



**Ontario College of Social Workers and Social Service Workers**

**MISSION STATEMENT:**

The Ontario College of Social Workers and Social Service Workers protects the interest of the public by regulating the practice of Social Workers and Social Service Workers and promoting excellence in practice.

**VISION STATEMENT:**

The Ontario College of Social Workers and Social Service Workers strives for organizational excellence in its mandate in order to: Serve the public interest; regulate its members; and be accountable and accessible to the community.

*Perspective* is the official publication of the Ontario College of Social Workers and Social Service Workers. It is published twice a year. The College serves and protects the interest of the public by regulating the practice of social workers and social service workers and promoting excellence in practice.

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**GRAPHIC DESIGN:**  
LAM & Associates

Publication mail agreement: 40712081

Printed in Canada

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**REMINDER:**

If you change employers or move, advise the College in writing within 30 days. We are required to have the current business address of our members available to the public.

Address change information can be e-mailed to: info@ocswssw.org, faxed to 416-972-1512 or mailed to our office address.

Changes of address must be made in writing and include your registration number, your old address and your new address information.



# PERSPECTIVE

FALL/WINTER 2002 VOLUME 1, NUMBER 1

**PRESIDENT'S MESSAGE:**



DIANE THOMPSON  
PRESIDENT

At the August 27th meeting of Council I was elected by members of Council to serve as your President. I have been involved in the work of Council since the fall of 1999 when I was appointed by the Lieutenant Governor in Council to serve on the Transitional Council of the College. During that very busy time, I served on seven different committees. When the elected and appointed Council took office in November 2000, I was elected First Vice-President, was appointed Chair of the Complaints Committee, appointed to the Nominating Committee and selected as Chair of the Governance/Infrastructure Task Group. In the fall of 2001, I was reappointed by the Lieutenant Governor in Council to serve a further three-year term as a public member.

It has been a privilege to contribute in so many ways to the development of the regulatory and governance processes of the College and to assist in accomplishing its many priorities. My background in business management, my history with the College and my work as First Vice-President were important considerations in my offering to stand for election. In addition, there were specific priorities that I felt needed attention to support the strategic plan of Council. As a result, I was honoured by Council with a first ballot victory in the election for President.

The following text is my address to Council in which I set out priorities and committed to specific outcomes:

*"I would like to thank Council members for the opportunity to serve as your First Vice-President. It has been personally rewarding to assist Council in our overall objectives and specifically in creating our governance policies. All that work could not have been accomplished without your contributions and commitment.*

*If I were honoured to serve as your President, I would build on our accomplishments as we move into a new phase in our organizational development.*

*While there are other priorities, I would concentrate on the following three:*

1. *To put in place timelines and work plans for the strategic goals that we established last December.*
2. *To reach out to employers and social service workers to increase membership numbers.*
3. *To submit to Council in October a comprehensive communication strategy.*

*Communication is fundamental to our mandate to serve and protect the public interest. Through new efforts to reach out, inform, consult and educate, we will demonstrate core values of transparency and accountability, and we will develop community partners necessary to our sustainability.*

*If you choose me as your President, I commit to having in place a detailed strategic work plan; I commit to increasing general membership by at least 20 per cent and social service worker membership by an additional 10 per cent; and I commit to the achievement of a comprehensive communication strategy for the College. My commitment is to serve. I am, therefore, asking for your support to be your President."*

In closing, I would like to thank departing members of Council for their unfailing dedication and service to the College, and I would like to extend a warm welcome to our new members who bring a wide range of skills to the work of Council. It promises to be a year of activity and achievement, and I expect to be fully engaged in the leadership role of President to support Council in achieving all priorities related to our primary mandate of serving and protecting the public interest.

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## REGISTRAR'S MESSAGE:

### Introducing *Perspective*



GLENDAL McDONALD RSW  
REGISTRAR

It gives me great pleasure to introduce this first issue of the newsletter of the Ontario College of Social Workers and Social Service Workers. The launch of the newsletter is an exciting milestone in the

College's short, but dynamic, history. It is a demonstration of the commitment made by the Council of the College in the 2002 strategic plan: to improve communication to members and other stakeholders. The combination of the newsletter, the reconstructed Web site and e-bulletin will provide members and others with more up-to-date and relevant information regarding the College. Currently it is planned that the newsletter will be published bi-annually; the Web site will be updated regularly and those interested can sign up for an e-bulletin online. E-bulletins will be sent between newsletters to keep stakeholders informed of College activities.

