Ethical Decision-Making Framework for Information Sharing

A Guide for the Homeless-Serving Sector

PolicyWise for Children & Families

Acknowledgments

PRIMARY CONTRIBUTORS

Valerie Salt, Kirsten Boda, Dr. Jennifer Medlock, Naomi Parker, Dr. Cathie Scott

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What is the Ethical Decision-Making Framework?

Information sharing is a critical part of connecting people experiencing homelessness with the health and social services they need. However, making decisions about information sharing is far from straightforward. Often, service providers are simultaneously tackling the questions of '*what information should I share?*', '*why should I share it?*', and '*how should I share it?*' In addressing these questions, they are balancing legal and ethical considerations, professional body guidelines, organizational policies and procedures, and client directives. Ethical information sharing is not only about the outcome, but also the process by which service providers reach decisions and follow up on them. This Ethical Decision-Making Framework[1,2] supports service providers to systematically and confidently make information sharing decisions that embody sector-wide ethical values.

The Framework is organized to be read in sequence, with each section building on the prior concepts:

PART 1: **Foundational Values for Ethical Information Sharing**	This section presents foundational values, based on both Indigenous and Western worldviews, which guide information sharing in the homeless-serving sector. It also includes examples of how these values translate into practice.
PART 2: **Essential Practices for Ethical Information Sharing**	This section presents seven essential practices to support service providers in applying ethical information sharing values and navigating ethical issues in a systematic way. The practices provide guidance on: determining relevant information needed to make a decision about sharing client information; identifying potential paths forward, and their ethical implications; and determining which path to follow.
PART 3: **Decision-Making Tool**	This section presents a decision-making tool that integrates the seven essential practices into a practical step-by-step guide for service providers to use 'on-the-job'.

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[1] The Report on Findings and Implications for an Ethical Decision-Making Framework for Information Sharing (Salt et al., 2020) provides evidence which informed this Framework.
[2] The Implementation Plan (Salt et al., 2020) supports training needs through systematic roll-out of the Framework.

Part 1: Foundational Values for Ethical Information Sharing

Values can be defined as, "what we believe in and what we collectively stand for… [Values] provide us with a shared understanding of what's important and guide our decisions" (AHS, 2019, p.2). Values provide a foundation for making ethical information sharing decisions in the homeless-serving sector as well as promote a common language and understanding among service providers. Building a shared understanding, however, requires accommodating multiple worldviews, or the various ways people interpret and act upon the world around them.

Many policies and practices within the homeless serving sector were developed from a Western worldview. Due to the ongoing effects of colonization and disproportionate representation of Indigenous individuals within the homeless-serving sector, the values presented in this Framework incorporate an Indigenous worldview alongside the dominant Western worldview. For this Framework, Elder Jackie Bromley (2020) gifted her knowledge of the Seven Teachings, which apply to all aspects of life including decisions on ethical information sharing.

Elders Reg and Rose Crowshoe gifted the curators of this framework with the concept of ethical space, which allows Indigenous and Western worldviews to co-exist. As described by Elder Reg Crowshoe, ethical space "link[s] these worldviews in a way that does not diminish either, and that honours both. This new way, which reflects a deep understanding of varying perspectives and values, can result in an ethical space that transforms the way we work together" (Alberta Energy Regulator, 2017, p.5). This Framework presents both Indigenous and Western values in parallel to promote equality and respect for both worldviews, which can then support Indigenous and non-Indigenous clients alike.

Foundational Values in the Homeless-Serving Sector

Within a Western worldview, the foundational values that guide decision-making within the homeless-serving sector are accountability, autonomy, collaboration, and integrity. Within an Indigenous worldview, the foundational values are love, respect, courage, honesty, wisdom, humility, and truth (Bromley, 2020). [3] Figure 1 presents four value domains that incorporate these Indigenous and Western values in parallel.

