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Perspectives for Reconstruction of Ethical Expertise

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Perspectives for Reconstruction of Ethical Expertise

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Abstract

Lipovetsky's statement regarding the postmodern society, according to which "the XXI century will be ethical or not be at all" makes sense in the context of its development on the grounds of a common morality concerns, the problematic of ethics in the public sphere being increasingly fierce. There is an abundance of ethical regulations in the public services and policies, requests for codes of ethics, which involves compliance to standards, obligations and ethical practices. The public sphere is invaded by abusing ethical practices reports and lack of transparency in public decisions. Violent media informs us about the cases of incompatibility, conflict of interest, manipulative practices, etc.. There is an excess of normativity and institutionalized practices in the Romanian society.

We try in this paper to present the meanings of ethics audit in social services and the need to implement an ethics audit process in organizations which offer social services, in order to achieve the transition to a new model of ethical expertise - supervision of ethics.

We consider the supervision of ethics a process re-construction of autonomy and professional responsibility and of the moral agent ability of the practitioner by making their own moral standards compatible with those of the organization, namely the professional community.

Keywords:

ethics audit, supervision of ethics, social services organizations, social ethics, ethical practices;

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Do social services organizations need an ethics audit?

Gilles Lipovetsky claims in one of his works to the analysis of postmodern society that "XXIst century will be ethical or not be at all" (Lipovetsky, 1996, p.17). Lipovetsky's statement makes sense in the context of contemporary society that develops on the grounds of common morality concerns, issues of ethics in the public sphere being in increasingly fierce.

The ethical conduct of public officials, responsibility of professions and transparency of organizational processes are some of the most heavily discussed issues in the social, economic and ethical level (Bishop, P. & Preston, N., 2000).

There is an abundance of ethical regulations in the *public* services and policies, requests for codes of ethics, which involves compliance to standards, obligations and ethical practices. The public sphere is invaded by abusing ethical practices reports and lack of transparency in public decisions. Violent media informs us about the cases of incompatibility, conflict of interest, manipulative practices, etc.. There is an excess of normativity and institutionalized practices in the Romanian society.

Welcome on the one hand attempts to "normalize" the Romanian society, but we draw attention to a lack of fairness, inherent in any system based on communitarian ethics. The Romanian culture model is deeply communitarian one, even if communities themselves are in the process of dismantling. Communitarian model is centred on solidarity with the neighbour in the direction of a member of their community, beyond the idea of fairness.

If Rawls claims theory of justice as fairness as universally valid and applicable, followers of communitarianism consider that standards of justice may vary from context to context, to be found in the life and traditions of societies (Avineri, S. & Avner de-Shalit, 1992). Communitarianism emphasizes the connection between the individual and the community, communitarian philosophy assuming that individuality is rather generated by the community relations, than the individual features.

The criticism of communitarianism, and of value beyond of the one of individual, Derek Philips claims that in the celebration's ecstasy of belonging to communitarian ideology, the theorists became victims of oblivion the past. They are omitting the fact that the construction of community involved often domination for some, or subordination to

others. In highlighting the importance of community life of everyday people, communitarians fail to see that the attachment is a general human value rather than membership in the community (Phillips, 1993, p.195)

From economic and political point of view, to communitarianism is affiliated the social-democratic doctrine, in the European sense, generally sharing communitarian position on economic issues such as the need for environmental protection and public education, but not on cultural issues.

The Romanian culture is deeply communitarian, even if communities themselves are in the process of dismantling. Communitarian model is centred in the sense of solidarity with the fellow, as member of their community beyond the idea of fairness. We consider the communitarian character of Romanian society as resulting from the inclination toward valuing the principle of solidarity as primary, and not justice, the one that liberalism is founded. Solidarity in Romanian society may prevail, however, just by its welfare state.

Equity in the liberal sense seems to be a basic feature of the socio-cultural Romanian society identifies the need for justice as a priority in the operation of the system, but adopts a position of solidarity in practice.

