

Ethics And Critical Decision Making

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Introduction

The scenario case chosen for this essay involves a middle-aged woman who has been diagnosed with an aggressive and a reported rare type of cancer. The woman has undergone various types of treatment without success, such that she is even transferred to the palliative care unit. Sun Yi has a child who is barely five years old and without a father due to their separation. The patient had her country of origin in Hong Kong but acquired a permanent residence in Australia. This immigration makes her not have relatives in Australia except her sister since her mother still lives in Hong Kong. The scenario also involves a social worker who works part-time in the health facility. Reportedly, David's father is abusive, and Sun Yi would not want the child to be under his care. To solve this case, this essay will have to use the framework of ethical decision-making to aid in the identification of the issue at hand or the dilemma, to also identify all the stakeholders in the case, as well as come up with viable solutions to the case.

Description Of The Ethical Problem

Sun Yi, who is a middle-aged woman with a young child, is diagnosed with an aggressive and terminal illness of cancer, and she is even placed in the palliative care unit. Sun told the social worker that her son's father had not even bothered about his well-being since their separation and that he was abusive. She does not also want to involve the father in making decisions concerning her son's future. It is also clear that Sun does not have relatives in Australia except her sister, who takes care of her. The dilemmas which are identified in this case include the question of who will be left to take care of David who is just a kid. Another dilemma that Sun faces is whether to involve her ex-partner in making the decisions regarding their son's future. In this scenario, there are individual issues that relate to the child's future, issues concerned with public welfare, especially to the sister who will have to make decisions regarding where David will stay. However, it is upon the social worker to evaluate the scenario and come up with a solution that will benefit all the parties, with the aim of helping Sun's family as requested.

Questions Related To Ethical Issues, Legal Issues And Human Rights

The social worker, as a stakeholder in this scenario, is faced with various questions, some of which are concerned with human rights, such as: is it right for Sun to decide David's future without involving

his biological father? What is the rule of law that is concerned with people who have dual citizenship? Who is the most responsible person who should stay with David since he is a child who cannot make his own decisions? What are the human rights which should be considered in the development of the solution to the problem? What is the best way to come to the rescue of Sun's family? These questions are just but an example of the questions that the social worker could raise while trying to come up with solutions to the case (Banks, 2006).

Stakeholder To Be Affected By The Ethical Decisions To Be Made

This case study has many stakeholders who will end up being affected by the ethical decisions that will be made by the social worker in collaboration with other stakeholders, such as those in law. One of the stakeholders is David, who is the point of reference in this case. David is just a child of two years old and cannot, therefore, make decisions for himself. He is just a victim of his parents' separation, and worse off, the disease of his mother disadvantages him even more. The decision made by the social worker will completely affect David's entire life as the decision made will determine how his life will end up being like. Sun's sister would also be affected because she is the one who has been taking care of the sister while at the hospital.

The parents are another party who will be affected by the decision made. Sun would be happy if the child was not left under the care of his father, as he never showed any care since the separation. The father, on the other hand, would also be affected by the decision made would determine whether he would ever see his son again or not. The social worker is also a participant in this case as he/she represents Sun in the case. The social worker should be honest in their dealing without favoring any party for the benefit of all the stakeholders. The government is also vital in this case as it would determine whether David's grandmother would be allowed in Australia to stay with him or whether he would remain under the sister's care (Banks, 2006).

Human Rights Law

Human rights refer to rights that are granted to individuals regardless of their age, gender, race or even religion, with the aim of enabling them to access things that are necessary for life easily. In relation to the Human Rights Act, this scenario could be analyzed by use of various human rights documents, some of which include the Universal Declaration of Human Rights (Human Rights, 2006) and also one of the recently established generations of human rights. This case lies in the first-generation rights, which are often concerned with issues such as citizenship of individuals, as this would influence the social worker in deciding where David would stay. Sun's request for her family support can be termed as a social requirement, and hence, it could also lie under second-generation human rights (Human rights, 2006) since all that she wants is the welfare of her kid in the future. This generation of human rights is often concerned with issues social issues such as clothing, education,

housing and healthcare-related issues, among many others, and hence it is relevant to this scenario as the social needs of David need to be determined.

