentiality** from the outset
- ▶ Share explicit **information on likely outcomes**

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Adolescent from Portugal (ibid.)

EXERCISE #3: REFLECTING ON ETHICAL ISSUES

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CONFIDENTIALITY, TRANSPARENCY AND RELATIONSHIPS OF TRUST



Exercise: Vignette #2

Discuss in small groups

Michael, 8 years and 11 months old, lives with his family. He has a 14 year old sister from a different father. He is living in a household with his mother and her new partner Ian who quite often rebukes him harshly. In school Michael's teacher has concerns. She recognizes that Michael quite often comes to school late and that he is dressed the same for two or three weeks in a row. The teacher slowly wins Michael's trust and one day he confides in her that a bruise is from being 'punished'. When she starts to ask further questions he becomes upset and pleads with the teacher not to tell anyone because he is afraid that his mother would be very angry with him and that his stepfather will punish him. He says if the teacher told anyone else he would deny everything.

What do think how you could or should handle the situation if you were the teacher?



SELF-DETERMINATION AND PARTICIPATION

“ A strong commitment by states to intervene in situations with violence, but which is linked to ‘following the rules’, may create practice cultures in which control sits with professionals,

”

Kelly & Meysen (2016, p. 5)

children, parents/carers, and professionals all know more, know less, know different things

- ▶ different forms of knowledge need to be shared and negotiated
- ▶ avoid positioning parents/carers and children as not knowing
- ▶ approach them as knowers
- ▶ be curious enough to discover what they know and think
- ▶ inform them about their rights and possibilities to activate the intervention system

“Oh dear. Just as if she was my boss. Well, it was like she would decide everything about me. I really felt like that.”

Adolescent from Germany (ibid.)

SELF-DETERMINATION AND PARTICIPATION

interventions without consent of the child or parents/carers

- ▶ **create space** by asking yourself the following questions
 - ▶ Is there time to slow down processes?
 - ▶ Is there time in which I could support participation?
 - ▶ Is there time to enable exploration of the barriers and concerns?
 - ▶ Are there other forms of support which might be acceptable?

"I've had this experience myself, that a student has felt I've betrayed them because I've reported. It's really complicated and hard."

Teacher from England/Wales (Kelley, 2015, p. 18)

PRIORITISING PROTECTION AND REBUILDING LIVES

ongoing ethical challenge: delivering both protection and prosecution

- ▶ prosecution might be in tension with best interests of a child
- ▶ child friendly justice systems cannot always resolve the dilemma

- ▶ Ask the following questions:
 - ▶ Is the necessity to provide protection or support in conflict with or would it be overridden by criminal prosecution?
 - ▶ Is criminal prosecution likely to provide safety in the prosecutorial process?
 - ▶ Will prosecution result in ongoing fear or retaliation, being rejected by other family members, etc?

"I had to go to court as a witness, but because I didn't want to, I said that it didn't make sense for me to go to court. (...) But they made me go."

Adolescent from Slovenia (ibid.)

EXERCISE #4: REFLECTING ON ETHICAL ISSUES

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SELF-DETERMINATION AND PARTICIPATION PRIORITISING PROTECTION AND REBUILDING LIVES



Exercise: Vignette #3

Discuss in small groups

Half a year after the previous encounter with his teacher (vignette #2) Michael approaches her after the lesson and shows her bruises on his back. Confronted with the information the mother concedes that her partner sometimes hits Michael with a belt. The stepfather admits. Temporary placement in foster care and initiating criminal prosecution are under discussion.

When could it be appropriate to place Michael and to file a complaint to the police/criminal justice system? What concerns might prevent you from doing so?



WRAPPING UP: CONCLUDING WHAT LESSONS HAVE BEEN LEARNED

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CONCLUSIONS !



What do you



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MODULE 11: VULNERABILITY AND CULTURE

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REFERENCES AND RESOURCES

REFERENCES & FURTHER RESOURCES

References

- ▶ Kelly, L. & Meysen, T. (2016). *Transnational Foundations for Ethical Practice in Interventions Against Violence Against Women and Child Abuse*. London/Heidelberg: CEINAV (translations to German, Portuguese and Slovenian available)

Further resources

- ▶ Akhtar, F. (2013). *Mastering Social Work Values and Ethics*. London/Philadelphia: Jessica Kingsley Publishers.
- ▶ Lonne, B., Harries, M., Featherstone, B. & Gray, M. (2016). *Working Ethically in Child Protection*. London: Routledge.
- ▶ see also the **MAPChiPP toolbox**  available online: www.mapchipp.com

COLOPHON

- ▶ The training material at hand was developed as part of the project **Multi-disciplinary Assessment and Participation in Child Protection Proceedings: training program with modules and toolbox, international network (MAPChiPP)**.
- ▶ This collaborative project was **supported by the Rights, Equality and Citizenship (REC) Programme of the European Union** and conducted by the German Institute for Youth Human Services and Family Law (Germany), Family Child and Youth Association (Hungary), the Estonian Union for Child Welfare (Estonia), the Netherlands Youth Institute (Netherlands) and Child and Family Training (UK).
- ▶ **Module 12: Ethical Issues was developed in main responsibility of the German Institute for Youth Human Services and Family Law** by Dr. Thomas Meysen, Henriette Katzenstein and Dr. Felix Dinger.
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