A number of critical decisions had to be made in the course of producing this newsletter and I wish to offer some brief comments about them. The first, and perhaps the most critical, decision that had to be made before the introduction of the newsletter was the choice of the name for the publication. I am sure that many of you can identify with and appreciate the complexity of this seemingly simple task. The name *Perspective* was selected for a number of reasons:

- It reflects the corporate vision for the newsletter: to provide a perspective on issues facing the College, its members, stakeholders and the public, whose interest we serve.

- The meaning of the word perspective depicts a synergy that is consistent with the mission and mandate of the College: "The ability to perceive things in their actual interrelations or comparative importance."
- Its spelling and meaning are the same in both English and French.

The next decision concerned the content of this first newsletter, as it will no doubt set the stage for future newsletters. The vision for the newsletter is that it be considered a source of factual information, a resource on practice issues and a forum for dialogue between the College and members on a variety of matters related to regulation. So for this first newsletter, we decided to draw on the communication that the College has had with members during the first two years of operation. The articles are a reflection of material that the College has received inquiries about, or about which confusion has been expressed.

Welcome to this newsletter, we hope that it meets your expectations. Your feedback is important to us. Please feel free to send your comments regarding the newsletter to the College at [editor@ocswssw.org](mailto:editor@ocswssw.org).

# Bulletin Board

## ANNOUNCEMENTS

It's that time of the year again: The annual fee for 2003 is due on or before December 31, 2002. The fee remains unchanged at \$370.

Responding to member feedback and recognizing that postal service is disrupted at the end of the year, there will be a period of 31 days before a late penalty is applied. If your fee is received after January 31, 2003, a \$50 penalty will apply.

**Note:** Members are reminded that failure to pay the annual fee and/or penalty will result in the suspension of his or her certificate of registration. The suspension will be recorded in the register of the College and is information that is available to the public. It is important to understand that the register only records that a certificate has been suspended, it does not provide details on why the suspension occurred.

To be re-instated as a member of the College after suspension, a re-instatement fee of \$150 plus a \$50 late penalty plus the \$370 membership fee is required (a total of \$570).

## NEW WEB SITE

The College Web site, [www.ocswssw.org](http://www.ocswssw.org), is undergoing a major reconstruction. The redesigned site will reflect our new corporate identity, be easier to navigate and provide more information. The expected launch date is early December 2002. If you have any suggestions about what you'd like to see on the site, please e-mail [info@ocswssw.org](mailto:info@ocswssw.org).

## WEB LINKS

Do you want to know about the Act that governs the College? Visit <http://www.e-laws.gov.on.ca> to view the full text of the Social Work and Social Service Work Act and the regulations made under the Act.

## COUNCIL MEETINGS

Council meeting schedule:  
February 12, 2003  
April 11, 2003  
May 26, 2003

College Council meetings are open to the public and are held at the College office in Toronto. Visitors attend as observers only. Seating at Council meetings is limited. To reserve a seat, please fax your request to

the College at (416) 972-1512 or e-mail Pat Lieberman at [plieberman@ocswssw.org](mailto:plieberman@ocswssw.org).

## ANNUAL MEETING

The 2002 Annual Meeting is scheduled for April 10, 2003. Members of the College are welcome to attend. The purpose of the annual meeting of the College is to inform members of the College and the public of the activities of the Council and College.

Details on the location and time will be posted on our Web site as soon as they are available. If you would like to attend, please contact Pat Lieberman. (E-mail: [plieberman@ocswssw.org](mailto:plieberman@ocswssw.org) or by fax at 416-972-1512).

## ELECTION

May 29, 2003 is election day for two registered social workers and two registered social service workers in district 4. Election packages will be sent to members in this district in April.

