

1. Professional malpractice and liability

Risk management is a broad term that refers to efforts to protect clients, practitioners, and employers (Carroll 2011). Risk management includes the prevention of lawsuits and licensing board complaints. Lawsuits allege professional malpractice; licensing board complaints allege violation of standards of practice set forth in licensing laws and regulations. Lawsuits can result in monetary judgments against social workers; licensing board complaints can result in fines, revocation or suspension of a professional license, probation, mandated supervision (الإشراف المسموح أو الإشراف المفوض) and continuing education (التعليم المستمر), reprimand/ censure (التوبيخ). (Frederic G. Reamer, 2015)

Professional malpractice is generally considered a form of negligence. The concept applies to professionals who are required to perform in a manner consistent with the legal concept of the standard of care (الرعاية) in the profession, that is, the way an ordinary, reasonable /'ri:znəbl/ and prudent /'pru:dnt/ professional would act under the same or similar circumstances (Austin, Moline, and Williams 1990; Barker and Branson 2000; Bernstein and Hartsell 2004; Cohen and Mariano 1982; Meyer, Landis, and Hays 1988; Schutz 1982 as cited in Frederic G. Reamer, 2015). Malpractice (الممارسات الخاطئة) in social work usually is the result of a practitioner's active violation of a client's rights (in legal terms, acts of commission (act of commission =doing something wrong) or omission (=failing to do the right thing)), misfeasance, or malfeasance: [illegal actions](#)) or a practitioner's failure to perform certain duties (acts of omission or nonfeasance).

Some malpractice and liability claims result from genuine mistakes or inadvertent (/ˌmæd'vɜ:tənt/: =by accident) breaches of confidentiality (/kənfi'denfi'æləti/) on the part of social workers (a social worker sends an e-mail message containing confidential information to the wrong recipient, or a passenger in an elevator overhears (to hear accidentally) a social worker talking with a colleague about confidential aspects of a case); a social worker decides to divulge /dai'vʌldʒ/ confidential information about a client in order to protect a third party from harm). A social worker's unethical behaviour or misconduct (e.g. embezzling a client's money (اختلاس أموال العميل to steal money that you are responsible for=)

In general malpractice occurs when evidence exists that

1. The practitioner was derelict /'derəlɪkt/ (مهملًا) in that duty, either through an omission (اغفال) or through an action taken by the practitioner (divulging confidential information without the client's consent (= permission to do something, especially given by somebody in authority)).

2. The client suffered some harm ضرر or injury إصابة (the client alleges that he suffered emotional distress (محنة عاطفية) and required additional psychiatric /,saɪki'ætrɪk/ care after the unauthorized disclosure, that he lost time and wages at work, and that he was deprived /dɪ'praɪvd/. (حرم أو محروم).

3. The professional's dereliction of duty was the direct and proximate القريب cause of the harm ضرر or injury إصابة (the client's injuries were the result of the social worker's unauthorized disclosure of confidential information).

In contrast (في المقابل), in making their decisions licensing boards need not require evidence that social workers' actions (commission=doing sth wrong) or inactions (omission /ə'mɪʃn/ =not doing something) caused harm. Rather social workers can be sanctioned based simply on evidence that their conduct violated /'vaɪələt/ standards contained in licensing statutes and regulations.

2. key concepts in risk management

Complaints filed الشكاوى المرفوعة against social workers fall into two broad groups (Reamer 2001a, 2002, 2013a as cited in Frederic G. Reamer, 2015). **The first includes** claims that allege that social workers carried out their duties improperly or in a fashion ما هو متعارف عليه inconsistent with the profession's standard of care معايير الرعاية المهنية أو الانضباط المهنية (so-called acts of commission =or misfeasance/ malfeasance). Examples include flawed /flɔ:d/ (=not perfect, or containing mistakes) treatment of a client (incorrect treatment), breach of confidentiality or privacy, improper referral to another service provider (مزود خدمة) or إرسال أو إحالة غير لائقة, defamation* (= damaging somebody's reputation) of a client's character (السمعة reputation) (as a result of slander or libel افتراء أو قذف أو بهتان كتابي), breach of contract خرق العقد for services, improper civil commitment of a client, assault and battery (=law :the crime of attacking somebody physically), improper termination of service (abandonment), improper licensing of staff, and improper peer review.

The distinction between misfeasance and malfeasance is an important one. **Misfeasance** is defined as the commission of a proper act in a wrongful or injurious manner or the improper performance of an act that might have been performed lawfully. Examples include flawed informed consent procedures or inadvertent disclosure of confidential information.

Malfeasance is defined as the commission of a wrongful or unlawful act. for example: embezzlement of a client's money, and violation of a client's civil rights (Bernstein and Hartsell 2004; Bullis 1995; Gifis 2010 as cited in Frederic G. Reamer, 2015).