They are intensely debated meanings and importance of social and professional ethics, understanding ethics and its implementation into the daily practice of professionals are topics that remain questionable. In public services, many professions have adopted codes of professional ethics and standards of management, with a view to ensuring the specialist compliance with the accepted behaviour public.

If some professional bodies – such as medicine, psychology have a greater capacity to address malpractice cases under related regulations, self-regulating professions such as social work, have more difficulties in situations of ethics breaches by those who claim the professional title.

Undefined standards, internal and external organization unclear policies, lack of supervision and fear of consultation of a professional court with expertise, lead to a fragile territory and sprinkled with complex ethical issues, described by McAuliffe as an "ethical vid" (McAuliffe, 2002)

In addition to these issues identified by Donna McAuliffe, from research undertaken in the field of social work ethics in Australia, the researcher concluded that the research subjects, first line autonomous social workers, were able to hide problematic and unethical practices. This situation was caused by the lack of the organization appeal to an ethical responsible behaviour the specialists (McAuliffe, 2000).

The ethical vid identified by McAuliffe is in our view the last redoubt of the categorical imperative. In our opinion there are two levels of ethics, one in which the professional is autonomous in the Kantian sense, that professional judgment is their own the standard of practice, including ethical standard, and another one in which the professional is not an ethicist, he should conform to standards of good practice defined from outside, either by the legislature or the expert ethics seek by the professional corpus, in its ranks or outside.

Without overburdening the need of ethics, professional has full confidence in its own autonomous moral judgment and therefore do not realize the need for ethical expertise, than when practical situation brings them to an ethical dilemma. The current situation of generalization of politically correct practices, makes some professional behaviour, made in good faith to come out of "ethics imposed" by the codes of conduct.

Over-construction of ethics (on deontological sense) tends to eliminate the very Kantian foundations of it, the moral autonomy and categorical imperative. A possible role of supervisor of ethics would be the re-construction of professional autonomy, and the moral agent ability of the practitioner, by making their own moral standards compatible with those of the organization, namely the professional community.

The qualitative study of ethical dilemmas in social work practice, conducted in Australia, focused on the understanding, assessment and response to an ethical climate among staff within social service specific organizations and how professionals can protect their clients and themselves from the risk of injury, juridical or disciplinary liability, based on ethical considerations.

Carolyn Wiley comes in supporting the transposition of philosophical ethics in social practice, understanding of professional ethics and business areas in which the terms of *corporate structuring credo*, *code of ethics, ethics training program, ethics committees, social audit or audit of ethics* are commonly used, this transposition is in our opinion the metaethics.

Ethical business practices come from corporate cultural particularities, thus in the implementing of ethics, we will be reflecting on structural approaches that encourage ethical decision making.

Wiley briefly describes each of the mechanisms for implementing business ethics, including the ethics audit. In the economic area, the ethics audit, social or moral, is questioning on manufacturing practices, personnel policies, relations with suppliers, financial reporting, and sales techniques to find out if there are ethical abuses.

In the context of the need to develop an organizational culture ethical grounded, identifying ethical values and principles on which the organization functions for clients, Carolyn Wiley defines ethics audit as the evaluation activity whose purpose is to determine if are required changes in organization climate, environment and codes, and implementation of ethics policies (Wiley, 1995, pp. 22-27).

At the corporate level, the implementation of an ethics audit does not follow the corporation assessment, but rather the amount of harm and / or benefit resulting from company activities. In addition to revealing the different ways in which the company may harm society, an ethics audit should include the company's response to this damage. If harm is caused, the company has a moral obligation not only to find a fair way to compensate the society, but also to establish protection measures to prevent future injury. On long term, ethics audits can minimize or prevent damage made by corporations (Wiley, 1995, pp. 22-27).

Ethics audit is not an accountant or financial management audit. A prime reason for the implementation of such a practice would be to identify those gaps in policies and procedures and the need for awareness of ethical areas with potential high risk (McAuliffe, 2000).

Meanings of ethics audit

We refer, in the context of ethics audit approach, especially to the works of Frederic Reamer and Donna McAuliffe, who are the only specialized papers published in the auditing of ethics in social services.