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[3] The version of the Seven Teachings used in the Framework was shared by Elder Jackie Bromley and adapted from the Southern First Nations Network of Care (n.d.). The Seven Teaching apply to all aspects of life including decisions on ethical information sharing and apply to many First Nations people on Treaty 7 and Métis Nation Region 3.

Figure 1. Foundational Values that Support Ethical Information sharing

Each domain is described below, including definitions of the relevant Indigenous and Western values as well as how the values translate into ethical decision-making in practice.

Domain: Respect & Autonomy

Indigenous worldview	Western worldview
Respect: In all life, respect is first and foremost. Respect others and respect will be bestowed.	**Autonomy:** Understanding that clients have their own values and desires around information sharing, which guide decisions service providers make to support their well-being.

What ethical decision-making looks like in practice when guided by these values:

· Ensuring clients drive their own care by asking directly if they want certain information to be shared.

· Respecting that if a client does not want information shared, then it will not be shared.

· Striving to have clients participate in conversations where decisions are made about information sharing.

· Checking in with clients for consent and confirmation that they still want the information shared.

· Pausing to reflect on what a client would want if it is not possible to consult with them in the moment of decision-making.

· Informing the client when information was shared and why, especially if they were unable to give consent.

Domain: Wisdom, Truth, & Accountability

Indigenous worldview	Western worldview
Wisdom: The gained experience and knowledge is to know the difference and accept responsibility and accountability. **Truth:** Symbolic of law and principle, which does not change, but those who live within the world adapts to the change without changing.	**Accountability:** Upholding the responsibilities on has to clients, to organizations, to professional bodies, and to relevant legislation to follow through on duty to care.

What ethical decision-making looks like in practice when guided by these values:

- Understanding and applying relevant legislation when information sharing decisions are being made.
- Recognizing the various professional requirements by which different service providers abide.
- Identifying the role other service providers play in the client's circle of care to help determine who needs to know what information and why.
- Considering whether sharing or withholding information risks the safety of the client or anyone else.
- Consulting with a supervisor or trusted colleague when unsure about an information sharing decision.
- Sharing the minimum amount of information required.

Domain: Love, Humility, & Collaboration

Indigenous worldview	Western worldview
Love: Love is a force that is undeniable. With love, all things are possible. It is everyone's right to have and experience it. **Humility:** Each member of society understands their individual role and in our individual lives humility becomes the factor that allows us to ask for guidance humbly.	**Collaboration:** Working with service providers that support a shared client to find mutual solutions while respecting the boundaries of their professions.

What ethical decision-making looks like in practice when guided by these values:

- Approaching each information sharing conversation with flexibility.
- Adapting to rules and protocols of other disciplines and cultures in order to support clients during situations that require information sharing decisions to be made.
- Questioning information sharing processes in the sector that do not serve clients' needs.
- Advocating for solutions that aim to benefit all stakeholders based on their professional

requirements related to information sharing.
- Building professional relationships with staff at organizations with which you regularly share information.
- Obtaining client consent prior to case-conferencing or gathering for talking circles regarding client care with sector colleagues.

Domain: Courage, Honesty, & Integrity

Indigenous worldview	Western worldview
Courage: Seeking the strength and courage to face our greatest enemy—oneself. Seeking resolutions through spiritual intervention and guidance. **Honesty:** There are no "ifs or buts", there can only be honesty if one is to survive. In the wilderness, one either knows survival, or one does not.	**Integrity:** Acting with honesty and consistency to uphold the values for ethical information sharing, which promotes trust with, and positive outcomes for clients.

What ethical decision-making looks like in practice when guided by these values:

- Recognizing how personal bias or values influence decisions around sharing client information.
- Holding an awareness of power dynamics and potential for discrimination that can arise based on sharing information related to a client's background, gender, language, marital status, national ancestry, political affiliation, race, religion, sexual orientation or socio-economic status, etc.
- Taking ownership of information sharing decisions by telling clients what information was shared and why.
- Learning and growing through reflection and discussion with others throughout the decision-making process.

