

Chapter 5

Agencies

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Introduction

Social work agencies are organizations -- like General Motors, or the Red Cross -- and they are subject to all the difficulties and ills all such organizations are subject to. They differ from most such organizations in that they should have an ethical vision of their role in society and thus an ethical mission to further that vision. They are thus more like the Red Cross than like General Motors. But having an ethical vision and thus an ethical mission does not immunize a social work agency from having all the problems such corporations have, from not being nimble enough to respond well to changing social conditions, to having to downsize in times of financial stress, from being plagued with internal disorders when its practitioners disagree about how to proceed, to having its practitioners badly treated by the director or others in power.

Just as ethical problems arise for those in business when corporations are buffeted by external forces and internal tensions, in other words, ethical problems arise for social work practitioners within agencies for the same reasons. An agency may not have enough funding to support its mission, or those within the agency may disagree about how best to support its mission even when there is enough money, or the agency may be ill-equipped to handle new programs it has come to have, or the director may be unable to work well with the employees, or competing agencies may be tapping the same community resources to support their programs, and so on. The problems that may arise, that is, are numerous.

We have already examined some cases that raise some of the issues of this chapter. Social workers generally work for an agency or in group practices. We examined at length one case of a group practice when we looked at 4.5 Value judgments. Though we did not

make much of how its being a group practice made a difference to the problem, the case illustrates well how complicated things can become between peers, trying to work together. 4.7 *Lying about salaries* involved the director of an agency hiring workers of similar skills and experience at different salaries, and though our primary concern there was with the relations between the participants as social workers in those settings, those cases flirted with our primary concern in this chapter, namely, to examine the kinds of ethical problems that arise for social workers because of difficulties in the relations between social workers and the agencies for which they work. The field is so broad, and the issues raised so diverse and complicated, that we can, at best, examine only some representative samples of the kinds of problems that can arise.

One feature of social work agencies that distinguishes them from many other organizations is that social workers are not just employees, but also professionals. Professionals are supposed to have self-determination to make professional decisions. But employees have obligations, and when professionals are employees, conflicts can arise between what they are supposed to do as professionals and what they are obligated to do, or empowered to do, as employees (see the Code of Ethics 3.09(a) & (d)). In Sections 1 and 2, we examine some of the ethical issues that arise because of these competing obligations within agencies. As we shall see, this conflict gives rise to issues about social workers' self-determination and integrity.

In Sections 3 and 4, we consider some other ethical issues that arise because agencies are organizations. In Section 3, we consider some of the issues that can arise when an agency's aims are at odds with its capacities. In Section 4, we consider conflicts that can occur between agencies. Just as corporations may vie for the same customers, agencies may vie for the limited resources a community may offer.

As in previous chapters, we shall make use of the method of tracking harms, with the discussion organized around the method, but two cautions are necessary. First, using the method ought to become second nature, with the steps of the method clicking in when faced with an ethical problem. For instance, we should habitually ask what the goals are before proceeding to determine what harms will result from various courses of action. We have thus begun in this Chapter to use the method as though it were a habit, not always explicitly drawing attention to what step is at issue. Second, as we have indicated, each step in the method has its own complications. What it means to harm someone, for example, is the subject of many a book and article. We will focus on this chapter on some of the kinds of issues that arise around goals -- the subject of the second step in the method.

1. Maintaining autonomy

In Chapter 4.1 *Peers?*, we emphasized how important it is that social work practitioners treat each other professionally, with the courtesy and respect due to one another. Such mutual respect can be difficult enough to attain when the practitioners are peers, but when one is an employee and one the administrator, complications seem almost inevitable.

a. Professional autonomy

Any professional working with other professionals must sometimes face the problem of compromising his or her autonomy, or self-determination. Even where all are peers, all professionals working together on a team to further a common end, compromises may have

to be made that run counter to what one of the team members might think ought to be done. But this difficulty of compromising autonomy arises most acutely when the professional is ordered to do something by a supervisor that is directly contrary to what would be done if the professional were acting on his or her own. Consider the following case:

5.1 *Skimming*

Linda had been working at an agency for four years when she wrote a grant proposal which was approved and funded. It was one of four given out in the country.

After the grant money began to come in, the director of the agency, her boss, changed his salary in the grant, taking more, took part of the money from the grant to pay his secretary, who was not doing work on the grant, put Linda to work on other projects even though, by the grant, she was to work full time on the grant, and skimmed off, or was about to skim off, part of the money to run the main office.

When she complained, she was put on probation and told, 'If you do not do what I want here, you will be fired.' When she complained to the federal representative for the project, her boss told her not to talk to that person, even though she had to in order to administer the grant and report on it.