From the perspective of Frederic Reamer, PhD in the study program of School of Social Work, Rhode Island College, U.S., audit practice involves examination and formal verification of data and organizational practices. This verification process is adopted both public institutions and private ones, for accounting purposes, control and

assurance. The audits usually focus on key aspects of the functioning of an organization, such as accounting procedures, service delivery, personnel and financial records and billing practices (Reamer, 2000, pp. 355-366).

Organizations' traditional audit is performed on a set of frameworks and structured inventories, accountants and auditors carrying out their services following guidelines typically structured by checking the most important aspects of the functioning of the organization. A comparable instrument may similarly facilitate the efforts of social services professionals to conduct audits of ethics (Reamer, 2000, pp. 356-357).

Audit mechanism can be developed easily and effectively, into the ethics of social services, Frederic Reamer arguing that social work ethics audit should focus on what is considered essential and central to the knowledge of the profession.

As Frederic Reamer argues ethics audit should include two large dimensions: reflecting the current knowledge on the ethics of the field and the identification of the relevance of this knowledge in daily practice, identifying risks and ethical decisions making (Reamer, 2000, p 356). A comprehensive model of ethics audit should assess the extent to which professionals and institutions have procedures to identify risks and prevent ethics complaints and disputes (Reamer, 2000, p 357).

Professional standards suggest that there are a number of key risk areas that should be addressed in developing an ethics audit, aimed at protecting customer complaints and malpractice prevention and processes that may just turn from the ethical issues (Reamer, 1994). There are a number of dimensions that should be subject to an audit, Reamer stating in this respect the clients' rights, confidentiality and privacy, informed consent, conflict of interest, documentation, supervision, training, consultation, referral, fraud, termination services, and depreciation of practitioner (Reamer, 2000, p 357).

We see in the works of Frederic Reamer the same need of lifting from the shadow of social services and broaden the area of ethics into welfare practice, ethics audit being one of the current processes that can successfully lead to improved social practice, in addition to the supervision and therefore, the supervision of ethics.

Referential points and stages of ethics audit- Reamer's approach

We will briefly treat with some of the points of reference of the ethics audit, as was mentioned by Reamer.

An ethics audit should rightly focus on a wide range of issues concerning confidentiality and privacy in relation to customers. Focusing on this aspect involves also the adequacy of policies and specialists' procedures on regard to the request of private information from clients; disclosure of confidential information to protect customers self-harm; information disclosure of deceased customer; release of information to parents and guardians; exchange of confidential information between participants in family, couples, and group and marriage counselling; and disclosure of confidential information to the media, to law enforcement officials, protective service agencies, social service organizations, and collection agencies (Reamer, 2000, p 357).

Another referential point of ethics audit is the professional supervision process. Due the supervisor responsibilities, specialists may be required to take part in processes or ethical complaint based on ethical violations or neglect, on actions made by those under their supervision. These statements often cite the legal principle of "respondeat superior" (Latin for "the master should answer") and the doctrine of vicarious liability.

In these circumstances ethics audit's role is to examine the extent to which the supervisor provides necessary information to supervise, so that the latter can obtain the customer's consent, identify and communicate supervisee errors occurred during contact with customers, identify or stop a negligent an intervention plan or who is no longer necessary, meets regularly the supervisee, evaluates and approves the supervisee's records, decisions, actions (Reamer, 2000, p 359).

We find in *The Social Work Ethics Audit:* A Risk Management Tool ethics audit purpose, as well as a series of steps of ethics audit as Reamer built them.

Ethics audit aims primarily at providing a best practice guide to social workers, on how to:

- *Identify the ethical issues relevant to daily practice.* There should be identified specific ethical risks faced by specialists, if any ethical issues that arise in relation specialist – customer, that are unique to customer typology the approach, establishing an intervention.