Legislative Acts

Legislative acts are those that are concerned with rules and regulations set by the government with the aim of governing human behavior. The rule of law that is relevant to this case of study is, first and foremost, the common law (Banks, 2006). Sun Yi wants to make decisions concerning the future of his son while alone, yet David has a father. Despite the fact that they had been separated for the last eighteen months, although we are not told whether the separation took place under the rule of law, David's father ought to be consulted in the decision-making process. Sun should involve him, and then the common law stipulated at the courts would determine whether he would be held responsible for the child after putting into consideration the reasons why he had not cared to bother about David for the past eighteen months of separation. According to the Common Law Act section three, a parent should always be consulted in the decision-making process concerning their children.

Under the Parenting and Guardian Legislative Act in section five, the law stipulates that a child should always be under the care of their parents, not unless when circumstances do not allow it. The circumstances that could allow the child to be under somebody else's care include the death of both parents and instances of insanity of the parents, among many others. However, the law states that the ultimate decision regarding where the child should stay if such cases occur often lies in the hands of the parents, and if they are not in a position to make the decisions, it is upon the law of the given country to make the decision.

Social Work Principles And Ethics

The AASW code of ethics stipulates the principles and code of behavior of the clients, such as the social workers, as well as protecting them. According to this AASW code of ethics, clients such as the social worker in this scenario are supposed to adhere to the promotion of human rights which are stipulated in the legislative acts. They ought to fight the oppression of the weak, advocate for inclusiveness in the entire society as well and promote their clients' well-being (AASW, 2010), such as Sun Yi. The AASW code of ethics emphasizes the importance of serving people with respect and human moralities for their self-sufficiency while still putting into consideration the human rights of other people. The main role of the social worker involves prioritizing expert decision-making for the benefit of all the stakeholders. This code of ethics is vital in our scenario where Sun's interests in having David placed under the care of the grandmother or her sister cannot be discussed with the ex-husband as he no longer cares about them. The issue of confidentiality, which is stipulated in the act where the social worker is supposed to keep the information of the client confidential, is also applicable in this case. The social worker is supposed not to inform David's father about Sun's health even though her state keeps on deteriorating day in and day out.

Ethical Theories

Ethical theories refer to a way of applying moral thinking to modern-day situations, such as in the Sun's scenario. In modern-day lives, there are set grounds that can be used in the decision-making processes (Melden, 2013). Understanding ethical theories is very vital in the decision-making processes as they provide the knowledge of where to begin while dealing with the issues at hand. In this scenario, one of the ethical theories that is applicable in the decision-making process by the social worker is the Deontology theory. This theory is also known as the non-consequentialism theory, which was established on the basis that the wrongness or the rightness of an undertaken action often depends on the duties. This theory often concerns itself with issues to do with the nature of human beings, where people believe in doing unto others what one would want to be done unto them. This ethical theory is applicable in this scenario as Sun Yi's interest is that the ex-husband should not be granted the right to take care of David as he neglected his duties as a father. From Sun's perspective, David's father would continue to abuse his son as he was reported to be abusive in the past, and this is why Sun wants the social worker to intervene and ensure that David would be taken good care of if she happens not to survive the terminal illness.

Another ethical theory that is applicable to this scenario is the virtue ethics theory (Melden, 2013). This ethical theory was laid down by Aristotle and Plato and was based on the question regarding what good life is all about. The theory aims to explore all the necessary activities that could be undertaken with the aim of making the lives of people better. The theory is also concerned with the levels of honesty, loyalty, and compassion used in the decision-making process. This ethical theory is very crucial and vital as the social worker will have to look into all the things that could make life better for David despite the missing of his mother. This would contribute to the decision which involves where David would live. The social worker's skills used to evaluate the case and come up with solid action and solution to the problem would also be governed by this ethical theory as it is useful in the evaluation of attributes such as honesty in the entire decision-making process.