Part 2: Essential Practices for Ethical Information Sharing

This section presents seven essential practices that support service providers to make ethical information sharing decisions. Due to complexity within the sector, ethical concerns, or grey areas, are common when service provider providers are faced with information sharing decisions. While each situation is unique, grey areas often result in feelings of uncertainty, dilemma, or distress. Anchored in the foundational values, these practices provide staff across the homeless-serving sector with the knowledge required for ethical information sharing decisions. While these practices will not eliminate ethical concerns, they provide a shared approach that will reduce uncertainty and increase confidence in decision-making among service providers.

Figure 2 demonstrates how this section brings together the foundational values and seven essential practices for ethical information sharing to continually support client relationships through ethical decision-making.

Figure 2. Process for Ethical Decision-Making

Essential Practice #1: Build Trusting Client Relationships

Trust between service providers and clients sets the stage for ethical information sharing. By building trusting relationships and rapport with clients, service providers contribute to an informed consent process, ultimately resulting in clients feeling more comfortable sharing information that is relevant to their needs and having a better understanding of the specific benefits and risks of sharing particular kinds of information. Further, service providers can more confidently put client directives at the centre of information sharing decisions.

Service providers can take the following actions to build trust with clients:

· **Getting to know clients:** Have regular conversations with clients about their goals and required supports. Provide service options that align with a client's worldview and cultural practices. Explore with Indigenous clients whether and how they are connected to their culture and what Indigenous protocols they would like to follow.

· **Keeping clients informed**: Explain to clients the possible benefits, risks, and outcomes of an information sharing decision. Regularly ask what information the client is comfortable sharing in order to keep consent forms and release of information forms up-to-date and accurate.

· **Including clients in information sharing decisions:** If possible, ask clients to be present during conversations with other service providers. Defer to client privacy and choice in all situations, especially when acting on their behalf. If information must be shared without explicit client consent, ensure there is follow up with an explanation of what information was shared and why.

Essential Practice #2: Consider Influencing Factors

Service providers within and across homeless-serving organizations bring unique perspectives to information sharing, which are informed by the following contextual factors:

· **Legislation:** Various pieces of legislation operate within the homeless-serving sector and place legal obligations on specific service providers depending on the setting they work in. Some examples include: Freedom of Information and Protection of Privacy Act, Health Information Act, and Personal Information Protection Act.

· **Regulatory and accreditation bodies:** Many service providers are governed by regulatory or accreditation bodies, for example: Alberta College of Social Work, Canadian Association of Social Workers and the Alberta College of Social Workers, Canadian Psychologist Association, College of Alberta Psychologists, College and Association of Registered Nurses of Alberta, Canadian Accreditation Council, and College of Physicians and Surgeons.

· **Organizational policies and values:** Individual organizations determine their own set of values, policies, and procedures based on their mission and vision, which guide how service providers make decisions around information sharing.

· **Personal beliefs:** Personal beliefs differ from person to person, and are shaped by an individual's worldview, personal experiences, training and education, work history, values, customs, language, and more.

Service providers working with a mutual client often have diverse influencing factors that may be in tension with one another, potentially impeding ethical information sharing. To prevent this, service providers should identify the influencing factors that inform their own decision-making as well as the factors other service providers base their decisions on. Intentionally considering these factors enables service providers to more effectively support a mutual client by improving communication and understanding, despite their differences.

Service providers can take the following actions to consider the context of information sharing decisions:

· Identifying who is asking for or releasing information in order to gain a sense of that service provider's influencing factors.

· Having a direct conversation with the other service provider to understand how information can help them do their job to support a client.

· Learning about common contextual factors for other service providers prior to a situation that requires an information sharing decision to be made.

· Considering what potential conflicts commonly arise based on different influencing factors.

· Proactively incorporating the needs of other service providers into information sharing decisions, when possible.

Essential Practice #3: Gather Information

In addition to understanding their own as well as other service provider's contextual factors, service providers can systematically gather and organize relevant information for each situation that requires a decision to be made. Gathering information will help clarify which pieces of information are being requested and how they will be used to support the client, which will ultimately factor into the service provider's decision about what information to share. Relevant details of information that will guide decision-making include who, what, why, and how.