- Review and assess the adequacy of current practices. It examines how the
 specialist fails to adapt their practice in line with existing ethical
 problems within the organization and its relationship with
 customers and the appropriateness of the current practices,
 policies and procedures for customer needs.
- Design an effective strategy of constant adequacy of current practices. There are measures identified that specialist or professional practice itself, should have to protect their customers, for preventing the filing of complaints on ethical considerations and ethical processes. In the context of this strategy, the auditor may be the one who causes or helps identify the professionals' roles in the organization or system. In establishing such adaptive strategies to ethical context it will be followed the identification of human, financial and time resources available for implementation.
- Monitor the implementation of quality assurance strategies. It aims to identify how practitioners can ensure effective implementation of ethics strategies and the quality (Reamer, 2001).

Reamer states seven steps of ethics audit with reference to social work practice (Reamer, 2007).

A first step is the appointment or 1) assuming the role of one of the members of the role of ethics audit committee chairman. Ethics audit committee members will be appointed according to the interest and knowledge demonstrated in policies, practices and procedures based on ethics. Ideally, as the author states, the president should have training and education in professional ethics, in our view, the same observation applies to ethics supervisor.

Ethics Audit Committee should 2) identify those specific ethical issues on which activity to be oriented. Ethics audit may differ from one organization to another, within some organization the committee can be established based on a comprehensive ethics audit, while in others the focus can be directed to specific ethical issues.

Committee should 3) decide what information it need in order to audit to be conducted (informed consent forms, guidelines for maintaining the confidentiality, clients' rights declaration). In addition to the study of these types of documents, committee members should assess national codes of ethics and standards.

Following determination of the necessary information and documents in consultation with the most representative area, committee

should 4) assess the level of risk associated with each ethical issue identified in the previous steps. Each issue should be assessed in compliance with the representative policies of the organization and procedures that the organization's staff follows.

If intern policies can be represented by official documents or statements coded, procedures involve effective management of ethical issues in specialists' relations with clients, colleagues and third parties. Each task should be assigned to one of four risk categories: no risk (current practices are acceptable); minimal risk (current practices are quite adequate, minor changes would be helpful); moderate risk (current practices are problematic and changes are needed to minimize the risk); and high risk (current practices are seriously flawed, significant changes are required to minimize risk) (Reamer, 2007).

Following the audit of ethics professionals should 5) act to the extent that audit results to be used in improving future practice. Reamer says that specialists should develop action plans based on the results, for each risk area identified, starting from the highest risk area. There are exemplified potential updates of privacy policies, reflecting the existing standards in laws and codes of ethics, review procedures for obtaining informed consent, or development of guidelines for conflict of interest.

In the duties of the ethics audit committee it comes the responsibility to 6) identify the staff that will be responsible for carrying out the various tasks and a schedule for completion of each task, but also a mechanism for monitoring the its implementation and completion.

As a final step in the ethics audit committee should 7) document the full audit to demonstrate its good faith efforts to assess policies and procedures related to ethics. This documentation may be helpful if questions will arise from inside or outside, on the adequacy of the organization's ethical practices.

Frederic Reamer's studies can be considered the start of ethics approach in social work, this developing ethics audit as a tool in risk management. The process of "ethics audit" is described as being as easy to use, which assesses and identifies the organizational ethical issues, evaluate current practice building strategies to stop the complaints from ethical considerations, prevents processes that can occur on the same considerations, and monitors professional quality assurance in relations between the organization's members or between organization and its customer.

Ethics audit may be applied at any type of organization that provides specialized services to an audience interested in them, whether we refer to the services of economic, social or medical sphere. Reamer's ethics audit refers to specific social services organizations, without specifying whether the implementation of such ethics audit process is particularly characteristic to the evaluation of medical activity.

Customizing the ethics audit in social services is handled by specialized auditor in social services area, steps which are recommended by Reamer, having the role of guiding the expert.

The issue of using a set of tools especially characteristic of medical practice in the implementation of ethical practices in the social services also is a topic of interest in argumentation of the need for supervision of ethics and ethics committees in social intervention based services.

Social intervention is a form of action research and as such it should be based on the same ethical rules as other forms of research involving human subjects.