Policies Of The Organization

Policies refer to a set of rules, regulations, and procedures set by an organization that the workers and clients are supposed to follow whenever they are undertaking activities given by the organization (Rave & Larsen, 1995). The social worker in the case study involving Sun Yi is obviously working under a certain organization that has employed him or her. The organization's policies are many, but some of them include integrity. The organization has set its policies that social workers should always strive to give and deliver integrity in all the activities they undertake. This may affect the decision made by the social worker positively as he or she cannot act in a manner that could be contrary to the organization's policies. Another set policy that governs the deeds of the social workers is the policy of benefits to all. This policy enumerates that social workers, in their day-to-day activities, should strive to work toward the benefit of all. In so doing, the social workers eliminate the notions of favoring

some of their clients, and hence, they end up being effective in their dealings.

Relevant, Viable Actions, Stakeholders, And The Benefits

One of the viable courses of action that the social worker would put into consideration is holding a meeting with her sister. The social worker would encourage Sun Yi to call her sister in the hospital and engage her in talk concerning David's life if she did not survive the terminal illness. This would be important because David is not in a position to make solid decisions for him regarding whom he would prefer to stay with. The social worker would also maybe sacrifice his or her time and try to set a meeting with Sun's sister to gauge her willingness to take care of David. This would be very useful as it would help the social worker in coming up with a solid solution. It could also help in satisfying one of the core duties of the social worker as stipulated in the code of ethics which entails the duty of care. This viable action could be beneficial to David, who would get a refuge place of residence; the mother would also benefit because she would have peace of mind in knowing that his son was safe, and finally, the social worker would also benefit because they would have attained their goal which could end up benefiting all the stakeholders.

Another viable action could be for the social worker to talk Sun Yi into getting into a conversation with her ex-husband. The social worker could talk with Sun and help her calm down the anger of being neglected by David's father. In so doing, Sun Yi would agree to talk to him about her health, which was deteriorating day in and day out, and through the intervention of the social worker, they could come to an agreement regarding the future well-being of their son. This viable action could be beneficial to both the parents as well as the child at large. The other viable action would be to adhere to Sun's request of not letting the ex-husband know anything about her deteriorating health and allow her to make the decision alone. This decision could be viable because David's father had separated from Sun, and despite the circumstances, he never bothered about the son's wellbeing at all. This could benefit the mother as well as the son.

Potential Risks Of The Course Of Action

The first viable action, which could involve Sun meeting with the sister with the aim of enquiring whether she would take care of David, could be very risky because the father would not be involved. This could be disadvantageous to David if the entire father engaged in the law demanding his child, and it could also affect the person who would be in charge of David. The possible risks of the second viable action, which would involve engaging David's father in the decision-making making, would be a loss of faith and trust in the social worker. Sun would feel betrayed, and her information would not be kept confidential because her wish would be that her ex-husband should not know anything regarding her illness. This could even make her health status to deteriorate even more rapidly.

Possible Conflicts Between The Social Worker's Values, Professional And Organizational Values

Values are the code of conduct that an individual deems to be right or wrong in their daily dealings and activities. In the scenario of the study, it is possible that there could be conflicts regarding the social worker's values, professional values as well as organizational values. As a human being and more so if the social worker in the case is a woman, there would arise a conflict due to the belief of acting like a human in a manner which someone would want to be treated similarly. The social worker could end up acting in favor of Sun due to being sympathetic with her because she had separated from David's father and also because he had never cared for such a long time. This could conflict with professional values as one is not supposed to act out of personal emotions and also breach of organization's values as one is entitled to work towards the common good of all the stakeholders involved.

The Course Of Action And Justification

The best course of action for this scenario would be to talk Sun into engaging David's father in a talk. She could let him know of her health and the deteriorating rate. After the talk about her health status, she could involve him in the entire decision-making process involving their son's future. This could be the best course of action in this scenario despite the risks associated with implementing it because the child under consideration is just a mere kid who cannot make his own decisions. This could also be very beneficial to all the stakeholders as it would satisfy all of them, and this could be a good way to prevent future effects, such as the father going to court to claim his son simply because he was never involved in the making of the decision.

References

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