POLICY STATEMENT (INCLUDING SCOPE)

The Canadian Mental Health Association Waterloo Wellington (CMHA WW) staff and volunteers will apply a standardized framework to working through ethical issues, addressing conflicts of interest, and making decisions. The Ethical Framework includes codes of conduct, guidelines, processes, and values to help guide decision-making about service provision and proposed research activities.

1.0 INTENDED OUTCOME

Leadership

Directors, managers and supervisors will ensure that they and their staff are well versed in the ethical framework and that the framework is consistently applied to resolve any identified issues.

Staff

Staff will understand the importance of ethical decision making, know how to apply the ethical framework and exercise flexible but sound judgement when addressing and resolving ethical issues.

Individuals accessing CMHA WW services

Individuals receiving care will experience compassionate and effective services that are grounded in a strong ethical framework that guides how care is provided and experienced.

2.0 DEFINITIONS

BOD	Board of Directors
CMHA WW Ethical Framework	A defined process based on CMHA WW's values for making difficult decisions affecting client care or organizational dilemmas for which there is no clear right or wrong answer. The framework encompasses: • Codes of conduct • Policies • Guidelines • Procedures • Other tools that help guide decision making
CMHA Ethical Dilemma Worksheet	A tool for making ethical decisions that that takes into account the facts, emotions, ethical principles, various alternatives and their consequences of a particular circumstance or situation.
CMHA Ethics Committee	This committee will steward and champion the ethical framework to ensure that it is consistently applied across the organization. The committee will identify ethical trends and issues arising from the ethical reviews completed by staff and will recommend changes to policies, procedures and practices as needed.

CMHA Ethics Committee Worksheet	A collection and summary of ethical reviews conducted across the organization that is used to identify trends and issues requiring changes to policies, procedures and practice.
Ethical Decision Making	A common shared approach for making difficult decisions for which there are no quick, easy or right answers.
PQRE	Performance, Quality, Risk & Ethics

3.0 POLICY

- Once an ethical dilemma has been identified, determine the most appropriate forum to resolve the issue which may include:
  - o Supervision with supervisor or manager (Ethics Champion)
  - o Community team discussion
  - o Service team discussion
- Determine which stakeholders should be involved in the discussion. Utilize the "CMHA WW Ethical Dilemma Worksheet to prepare for the discussion.
- Once a decision has been reached on how to respond to the dilemma, forward the completed Ethical Dilemma Worksheet to the Risk Manager.
- If the ethical dilemma is not resolved at this stage, the issue may progress through the following stages:
  - o Review by the CMHA WW Ethics Committee (typically for systemic ethical issues) and/or consultation with ethics consultants, mental health lawyers, professional regulated bodies.
  - o At this time membership on the ethics committee includes:
    - Staff – cross section of both administrative and client service programs; and peer support/self-help;
    - Management;
    - BOD representative
    - +/- an ethicist (to be determined on a case by case consultation basis); and
    - External stakeholder (case by case) involved as appropriate.
  - o Review by the Performance, Quality and Ethics Committee (typically for systemic issues). Membership on this committee includes Quality and Risk Managers and Board Members.

  - o If the ethical issue is not resolved, and the Ethics Committee review is not successful, the Board of Directors, through the PQRE Committee, will decide upon a final direction to bring the issue to resolution.

3.1 Guidelines

The ethical framework should be applied when the following factors are present:

- The potential for serious consequences to a person if an adverse event occurs; and the urgency with which the agency must act.
- Competing issues, factors and disparate perspectives that make it difficult for a staff member or team to determine the right course of action.

- Larger system factors (such as contradictory policies between service providers) that compromise the ability to decide upon and implement a course of action that is right for the person and the situation under consideration.
- Issues which cannot be resolved.

3.2 Documentation and Feedback

Documentation and feedback are important tools for ensuring follow through, demonstrating accountability and capturing learnings. For ethical issues involving people in service, the specific plan/actions to be taken should be documented on the client file as with other aspects of the service plan. The client file should contain minimal "need to know" information about the action taken.

The CID, but not the person's name, should be recorded on Appendix B CMHA WW Ethical Dilemma Worksheet . This ethics review process is integrated with the CMHA WW Incident Reporting procedure. Once the CMHA WW Ethical Dilemma Worksheet is completed by the person who called for the review, it is forwarded to the Risk Manager for trending and inclusion in summary reports.

All Incident Reports (RHP F 022) are treated confidentially, and privileged information is sealed within the CMHA WW electronic system(s).

3.3 Quarterly Summary Reviews

All incidents, including ethical reviews are summarized quarterly and reported to the Board through the Performance, Quality and Ethics Committee of the Board. The summaries do not include any staff or client identifiers and provide the opportunity for the Board to identify any trends that require a change in policy or practice. Summaries will also be shared with staff via the Orchard and the public on CMHA WW's website. Any information that is posted internally or externally is abstracted from specific ethical reviews and does not include any client or staff identifiers.