The grant had an 8% leeway built in so that some of what her boss had done could be hidden and perhaps even justified. She was not sure. At any rate, apparently as a consequence of her complaint, some governmental officials came and met with her director and local 'heavies,' as she called them. When they came out, they told her not to worry, that this happens all the time.

She and the grant were moved to another agency.

One issue raised by this case concerns who is responsible for the funds. If Linda were incompetent, or had failed to follow the granting agency rules, or had herself skimmed off money for her own purposes, the director of the agency would presumably be legally responsible, as director of the agency to which the grant had been given. In any event, he would be ethically responsible. The money is to help those the agency is charged with helping, and he has an obligation to ensure that the money is used for the purposes for which it was granted. If Linda had skimmed off money for herself, and the director had done nothing about it, even though he knew about it, we would think he would have failed his ethical duties -- to the agency's clients, who are supposed to be served by the money, and to the government, who granted the money in the expectation that it would be properly spent. It is wrong to make someone responsible for something without any control over it, and so Linda's director must have some say over the use of the grant money.

In addition, without further details, we do not know what reasons the director had for diverting money or whether features of the grant proposal might have made that acceptable. Grants usually pay for overhead, and perhaps some of the money was to be used for that purpose. For all the information we have about the case, Linda may think she is entitled to determine all the details of how the grant money is spent, and her director may simply be fulfilling his obligation to ensure that the conditions of the grant are fulfilled.

That seems unlikely, but concentrating upon that aspect of the case will make us miss the more immediate problem, namely, that he has told her not to talk to the federal representative responsible for the grant. Because Linda has a legal obligation in administering the grant to report to that official, the director's order creates a dilemma for her. Linda cannot both follow the order not to speak to the representative and do what federal law re-

quires her to do in administering the grant. So she has to either talk to the representative, thus not following a direct order of her director, or follow the direct order of her director, thus not fulfilling her legal obligation as the person in charge of the grant.

It is easy enough to track what harms will occur from whichever choice she makes. If she talks to the federal representative, she could be fired, but given that she wrote the grant and presumably best knows how to administer it, the representative is unlikely to let the agency have the grant in her absence. In addition, the director is unlikely to follow through on his threat to fire her. The order he is giving her is an order she cannot follow under federal law. To fire her on such grounds would thus subject him to a lawsuit and perhaps to federal penalties.

Of course, he is likely to make her life unhappy in a variety of ways if she talks to the representative for the grant, but not talking to the representative is not a real option for her. She has a legal obligation to report to the representative and will subject herself to legal penalties if she refuses to communicate. She also has an ethical obligation. She has at least some responsibility to make sure that the money she is primarily charged with administering is spent as the grant requires, and so if it were not spent to help the agency's clients, as it is supposed to be spent, she would fail in her ethical obligation if she failed to report that to those providing the funding.

But she not only has legal and ethical obligations to report. She has no practical way not to talk to the federal administrator. The federal representative is bound to ask about the progress of the grant and to ask for a final report, if not intermediate ones, and if Linda fails to respond, the representative will seek her out. Failing to return telephone calls, or saying, 'My supervisor says I cannot talk with you,' will force the situation out into the open, making it clear to the representative what the director has done. So not talking to the representative is not a real option, and in such a situation, she has to refuse to obey her director's order. Her dilemma is not a difficult one to resolve.

The case raises other issues -- about, for instance, whether the federal officials who came to visit properly handled the situation by simply allowing Linda and the grant to move elsewhere, or whether they should have done something more regarding the director -- but our concern in this case is that though one can face even the loss of one's position by refusing to do what one's director demands, one is sometimes obligated to do that. Linda is thus obligated to disobey her director's direct order because, among other reasons, she has an obligation to the clients for whom she wrote the grant (see the Code of Ethics 3.09(d))

This case illustrates how, in an agency setting, social workers are sometimes obligated to do something other than what they may be ordered to do. When one is a professional, being an employee does not mean doing whatever one is told. For one may be told to do something unprofessional, and though one then always has a dilemma, and so, depending upon the circumstances, may have a difficult decision to make, the dilemma is created just because one is a professional and an employee and therefore may have conflicting obligations.

We have considered cases already where such conflicts arise. In 1.2 Dancing a legal dance, it was suggested to Mary that she drop the case of the two abused children. She was told, 'You're spending a great deal of time and getting nowhere. We've got other people to serve.' In our discussion of the case, we did not pursue what Mary ought to do if that suggestion were to turn into an order, but it is clear that if it did, she would have a dilemma, one complicated by her seeming to be 'getting nowhere.'