## PARTICIPATION IN THE WORK OF THE COLLEGE:

If you are interested in participating on one of the College's committees or task groups, please e-mail Pat Lieberman at [plieberman@ocswssw.org](mailto:plieberman@ocswssw.org) to receive an application form.

The College welcomes all applications, however, the number of available positions for non-council member participation is limited by the statutory committee requirements in the Social Work and Social Service Work Act, and by the bylaws and policies of the College.



## Additional training for members issued a provisional certificate of registration

MINDY COPLEVITCH RSW  
DIRECTOR OF REGISTRATION

Members who hold a provisional certificate of registration from the Ontario College of Social Workers and Social Service Workers have experience in performing the role of a social worker or social service worker but do not have the academic qualifications typically associated with the profession. Members issued a provisional certificate of registration have signed an undertaking to successfully complete, to the satisfaction of the Registrar, additional training approved by the College in social work/social service work ethics and standards of practice, within three years after the day the College notifies the member of the additional training.

The College is currently determining the components of the additional training. The Registration Policy Task Group has been charged with the mandate of recommending to Council requirements for the additional training. Some of the standards considered by the Registration Policy Task Group are:

- Length and format of the additional training
- Accessibility
- Cost

Once Council approves the policy, the Registrar will advise members holding provisional certificates of registration of the requirements.

*If you have questions regarding the additional training requirement for provisional certificate holders, please contact Mindy Coplevitch, Director of Registration at Ext. 203 or by E-mail: mcoplevitch@ocswssw.org.*

### Feedback

One of the strategic goals of the College is improving communication with our members. The *Perspective* newsletter is one way we will provide information about the business of the College but we need your help. What do you want to know about College activities? What issues are concerning you? This space will be reserved for "letters to the editor." If you have comments or questions about the College, please forward them to:

Amanda Cullen  
Communication Manager  
80 Bloor Street W.,  
Suite 700, Toronto, ON  
M5S 2V1 or via E-mail:  
editor@ocswssw.org.



## Regulatory colleges and associations: What's the difference?

The primary duty of the Ontario College of Social Workers and Social Service Workers is to serve and protect the public interest. Some of the ways the College does this is by maintaining a register of members, investigating complaints from the public and establishing a code of ethics and standards of practice for the professions.

As a member of the College you have the legal right to call yourself a "registered social worker" and/or "registered social service worker" depending on your certification class(es). Acquiring registration as a social worker or social service worker in Ontario assures your clients and your employer that you have met the requirements for registration in the



### THE FACTS

- The Ontario Legislature passed Bill 76, The Social Work and Social Service Work Act, in December 1998.
- The first election was held on June 15, 2000.
- The Act was fully proclaimed in August 2000.
- A 21-member Council, represented equally by registered social workers, registered social service workers and public appointees governs the College.
- Elected members of Council do not represent the members who elected them. They represent the public interest and bring an understanding of the professions to the Council table.

College and are accountable to practise the profession(s) in accordance with the Act, regulations and bylaws of the College. Registration with the College is the public's assurance that you are accountable to practise in accordance with the Code of Ethics and Standards of Practice set out for the professions.

A regulatory college lends credibility to the profession(s) it regulates by gaining the confidence of the public it protects. Social workers and social service workers now have the status of being regulated professions comparable to other regulated professions in Ontario such as physicians, nurses, lawyers and accountants.

The Council of the College approved a Code of Ethics and Standards of Practice to provide its members with clear guidelines for acceptable professional and ethical behaviour when working with the public.

Regulation of a profession is not only about complaints and discipline.

A 21-member Council of elected and appointed members governs the College. These individuals work on issues of concern to members of the profession(s) such as:

- Development of a strategic plan.
- Legislation that may affect the day-to-day work of social workers and social service workers.
- Financial viability of the College.
- Questions about registration requirements.
- Review of standards of practice.

### HOW DOES A REGULATORY BODY DIFFER FROM AN ASSOCIATION OR A UNION?

A regulatory body protects the public interest and is accountable to the public. A professional association primarily promotes the interests of its members and is accountable to them. A union, which is also accountable to its membership, primarily works to advance its members' economic and workplace interest.