4.0 REFERENCE DOCUMENTS

- Accreditation Canada: Principled Decision-Making Guidelines: 2014
- Dialectic Strategies: Aaron Barth + Michael Thomson – HAI – Human Systems Corporation, www.humansys.com

5.0 ASSOCIATED DOCUMENTS

- Ethics Committee Terms of Reference (Appendix A)
- Ethical Dilemma Worksheet (Appendix B)
- Ethics Committee Worksheet (Appendix C)
- Ethical Framework
- HR P 010 Code of Conduct
- Incident Reporting (RLDatix)
- Research/Program Evaluation Approval Screen

APPENDIX A: CMHA WW Ethics Committee Terms of Reference

The purpose of the CMHA WW Ethics Committee is to:

- Promote and foster a comprehensive ethical (principled decision-making) approach to the resolution of ethical issues at the governance, leadership and operational levels.
- Oversee and facilitate education and training in the application of the ethics framework.
- Serve as the steward for the ethical framework and for building organizational capacity through the development and promotion of policies and practices that support a robust culture of ethical decision making.

Objectives

- Provide a forum for identifying, discussing and recommending solutions to common ethical issues arising across CMHA WW.
- Raise awareness of ethical dilemmas and enhance the capacity of leadership and staff to recognize and address organizational and direct service ethical issues within CMHA WW.
- Provide advice and guidance to the CMHA WW Board, leadership and staff on ethical issues that require changes to policies, standards and practices to provide safe quality care.
- Oversee and coordinate education on ethical decision making.

- Screen and approve any program evaluation or research studies sponsored by CMHA WW using the Program Evaluation/Research Checklist.

CMHA WW Ethics Committee **will not:**

- Provide legal advice.
- Mange the risk or provide service direction for individual ethical dilemmas or situations.
- Review any issues that are not primarily of an ethical nature.

Ethics Committee Membership and Principles:

- Membership is limited to 12-15 individuals.
- Chair will be recruited and appointed by the Executive Director with preference given to a non-CMHA WW employee or the BOD to reduce any conflict of interest. *In the interim, CMHA WW Risk Manager in conjunction with CMHA WW Quality Manager will begin the process of developing this committee with a plan to obtain an arms-length Chair as approved by Executive Director.*
- Role of Chair is to:
    - Summarize and document on the CMHA WW Ethical Committee Worksheet the systemic ethical reviews.
    - Ensure the discussion's primary focus is on ethical considerations.
    - Frame conclusions in a way that is helpful to CMHA WW.
- Membership should be broadly representative of CMHA WW's operational and direct service programs including management; physician; quality and risk management; CMHA WW services representation; Human Resources; administration; system coordination; peer support; and access to ethics consultants.
- Members should be 'recruited' on the basis of reputation, performance, skill and knowledge.
- Lay representation is necessary, and this can be achieved through Self-Help and peer representatives.
- Members should be clear that they are chosen for their aptitude for ethical decision making and not as representatives of any given body, group, profession or special interest.

- Members should have an interest in the subject of ethics; an ability to work in a group; and commitment to the group.

Meeting Frequency

- Monthly meetings and at the call of the Chair

Meeting Documentation

- Minutes of meetings will identify key decisions, actions and milestones and will be forwarded to Committee members and posted on the CMHA WW Orchard for staff viewing.
- Updates are also shared via the quarterly Incident Report Summary process as appropriate.

Accountability and Reporting of Proceedings

- The CMHA WW Ethics Committee is a subcommittee of PQRE.
- The Ethical Committee Worksheet only includes abstracted information and will not include any client or staff identifiers.
- The worksheet may be accessed by employees as an educational tool on the Orchard.
- The exact details of any discussion by the committee will remain privy to the participants. The committee will divulge information to management only where there is a clear breach of the law.
- An audit tool is being developed to determine the effectiveness and usefulness of the Ethics Committee.

Revised from Trellis Ethics Committee TORS 2009

APPENDIX B: CMHA WW Ethical Dilemma Worksheet

Reflecting on a specific ethical dilemma you are currently facing or have faced, please complete the following worksheet. Refer to CMHA WW's Ethical Framework to help guide your responses.

Dilemma Description	
Provide a brief summary of who is involved and why there is a dilemma.	
What's the Situation?	
Describe the conditions of the ethical dilemma.	
Influencing Factors	
What am I seeing?	Who am I?
Where do I live?	Who else matters?
Course of Ethical Action	
What did you decide to do?	
What Happened?	
Describe the outcome.	

APPENDIX C: CMHA WW Ethics Committee Worksheet

Type of Ethical Dilemma
Briefly describe the type of dilemma (e.g., consent and capacity; breach of confidentiality/privacy; etc.).
Why is this particular type of dilemma recurring?
Explain why there is a pattern for this type of dilemma.
Organizational Impacts
What are the impacts to the organization from this type of dilemma?
Policy, Procedures, Standards, Practices
Describe action required around organizational policies, procedures, standards, or practices to reduce its frequency.
What's the Plan?
At the systems level, what is the organizational plan to address this type of dilemma?