It should not be a surprise that hovering in the background of one of the first cases we considered is this issue of a conflict between what social workers are required to do as employees and what they ought to do as professionals (see the Code of Ethics 309(c)). An

agency's interests are not always best served by allowing its employees to do what they feel they are professionally obligated to do. As the spokesperson for the agency in Dancing the legal dance made clear, the agency has an obligation to serve a number of individuals, even if serving others means giving up on serving those Mary is currently trying to serve.

b. Wearing different hats

Skimming looks at the difficulties that may arise for an employee of an agency because he or she is a professional. But ethical problems can also arise for those who are in supervisory or management positions in an agency, and these problems may not be as obvious as those which occur when a supervisor or administrator tells you to do something that you think you ought not to do as a professional.

Consider the following case in which the director of an agency has ethical problems. These do not arise because her director is telling her to do something she thinks professionally wrong. She is the person in charge.

5.2 Buying friendship

June is the Director of a local agency and was called by a man, Don, who volunteered to give the agency money to help the needy. She arranged to meet him at a local cafeteria, where they met and had a long conversation about what the agency did, what more money could do, and what he was willing to provide.

June was struck by the man's appearance when he came up to her and, later, by his conversation. He did not look like someone who could afford to give money. 'He looked like one of the people we try to help.' In conversation, he seemed somewhat confused so that she thought he might be somehow mentally impaired, though in a minor way.

After the conversation, she received a check for several hundred dollars in the mail from a local bank, with a note that the contribution was from Don and that a like amount would be provided every month, 'in perpetuity.'

She was concerned that Don could not afford such a gift and called the bank to check. She was told that the information she requested about his financial status was private and that she would have to ask Don.

He called her several days later and asked to meet her for lunch. She went to explain to him her concerns. She did, and he brushed them off, saying that he had enough money and that he wanted her to have it.

That lunch was followed by more invitations to lunch and by phone calls, in which he called her his girlfriend. June went to several lunches with him, explaining that she felt that she owed that to him, but got more and more uncomfortable with going to lunch and with what he apparently expected from the relationship. At the same time, she felt that he, like one of their clients, seemed to need help and that she might be able to help him.

June is wearing three different hats. She is the head of the agency, collecting money for its operations when she can; she is a social work practitioner, wanting to help Don; and she is being asked to be his friend. She seems not free just to act as the head of the agency, thank him, and leave. Her training and her obligations as a social worker prevent her from doing that, and, besides, it looks as though Don is trying to attach strings to his

gift. This last feature of the case would complicate matters for June even if she were not concerned about whether Don was competent to make decisions about giving money for the agency and about whether he could afford as much as he has committed himself to give.

June thus has a complex set of ethical problems. As head of the agency, she is concerned to ensure that it has sufficient funding to fulfil its mission, and any gift is presumably welcome (see the Code of Ethics 3.07(a)). So she has an interest in obtaining the funding Don has promised. But Don looks 'like one of the people we try to help,' and he wants more than a donor/recipient relation with June. Each of these concerns raises the issue of whether Don is competent, and so let us begin by exploring how June can explore that issue.

How Don looks is irrelevant except insofar as it raises issues about whether he is competent to make decisions about how to spend whatever money he has and whether he has enough money to be able to afford to give away as much as he has promised. The first issue raises a question about whether June should accept any money from him; the second issue raises a question about whether she should accept as much from him as he has promised. These are distinct questions. Even if June should accept some money from Don, it may be that she should not accept as much as he wants to give or accept that amount 'in perpetuity.' But even though this second question is distinct from the first, it cannot be answered without first determining whether Don is competent to make any decision about money.

Should June be asking this question? If she had not met Don, there would be no difficulty. Those collecting donations for an agency usually have no obligation to check on whether the person giving money is competent. First, it would be too expensive and time-consuming to do that for everyone who gives money. Second, having a practice of checking would not presume competence, and so would insult some potential donors, who would then be less likely to give money. So such a practice would be counterproductive. It would also be ineffective because those concerned about having their competence checked would soon learn to send in money anonymously. Indeed, if Don had sent a check for the total amount he was going to give, and not made any other contact, June would have had no reason not to cash it. So getting the money is not the cause of any problems for her.

The problem about competence arises because Don appears to be as needy as those he is giving money to help. But he may be giving precisely for that reason. Knowing what it is like to be in need, he is willing to give what he has to help others who do not have as much. Or he may be wealthy and prefers dressing the way he does. June cannot know without further checking, and what checking she has done indicates that Don has enough money to give away what he has committed to the agency and that the decision to give it away was competently made.