## Council 2002

Council includes 21 persons representing equally the public, social service workers and social workers. Current Council members are:

Lisa Barazzutti	Public Member	Timmins
Rachel Birnbaum	RSSW	Toronto
Mary Ciotti	RSSW	Hamilton
Roman Delicart	RSSW	Kitchener
Zita Devan	Public Member	Lindsay
Shelley Hale	RSSW	Ottawa
Silvana Henneman	Public Member	Cambridge
Muriel Hill	Public Member	London
Kevin Kennedy	RSSW	Newmarket
Michael Kopot	RSSW	Thunder Bay
Mukesh Kowlessar	RSSW	London
Beverlee McIntosh	RSSW	Ottawa
Sue-Ellen Merritt	RSSW	Port Colborne
Jai Mills	RSSW	Richmond Hill
Marianne M. Park	Public Member	Woodstock
John Pretti	RSSW	London
Judy Shanks	RSSW	Timmins
Diane Thompson	Public Member	Moose Creek
Joanne Turner	RSSW	Waterloo
John Vanderhoeven	RSSW	Toronto
Marco Ventola	Public Member	Oakville

## Discipline Committee:

Mary Ciotti, RSW (Chair)  
 Lisa Barazzutti, Public Member  
 Zita Devan, Public Member  
 Shelley Hale, RSSW  
 Paula Klein, RSW  
 Jai Mills, RSSW

## Election Committee:

Michael Kopot, RSW (Chair)  
 Silvana Henneman, Public Member  
 Kevin Kennedy, RSSW  
 Mukesh Kowlessar, RSSW  
 John Pretti, RSW

## Nominating Committee:

Beverlee McIntosh, RSW (Chair)  
 Silvana Henneman, Public Member  
 Michael Kopot, RSW  
 Jai Mills, RSSW  
 Judy Shanks, RSSW  
 Diane Thompson, Public Member

## Complaints Committee:

Silvana Henneman, Public Member (Chair)  
 Joachim (Joe) Fecht, RSW  
 Muriel Hill, Public Member  
 Mukesh Kowlessar, RSSW  
 Judy Shanks, RSSW  
 John Vanderhoeven, RSW

## Registration Appeals Committee:

John Pretti, RSW (Chair)  
 Roman Delicart, RSSW  
 Kevin Kennedy, RSSW  
 Marianne M. Park, Public Member  
 Judith Tremblay, RSW  
 Marco Ventola, Public Member

## Fitness to Practise Committee:

Jai Mills, RSSW (Chair)  
 Lisa Barazzutti, Public Member  
 Zita Devan, Public Member  
 Suzanne Hainer, RSSW  
 Michael Kopot, RSW  
 Beverlee McIntosh, RSW

## PROFESSIONAL MISCONDUCT:

is any conduct that:

- Contravenes the Act, the regulations made under the Act or the bylaws of the College.
- Contravenes an order of the Discipline Committee, the Complaints Committee, the Council or the Registrar.
- Is defined as being professional misconduct in the regulations (Ont. Regulation 384/00:visit [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) to download a copy of the regulation).

## INCOMPETENCE:

The member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a person or persons of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate of registration held by the member under the Act should be made subject to terms, conditions or limitations.

## INCAPACITY:

The member is suffering from a physical or mental condition or disorder such that,

- The member is unfit to continue to carry out his or her professional responsibilities; or
- A certificate of registration held by the member under the Act should be made subject to terms, conditions or limitations.

## SEXUAL ABUSE:

Sexual abuse with respect to a client by a member of the College means:

- Sexual intercourse or another form of physical sexual relations between the member and the client,
- Touching, of a sexual nature, of the client by the member, or
- Behaviour or remarks of a sexual nature by the member towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided.

If you have questions regarding mandatory reporting, contact Marlene Zagdanski, Director of Complaints & Discipline (Ext. 208 or [mzagdanski@ocswssw.org](mailto:mzagdanski@ocswssw.org)).