Service providers should ask the following questions when gathering information:

· Who is requesting the information? Confirm the identity and role of the staff member who is asking for or potentially releasing the information.

· Whose information is being requested? Confirm that you and that staff member are talking about the same client.

· What information is being requested? Consider the specific type of information and amount of information.

· Why is the information being requested? Determine the purpose for the information being shared.

· How would the information be shared? Determine what method would be used for the information to be shared (e.g., through email, over the phone, or in-person) and whether this would maintain confidentiality.

Essential Practice #4: Consider Criteria

Once information has been gathered, considering the three criteria below provides additional information to help service providers determine their options regarding an information sharing decision. Each of these criteria aim to help service providers consider the ethics around sharing client information by further contextualizing the situation.

SAFETY

Safety refers to the responsibility of minimizing any physical and psychological harms related to an information sharing request. There are specific situations in which consent is not needed to disclose information which apply across all legislation and regulatory bodies. If the answer to either of the questions below is yes, service providers are legally and ethically obligated to share the minimum amount of information necessary to ensure safety, regardless of having a signed consent or release of information form.

Service providers must consider the following questions when assessing safety:

- Is there a child in danger or need of protection?
- Is there clear and imminent danger to a client or others in society?

CONSENT

If safety is not an immediate concern, the second criteria to consider is consent. Consent is the practice of a client voluntarily approving what information collected about them can be shared. Service providers should ensure that the client understands the specific benefits and risks of sharing or not sharing information with other providers on their behalf.

Ideally, in every situation, a client would be able to give permission whether or not to share their information. If there is consent and it aligns with the request, the information may be able to be shared. However, the transient and complex nature of homelessness can lead to situations where clients are difficult to contact and consent is challenging to obtain, resulting in an ethical grey area. The third criteria of reasonableness supports further contextualization in ethical decision-making regardless of whether a service provide does or does not have valid consent.

Service providers must consider the following questions when assessing status of consent:

- Is there a valid client consent form that is not expired?
- If there is a valid client consent form, does the form indicate what information can be shared, for what purpose, and to whom?
- Does the information on the consent form align with the request?
- If there is no client consent form, can client consent be obtained?

REASONABLENESS

Reasonableness can be understood as what is appropriate or practical based on the information gathered. Often, reasonableness is helpful when service providers encounter an ethical grey area in decision-making. Considering reasonableness prompts the service provider to further reflect on their understanding of client directives and goals and how this will inform their decision moving forward.

Service providers should consider the following questions when determining the reasonableness of a request:

- Would the client consider this ask to be a reasonable request?

- Is this information needed to help the client reach their goals?
- Have there been similar information sharing requests made in the past that the client was comfortable with?
- Is it possible that less information could still help the client reach their goals?
- Would another service provider in a similar role consider this ask to be a reasonable request?
- Is it reasonable to decline sharing any information until client consent can be obtained?
- Is the information needed time sensitive?

Essential Practice #5: Determine and Assess Options

Ethical information sharing decisions are rarely as simple as yes or no. As such, service providers should take the time to consider their options before making a decision. Based on the information gained in the practices above the service provider should be able to identify a range of options from sharing no information at all, to sharing a portion of what is being requested, to sharing all that has been requested. Considering the potential options as well as the benefits and risks of each will help service providers determine the potential implications of their actions moving forward for each option including: sharing no information, sharing all of the information requested, or sharing some of the information requested. If after assessing each of these options they are still unsure, service providers should consult with a trusted colleague or supervisor.

Service providers should consider the following questions when assessing their option:

- What are the benefits and risks of sharing all of the information requested?
- If sharing a portion of the information requested, what information and how much will be shared?
- What are the benefits and risks of sharing a portion of the information requested?
- What are the benefits and risks of not sharing the information or waiting to share the information at a different time?
- If they are still unsure, is there a supervisor or trusted colleague they can consult with to help them make this decision?
- Based on all known information, what decision are they most comfortable with and why?