First, although the bank said it could not tell her Don's financial status, it did do as Don had directed it to do, indicating that he had enough money to give the agency a hundred dollars a month in perpetuity. Second, he made a commitment, and he made sure that it would be kept, whatever his mental state may be or may come to be, for he authorized his bank to handle the transaction. So everything he has done regarding the gift indicates competence.

Knowing all that, June may still wonder whether, in giving that amount away, he has left himself enough. Has he made the right judgment in determining how much he can afford? One reason she asks that question is that he wants to be more than a donor. He has made the wrong judgment about having a relationship with her, calling her his girlfriend, without any encouragement on June's part. That is some sign that he does not understand fully what it is he is doing.

Of course, nothing is wrong with being friends with those you get money from. If a fundraiser were unable to raise money from friends, that would make it hard to raise money

for charitable causes. But just as it would be wrong to become friends with people in order to obtain money from them, so it would be wrong to give money to become friends. In the former case, you would be using friendship to gain money, and in the latter case, you would be using money to gain friendship. Both are equally wrong. Friendship is not the kind of relationship that can be bought or sold.

So what is June to do? If we apply the second step in our model and ask about her goals, we find that she seems to have two different goals -- the short-term goal of setting boundaries for Don that make it clear to him that she is not his girlfriend and the long-term goal of obtaining funding for her agency. It is helpful here to apply the third step in our model:

- (3) Determine what the harms are of various courses of action: to whom would they occur, what kinds are they, and what are their magnitudes?

What are her options, and what are the harms that are likely to flow from each option? It appears that her options are to pursue the former goal or the latter, but perhaps not both. For one issue she seems to face is that pursuing the former goal may set back the latter. If she sets boundaries for Don, he may rescind his gift. He may have no interest in the agency, just an interest in June.

Putting matters that way makes it clearer what she ought to do. It would be ethically wrong for her to maintain a relationship with Don that encourages him to think she is his girlfriend so that he will continue to give the agency money. That would be using Don, treating him as an intelligent instrument for our own ends, to use the phrase we used in Chapter 2 when we examined deontology, not as a person with the capacity for self-determination.

As a social worker, she ought to want to encourage self-determination in general, even among those who are not her clients. In addition, she has no interest in being his girlfriend. She thus has good ethical reasons for making it clear to him that she is not his girlfriend. So the first thing she ought to do is to sit down with him and lay out what are to be the boundaries of their relationship.

This may not be as easy as it sounds, of course. Besides the problem that Don may not respond well to whatever she may say, June has the problem of determining what the boundaries ought to be between the agency and a donor. Whatever she tells Don ought to be a general policy, the general way in which relationships are maintained, not a position tailored specifically for Don. The latter would be unfair. But June may not have ever thought through the issue before, and thinking it through may raise some issues that may cause particular problems because of this case. For instance, should it be general policy to keep donors informed of how the agency is doing and how donations are spent? June might hesitate to have such a policy because that would mean she must continue to have contact with Don, but such a policy might encourage additional donations, and she should not design a policy for the agency which is responsive to the problems she is having with Don, but which is harmful to the agency's long-term goals. She has to be careful not to let her short-term goals undermine her long-term goals for the agency.

In sitting down with Don and talking through the boundaries of the donor/recipient relationship, June not only risks losing the money he has promised to give the agency. She risks losing contact with Don, and because she is concerned about him, she may hesitate in trying to clarify their relationship. But June is the wrong person to be helping him. She cannot both take his money and treat him as a client the agency is helping. She cannot wear both those hats at the same time because doing that creates just the sort of problem she

now has.

Because she is concerned about him, she might arrange some way to help him that does not involve her. She might suggest that he do volunteer work with the elderly, for instance, perhaps with some other agency (in which case she should inform the head of that agency what problems she is having). She might tell him that one way he might give would be to give of himself, and she could then direct him to a number of different voluntary activities.

If she sets boundaries for Don and encourages him to make contact with someone else (who would presumably help him if it turns out he needs help), June risks losing the funding, but will have done all she can do ethically.

Buying friendship illustrates how complicated even taking money can be from someone willing to give it. Just as employees readily have ethical problems because they are professionals who may have competing obligations, so managers and agency directors readily have ethical problems because they often wear more than one hat. What it seems they ought to do as the director of an agency may conflict with what they ought to do as social work practitioners. It is not easy being the head of an agency.

We saw that at the end of the last chapter when we examined 4.7, *Lying about salaries*. Both that case and Buying friendship raise issues about the appropriate roles directors and others in supervisory positions ought to play in agencies. What Buying friendship adds is that a source of ethical problems is that the professional obligations one has as a social work practitioner may conflict with the obligations of one's role as a director within an agency.