<sup>1</sup> This overview is not intended to be an exhaustive summary of the mandatory report process and should not be relied upon as a substitute for reviewing the relevant provisions of the Act and regulations. In the event of any discrepancy between this publication and the Act and regulations, the Act and regulations will prevail.

The College made a submission to the Ministry of Consumer and Business Services (MCBS) regarding the draft Privacy of Personal Information Act, 2002 (PPIA) in March of this year and continues to monitor this legislation.

The purpose of the PPIA is to create comprehensive privacy legislation so that the people of Ontario will have confidence that their personal information is protected when dealing with businesses, other non-governmental organizations and the health sector. There is a need to strike a balance between an individual's right to control how his or her personal information is used with the needs of organizations to use personal information for purposes that are reasonable and appropriate.

The proposed legislation has some potential conflicts with the legislation governing the College. A regulatory college collects personal information about its members in the process of registration and in the process of carrying out its regulatory functions. The Social Work and Social Service Work Act authorizes the collection, use and, in certain circumstances, disclosure of this personal information by the College for the purpose of regulating the practice of social work and social service work. The College wants to ensure that the PPIA does not unintentionally undermine the ability of the College to regulate its members in the public interest.

# Mandatory Reports

MARLENE ZAGDANSKI, DIRECTOR OF COMPLAINTS & DISCIPLINE

The following is a brief overview of the College’s mandatory reporting process, based on the Social Work and Social Service Work Act, 1998 (the “Act”) and the regulations made under the Act<sup>1</sup>.

## What is a Mandatory Report?

Under the Act, a written report must be filed with the College Registrar if,

- You, as an employer of a member of the College, terminate the employment of a member of the College for reasons of professional misconduct, incompetence or incapacity of the member (see definitions outlined on page 13). A report would also be required if you intended to terminate the employment of a member of the College for reasons of professional misconduct, incompetence or incapacity of the member, but did not do so because the member resigned.
- You, as an employer or former employer of a member of the College, become aware that a member of the College has been convicted of an offence under the Criminal Code (Canada) involving sexual conduct.
- You, as a member of the College, are convicted of an offence under the Criminal Code (Canada) involving sexual conduct.
- You, as a member of the College, in the course of your practice, obtain reasonable grounds to believe that another member of the College has sexually abused a client.

## When must the Mandatory Report be made?

- The report must be made **within 30 days** of the date on which you terminated the member’s employment, or **within 30 days** of the date on which the member resigned.
- The report must be made **promptly**, if you, as an employer or former employer of a member of the College, become aware that a member of the College has been convicted of an offence involving sexual conduct or, if you, as a member of the College, are convicted of an offence involving sexual conduct.
- The report must be made **within 30 days** of the date on which you, as a member of the College, learned of the member’s sexual abuse of a client. However, if you have reasonable grounds to believe the member will continue to abuse the client, or other clients, you must make your

report **immediately**. If you are required to file a report because of reasonable grounds obtained from one of your clients, you must use your best efforts to advise your client of the requirement to file the report before doing so.

## Can I get in trouble for making a report?

If your report is made in good faith, the Act provides that there can be no proceedings instituted against you for making your report.

## What can happen if I don’t make a report?

The Act makes failure to report an offence. On conviction, there is liability for a fine of up to \$25,000. Members of the College who fail to report may also be charged with professional misconduct.

## What should be included in the report?

- Your name;
- The name of the member who is the subject of the report;
- A statement about whether the report is being made due to the termination of employment or resignation of the member, the member’s conviction of an offence involving sexual conduct and/or the member’s sexual abuse of a client;
- If the report concerns the termination of employment or resignation of a member, an explanation or description of the professional misconduct, incompetence or incapacity for which you terminated or intended to terminate the employment of the member;
- If the report concerns the member’s conviction of an offence involving sexual conduct, an explanation or description of the offence, including the dates on which: the sexual conduct occurred; the member was charged; and the member was convicted;
- If the report concerns a member’s alleged sexual abuse of a client, an explanation or description of the alleged sexual abuse;
- The name of the client who may have been sexually abused **ONLY IF** the client or the client’s representative (if the client is incapable) has consented in writing. If the client or client’s representative has not consented in writing, the client’s name **MUST NOT** be included in the report.