Action research is either defined as research with immediate role in solving current problems, or as a reflective process of progressive problem solving that leads individuals to work together in order to improve the approach of issues identified at community and socially level. According to Martyn Denscombe action research aims to solve a particular problem at the same time to produce good practice rules for the subsequent resolution of similar problems (Denscombe, 2010, p. 6).

The most popular form of action research is participatory research that involves the active participation of both the researcher and the community investigated in the change process. Researchers are working with the other relevant actors in the construction of a new course of action in order to help the (interpretative) community to improve their practices. Researchers aim to build individuals the opportunity to utilize and exploit their capabilities by resorting to creativity in identifying potential solutions and explanations with reference to the identified problem. Action research can raise ethical issues related to supporting diversity as political right as itself, for which it should be neutral in the construction of ethical decisions and options for participants in social action (Greenwood, DJ & Levin, M., 2007).

We believe that the lack of observation and respect for ethical research frame, the practice of action research can be an obstacle in the process of decision making.

In this context, the interpretive community court may assume the role of ethical deliberation, analogous to the ethics committee. However, the interpretive community that is working in social services is generally composed of various types of vulnerable populations, whose ability and social moral agent is non-existent or very limited by their own vulnerability. In these circumstances the decision should be transferred to a moral attorney, capable of institution of moral deliberation for the interests of the person incapable of informed consent. Moreover, even if certain vulnerable populations are capable of informed consent, and this can be achieved, it is necessary ethics committee to supervise the formal and substantive aspects of informed consent.

We refer to ethics audit and supervision of ethics as two distinct processes, ethics expertise models, with different functions from the perspective of actual involvement of each ethics experts.

Auditor ethics, whose activity can take place in the social profile of any organization, has the role to assess whether changes are needed in climate, environment, and organization's codes of ethics, and the implementation of ethics policies. Auditor of ethics inform the organization through its representatives, about the items that require change, he is not offering ethical training, which normally can be provided by the supervisor of ethics in exercising its role as gatekeeper.

It is difficult to determine the exact roles and functions of supervisor of ethics, considering that we are in the middle of the model construction, the analysis so far giving us some basic frames of supervision of ethics process, the defining its specific and its applicability as new model of ethical expertise requiring further study and analysis.

Supervision of ethics – contribution in social services ethics development

In the context of this article we enunciate a few brief characteristic elements of supervision of ethics process; we are starting in framing of this potential new model of ethical expertise by making some conceptual delimitation.

We consider necessary to define two conceptual areas, namely supervision of ethics and ethical supervision. Supervision of ethics concerns ethical

practices in terms of respect for constitutive values and operational principles, which are particular to organization. In the context of this paper we refer mainly to the first sense of the term. The second conceptual area, the *ethical supervision* is present in professional supervision, which is itself a major ethical component.

We understand supervision of ethics as a field of philosophical practice, while ethical supervision is the responsibility of each supervisor in relation to their supervisees.

Supervision of ethics aims at improving ethical practices of supervisee specialists, monitoring the professional ethical standards among practitioners whose activity targets vulnerable groups of beneficiaries, promoting of the highest ethical standards and practices in accordance with the vision and ethics mission of the organization (Damian et al., 2012, pp. 45-68), the implementation of specialists' empowerment process, especially the ethicists, and developing ethical standards, and together with the organization and its needs awareness, converging in the compatibility of practices, procedures and internal policies with the ethical standards stated and promoted (Sandu, 2012).

Supervision of ethics in organizations links to social sphere; it develops healthy social behaviours based on assuming a responsibility to the professionals in relating to customers. Ethical behaviour assumed by the social responsibility is quite as frequently interpreted as the key part of success in the context of a particular area, especially in countries in transition (Caras, Sandu, 2013, pp.142-149).

Supervision of ethics will serve as specialists in ethics training in various fields, differing from ethics audit just by its gatekeeper function of ethical compliance, offering alternatives in ethical decision making, supervisor of ethics giving to the supervisee a different vision on the ethical value of some given contexts and possible ethical choices.