Essential Practice #6: Document the Decision

Following a decision to share or not to share client information, service providers should document the details of the situation and their decision based on the information collected in the practices above. While there are some situations in which documentation is not possible, service providers should document whenever they can. This documentation can be completed in the appropriate database or file and could take the form of a case note. Documentation is important because it captures the rationale for what was shared and why.

Service providers should consider the following questions when documenting their decision:

- Who was the involved in the situation?

· What information was being requested and why?
· What was the decision that was made?
· Why was this decision made?
· If information was shared, how was it shared?
· Is there any follow-up needed with anyone else, such as the client or other service providers, and why?

Essential Practice #7: Reflect and Learn

The final essential practice is to reflect and learn from the decision made. Following a decision, service providers should intentionally take time to reflect on their own, with a supervisor, with a trusted colleague, or a combination of these. Reflection also includes speaking to the client about the request informing them of the decision made. A client may experience a range of emotions when they are informed about the decision, especially if they were not involved in the decision. It is important that service providers take the time to explain the decision to the client and listen to their reaction. This practice helps build trust with the client moving forward but also ensures that service providers are taking ownership in their decisions.

Below are questions for service providers to consider to support reflection and learning:

· **With a client:** What information was shared or withheld? What was the reasoning for sharing or withholding the information? Would the client prefer that this situation was handled differently?
· **With oneself:** How does the service provider feel about their decision in this situation? How does the client feel about the decision in this situation? Are there steps that the service provider could have taken or done differently in this situation? Are there any lessons learned from this situation for the next time the service provider has to make a similar decision?
· **With a supervisor or trusted colleague:** How would the supervisor or trusted colleague have handled the situation? Is it different than how the service provider handled the situation? What does the supervisor or trusted colleague believe could be done differently next time?

Part 3: Ethical Decision-Making Tool

The Ethical Decision-Making Tool leads service providers step-by-step through the decision-making process to support consistent use of the information sharing foundational values and essential practices.

Ethical Decision-Making Tool for Information Sharing

| Respect & Autonomy | Wisdom, Truth, & Accountability |
| Love, Humility, & Collaboration | Courage, Honesty, & Integrity |

This tool is a step-by-step guide for service providers to use on-the-job when faced with challenging information-sharing decisions. While the tool will not tell you what to do, it will **help you apply the Framework values and practices in a structured way that promotes ethical decision-making.** Note that this tool requires familiarity with the Ethical Decision-Making Framework for Information Sharing in the homeless-serving sector, which outlines foundational values for information-sharing and seven essential practices.

(1) CONSIDER CONTEXT

GATHER INFORMATION

WHO?	Whose information are you considering sharing? Who is requesting the information? Can you confirm their identity?
WHAT?	What specific type and amount of client information is involved in this decision?
WHY?	Why is the information needed? What is the purpose of sharing this information?
HOW?	In what ways can you share this information? How can you maintain confidentiality?

In addition to the information gathered above, what do you know about the client's directives and goals that might help you in this situation?

UNDERSTAND INFLUENCING FACTORS

	What influencing factors guide your decision-making?	If other service providers are involved, what are their influencing factors?
Legislation		
Regulatory or accrediting bodies		
Organizational policies		
Personal beliefs		

Based on the responses above, what potential conflicts may arise from different influencing factors?

(2) CONSIDER CRITERIA

SAFETY

Based on your responses so far, think about the following:	NO	YES
Is there a child in danger or need of protection?		
Is there clear and imminent danger to a client or others in society?		

(!) If **YES**, information that can protect safety **must be shared.** Proceed to to Step (4) below.

CONSENT

Based on your responses so far, think about the following:	NO	YES
If there is a valid consent form, does it match the information required?		
If you do not have client consent, can it be obtained?		

If **YES**, you **may be able to share** the information. Consider REASONABLENESS before making a decision.