# Signing birth certificates: Vital Statistics Act

On January 25, 2002, the Office of the Registrar General made changes under the Ontario Vital Statistics Act in an effort to increase security of vital documents and protection of personal information. One of these changes is the requirement for a guarantor on every application for a birth certificate (similar to the requirement for a Canadian passport). The professions of social work and social service work have been listed as prescribed professions whose members are entitled to serve as guarantors.

In the regulation, one of the categories of persons who can serve as guarantors are professionals listed in the regulation who belong to a provincial regulatory body and must be practising members in good standing of such body. In addition, a guarantor must be a Canadian citizen who has known the applicant (not always the person named on the certificate), personally for at least two years and is confident that the statements made by the applicant are true.

Often the applicant is the parent of the child named on the certificate. In these cases, the guarantor must have known the parent for at least two years, not the child (the parent is the applicant). Guarantors

are prohibited from collecting a fee for completing the guarantor’s statement on the application form.

Serving as a guarantor is voluntary. If you are approached to serve as a guarantor and you do not wish to serve in this capacity, you are free to refuse. If you have not known the applicant personally for two years or have reason to doubt the truth of the information on the application form, you must not sign as the guarantor.



**Executive Committee**  
Standing from left: Sue-Ellen Merritt RSSW, Marianne M. Park Public Member, Judy Shanks RSSW  
Seated from left: Rachel Birnbaum RSW, Diane Thompson Public Member  
Absent: Joanne Turner RSW

## Standards of Practice Committee:

- Shelley Hale, RSSW (Chair)
- Suzanne Hainer, RSSW
- Elaine Heckbert, RSW
- Silvana Henneman, Public Member
- Beverlee McIntosh, RSW
- Sue-Ellen Merritt, RSSW
- John Newman, RSSW
- Marianne M. Park, Public Member
- Joanne Turner, RSW
- John Vanderhoeven, RSW



## The Development of a Continuing Competency Program

PAMELA BLAKE RSW, DIRECTOR OF PROFESSIONAL PRACTICE & EDUCATION

The College receives many calls from members asking, "How many continuing education credits do I need to accumulate?" What these callers want to know about is the requirement for demonstrating continuing competency to practise the profession. Those who were members of the voluntary social work college (Ontario College of Certified Social Workers) were familiar with providing evidence of hours of professional development. However, with the passing of the Social Work and Social Service Work Act, 1998 (the Act), and the subsequent creation of the Ontario College of Social Workers and Social Service Workers, the voluntary college ceased its operations and,

likewise, its continuing competency requirements are no longer in effect.

According to the Registration Regulation of the Act, and in keeping with the public protection mandate of the College, a condition of a certificate of registration is that the member "must provide evidence satisfactory to the College of the member's continuing competence to practise social work or social service work, as the case may be, in accordance with the guidelines approved by Council from time to time and published and distributed to the members of the College."

On the direction of the Executive Committee, the Standards of Practice Committee began work on the development of a continuing competency program in November 2001. The initial stage in this development has been to gather information about the continuing competency or quality assurance programs of other regulatory bodies. Most social work regulatory bodies in Canada and the United States require some form of continuing education, though the range of acceptable activities and the specific requirements for submitting evidence vary.

The committee has benefited from the experience of professions regulated under the Regulated Health Professions Act, 1991 (RHPA). Each of the colleges under the RHPA has its own quality assurance program, which has a number of components. Many of the programs reviewed so far require members to assess their knowledge and skills, evaluate their practice in regard to College standards, determine their learning needs, plan a course of action,

and re-evaluate their performance. Some programs involve input from peers. Members develop a professional portfolio, and, on random selection, provide their portfolio for review.

Continuing education alone is not seen as an effective quality assurance program, as there is a lack of evidence that continuing education results in enhanced performance. The RHPA colleges have recently undergone an evaluation of their quality assurance programs, and this information will help inform the College's own process.