Tangential to supervision of ethics research, as a potential new model of ethical expertise, we are treating within an extensive research the necessity of ethics committees in the institutions that provide social services. The existence of these committees currently operates only in the medical field. In the social services the supervision of ethics may be beyond ethics audit's functions or of ethics committees not yet covered; supervision of ethics may provide support, guidance and ethical consulting to specialists whose work involves a substantial ethical load where a decision requires in addition to administrative supervision and

consultation, also the providing of different views which should be at the same time ethically justified.

The appeal to ethics in social practices significantly influenced the development of social work ethics, according to Frederic Reamer. Since 1980, through a small group of researchers, occurs in American literature, scientific papers that discuss issues and ethical dilemmas, starting from the literature, theories and concepts of moral philosophy and applied and professional ethics. In 1980 appears for the first time books and articles that discuss the relationship between ethical dilemmas in social work and ethical decisions making (Reamer, 2006, p.10).

It is identified the need of ethics experts on which expertise to appeal in dealing daily cases that specialists are facing in various fields. Mihaela Frunză, citing the work *The Possibility of Ethical Expertise* by Bruce Weinstein (1994, pp. 61-75) refers at two types of ethical expertise, an epistemic one (characterized as cognitive ability, which involves theoretical knowledge of the field) and performative ethical expertise (which implies the possibility of exceeding in a domain) (*Frunză*, 2011, p.17).

Transposition of philosophical ethics in social practice makes ethics become part of everyday life, even if its understanding is achieved at a general, broad and contextualized level.

In the development and improvement of ethical expertise, we come to attempt the introduction of a new model of ethical expertise – supervision of ethics-which can exceed the efficiency and the effect of ethics audit by its *gatekeeper* function of professional ethical frame construction with the expert, understood and undertaken by the supervised specialist.

The expert ethics and ethics committees models, as tool for achieving consensus is an important step forward in the implementation of ethics policies. The advantages (Zwart, 2012, pp. 157-164) are constituted by facilitating cooperation between experts in different fields, engaged in deliberative processes, avoiding possible disputes arising from religious or metaphysical believes, impossible to reconcile.

We see the role supervision of ethics as part of ethical expertise. In article *Philosophical Practice and Social Welfare Counselling and Supervision of Ethics* (2013) we tried to define a number of specificities of supervision and counselling of ethics as part of ethical expertise. Supervision of ethics is seen in terms of support for professionals in area with ethical

impact, and aims to improve the professionals' performance whose areas of practice require ethical reflection. Supervision of ethics aimed at creating motivation for ethical decision performance, and developing a work environment defined by the highest ethical and professional standards.

Supervision of ethics is also designed to practitioner philosophers working as advisors or consultants of ethics.

We consider necessary to define two conceptual areas, namely supervision of ethics and ethics of supervision. The first concerns the ethical practices in terms of respect for constitutive and operational values and principles that are particular to organization. The second conceptual area, the ethics of supervision is present in professional supervision, which is in itself a major ethical component.

We understand *supervision of ethics* as a field of philosophical practice in organizations, while *ethics of supervision* is the responsibility of each supervisor in relation to their supervisees.

Supervision of ethics, in our view, is built in analogy with supervision in the social field - as defined by Alfred Kadushin (Kadushin, 1992), by offering professional support to supervisees who face tasks with strong ethics load. The support may be theoretical, methodological or practical, aiming at specific advice regarding ethics. The analogy refers also to training and training in ethics providing, as the ethics audit implementation, at both the institutional and the individual practice.

Conclusions

Ethics audit can overlap with supervision of ethics when there are built strategies to assist in guiding specialist to examine ethical practices based on their job tasks. Ethics auditor shows the strengths and weaknesses of the organization in terms of implementing ethical practices, organization formulating a series of proposals to improve the practice and functionality. Supervisor of ethics on the other hand aims to develop the professional ethical practices, using narrative strategies for identifying moral significance that practitioner assigns to his own activities. Supervision of ethics, from this perspective, is a normalization of positions of power and discursive position of the professional to the client and to the organization, the supervision of ethics may contribute to the development of ethical expertise through its effective implementation in organizations in social services and not only.

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Biodata



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