REASONABLENESS

Based on your responses so far, think about the following:	NO	YES
Is this information needed to help the client reach their goals?		
Is it possible that less information could still help the client reach their goals?		
Is the information needed time sensitive?		
Would the client consider this to be reasonable ?		
Would another service provider in a similar role consider this to be reasonable?		

If **YES**, you **may be able to share** the information. Use the answers from the criteria to assess your options in Step (3) below.

(3) MAKE A DECISION

DETERMINE & ASSESS OPTIONS

Using your answers from Steps (1) **and** (2) **above, determine and assess your options.** Consider the benefits and risks of each option including: sharing all of the information, sharing some of the information, or sharing no information. If sharing, consider what information and how much will be shared and why? If not sharing, consider why.

← Involves Less Information   Involves More Information →

Option:	Option:	Option:
Risks:	Risks:	Risks:
Benefits:	Benefits:	Benefits:

CHOOSE OPTION & NOTIFY

Based on the options you listed above, are you ready to make a final decision?

- If **NO** or **UNSURE**, use the tool to work through your options with a trusted colleague or supervisor.

- If **YES**, follow up with others involved regarding your decision.

Once your decision has been made, use your answers to complete Step (4) below.

(4) DOCUMENT & REFLECT

DOCUMENT DECISION

Document the request and decision if you can and include:
- **WHO** was involved?
- **WHAT** information was needed and **WHY**?
- **WHAT** was the decision made and **WHY**? (If information was shared, **HOW** was it shared?)
- Whether any follow-up is needed with anyone else and **WHY**?

REFLECT ON DECISION

Reflect on the decision with the client, on your own, with your supervisor, or with a trusted colleague:
- If applicable, talk with your client and explore how they feel about the decision that was made.
- Explore how you are feeling after making the decision, and why.
- Work through what you have learned with your supervisor or a trusted colleague.

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Appendix A: Seven Essential Practices Summary

The Seven Essential Practices for Ethical Information Sharing

Anchored in the foundational values, these seven essential practices give service providers across the homeless-serving sector the knowledge required for ethical information sharing decisions. These practices are further expanded on in the Ethical Decision-Making Framework for Information Sharing.

ESSENTIAL PRACTICE #1: BUILD TRUSTING CLIENT RELATIONSHIPS
- Build trusting client relationships by getting to know a client's goals and preferences, keeping clients informed, and including clients in information sharing decisions.

ESSENTIAL PRACTICE #2: CONSIDER INFLUENCING FACTORS
- Consider how legislation, regulatory, accreditation, organizational policies, and personal beliefs influence your own and other service providers' decision-making.

ESSENTIAL PRACTICE #3: GATHER INFORMATION
- For each information sharing situation, gather information about who is involved in the situation, what type and amount of information is needed, what the information will be used for, and how the information would be shared.

ESSENTIAL PRACTICE#4: CONSIDER CRITERIA
SAFETY
- Consider whether there is a child in danger or need of protection or if there is clear and imminent danger to a client or others in society.

CONSENT
- Consider whether there is a valid consent form that matches the information that may potentially be shared and, if not, whether you are able to obtain client consent.

REASONABLENESS
- Consider whether sharing the information is appropriate or practical based on the information gathered including: whether the client would find it reasonable, if less information can be shared than requested, whether the information needed is time sensitive, and if another service provider in a similar role would consider this to be a reasonable request.

ESSENTIAL PRACTICE #5: DETERMINE AND ASSESS OPTIONS
- Determine and assess the benefits and risks of each option including: sharing no information, sharing all of the information requested, or sharing some of the information requested.

ESSENTIAL PRACTICE #6: DOCUMENT
- Following a decision, record who and what information was involved, what decision was made, why this decision was made, and whether any follow-up is needed.

ESSENTIAL PRACTICE #7: REFLECT AND LEARN
- Debrief with the client as well as intentionally take time to explore how you feel and reflect on what you can learn from the decision, either on your own or with a supervisor or trusted colleague.