After thoroughly researching models of continuing competency, the committee will identify guiding principles and propose a model of continuing competency for Council approval. Once approved, information about the expectations and a launch date will be communicated to members. The committee is mindful that any requirement must be accessible for members, and that members must be given sufficient information and notice in order to meet the requirement. While the committee is eager to put forward a recommendation, it is also aware that taking a careful approach is advisable.

While specific requirements for the demonstration of continuing competency have not yet been identified, members are referred to The Code of Ethics and Standards of Practice Handbook, Principle II, Competence and Integrity for guidance on this issue.

*For more information, call Pamela Blake, Director of Professional Practice & Education at ext. 205 or [pblake@ocswssw.org](mailto:pblake@ocswssw.org).*

## Regulated Health Professions Act: Response to the HPRAC report

The Health Professions Regulatory Advisory Council (HPRAC) submitted a report, *Adjusting the Balance: A Review of the Regulated Health Professions Act*, to the Minister of Health and Long-Term Care in March 2001. This report reviewed the effectiveness and impact of the Regulated Health Professions Act (RHPA) and made recommendations to improve the regulatory system in Ontario. To date there has been no indication from the Minister of Health and Long-Term Care which of the HPRAC recommendations he may be considering.

While social workers and social service workers are not regulated under the RHPA, some of the recommendations for change outlined in *Adjusting the Balance* may impact the professions of social work and social service work. The College reviewed the report and prepared an official response to the Ministry of Health and Long-Term Care, which outlined areas of concern to social workers and social service workers and provided recommendations for changes to address the following issues:

### The Harm Clause

The general purpose of the harm clause is to address those potentially dangerous activities that may not be specifically covered by the controlled acts described in the RHPA. The harm clause is aimed at unqualified caregivers who cause harm, or a risk of harm, without actually performing a controlled act and it is also aimed at members of regulated health professions who may be acting outside the scope of practice of their profession. The new wording recommended for the harm clause is:

*"No person other than a member treating or advising within the scope of practice of his or her profession, shall treat or advise a person with respect to his or her own health in circumstances in which it is reasonably foreseeable that physical harm or psychological harm may result from the treatment or advice or from an omission from them." ("member" refers to a member of a regulated health profession)*

Because the harm clause applies to unregulated practitioners, other regulated professionals and the general public, as well as to regulated health professionals acting outside their scope of practice, this change could prevent

social workers and social service workers from performing some of their job functions.

The College recommended that, if this change to the harm clause is implemented, an exception be added specifically exempting members of the Ontario College of Social Workers and Social Service Workers who are acting in the course of the practice of social work or social service work.

### Psychotherapy

*Adjusting the Balance* recommended that the Minister of Health and Long-Term Care invite a request for a referral from appropriate psychotherapy groups on amending the RHPA to list psychotherapy as an additional controlled act. The College pointed out that many social workers provide psychotherapy to their clients and requested that the College be involved in any consideration of this matter or any consultation process considering psychotherapy a controlled act.

### Registered or Regulated

*Adjusting the Balance* recommended that only those who are regulated health professionals can use the term "registered," "regulated," "licensed," or "certified" when providing health care.

The College recommended any amendments relating to the use of the terms mentioned above must acknowledge the legal authority of members of the Ontario College of Social Workers and Social Service Workers to use the term "registered."

To date no draft amendments to the RHPA have been circulated. The College continues to monitor this matter closely.

*To read the College's complete response to the HPRAC report, please visit our Web site ([www.ocswssw.org](http://www.ocswssw.org)).*



## Standards of Practice Consultation: An opportunity to contribute to the College

The Ontario College of Social Workers and Social Service Workers is preparing to update its Standards of Practice Handbook. Between September 2002 and February 2003, members and other stakeholders will have an opportunity to comment on the appropriateness and completeness of the standards, and provide suggestions for improving the handbook. Zorzi & Associates, an independent research firm, will be carrying out the consultation.

### What is the Standards of Practice Handbook?

The Standards of Practice Handbook sets out the minimum standards of professional practice and conduct for the professions of social work and social service work in Ontario. It provides standards to guide and assess the professional behaviour of College members and to adjudicate issues of professional practice. Members receive a copy of the handbook when they receive their certificate of registration. The standards are also available at [www.ocswssw.org](http://www.ocswssw.org). They cover the following principles:

- Relationship with Clients
- Competence and Integrity
- Responsibility to Clients
- The Social Work and Social Service Work Record
- Confidentiality
- Fees
- Advertising
- Sexual Misconduct
- Communicating post evaluation, a finding of incapacity with respect to admission to care facilities or personal assistance services (Social Workers only).

### Why is the handbook being revised?

The Standards of Practice Handbook was based on a Professional Practice Handbook published by the Ontario College of Certified Social Workers. The Transitional Council approved the standards in July 2000. Council recommended that the standards be reviewed through a consultation process with members of the College and other stakeholders to ensure ongoing comprehensiveness and relevance.

### How can members provide feedback about the standards?

Members can provide feedback by participating in focus groups and/or by completing and returning a questionnaire.

**Member Focus Groups:** A random selection of members was invited to participate in focus groups about the standards in September and October, 2002. Focus groups were held in several cities across the province. Only group results will be reported to maintain the confidentiality of the participants.

**Questionnaire:** Every member of the College will receive a questionnaire in January 2003, which will allow them to rate different aspects of the standards and provide suggestions for improvement. The questionnaires will be anonymous, and only group results will be reported. New members who are registered after November 1, 2002 may not automatically receive a questionnaire, but can request one by e-mailing Rochelle Zorzi at [rochelle.zorzi@sympatico.ca](mailto:rochelle.zorzi@sympatico.ca).

### How can stakeholder groups provide feedback about the standards?

Representatives from key stakeholder groups will be invited to participate in interviews or discussion groups about the standards between now and February 2003. Other stakeholders will have an opportunity to provide feedback during a second phase of consultation, which will take place in 2003-2004.

### How will my feedback help?

The College's Standards of Practice Committee will use the feedback obtained through this consultation process to identify changes needed to the standards. Your input will ensure that the revised standards are useful to social workers and social service workers and that the standards reflect current practice expectations.

### Who can I contact for more information?

For information about the Standards of Practice contact:

**Pamela Blake**, Director of Professional Practice and Education

tel: (416) 972-9882 ext. 205

toll-free: 1-877-828-9380

fax: (416) 972-1512

E-mail: [pblake@ocswssw.org](mailto:pblake@ocswssw.org)

For more information about the consultation contact:

**Rochelle Zorzi**, Research Consultant  
Zorzi & Associates

tel: (416) 761-1024

fax: (416) 761-1609

E-mail:

[rochelle.zorzi@sympatico.ca](mailto:rochelle.zorzi@sympatico.ca)

## Professional Incorporation

On November 1, 2001, the Ontario Business Corporations Act (OBCA) was amended to allow social workers and social service workers to incorporate and practise social work or social service work through a professional corporation. Although the framework legislation is in effect, the ability to practise social work or social service work through a professional corporation is dependent on when the College enacts necessary regulations and bylaws. The College is in the initial development phase of creating the necessary bylaws outlining the requirements and procedures to be followed.

The legislation stipulates that the following conditions apply to professional corporations:

- all shares of the corporation must be owned by one or more members of the same profession;
- all officers and directors of the corporation must be shareholders of the corporation;
- the articles of incorporation of the corporation must provide that the corporation may only carry on the practice of social work or social service work and activities that are ancillary or related to the practice of the profession;
- the corporation may have more than one shareholder but multidisciplinary professional corporations are not permitted;
- the name of the corporation must include the

### WHAT DOES THE COLLEGE NEED TO DO TO ALLOW FOR MEMBERS OF THE SOCIAL WORK OR SOCIAL SERVICE WORK PROFESSIONS TO PRACTISE THE PROFESSION THROUGH A PROFESSIONAL CORPORATION?

- Revise College bylaws to include professional corporations
- Determine fees for the initial application process
- Determine fees for the annual renewal of certificates of authorization
- Create application forms and write guidelines
- Upgrade the register of the College to include information on professional corporations
- Review and revise the Standards of Practice.



- words "Professional Corporation" and cannot use a numbered name, e.g. 8888 Ontario Inc.;
- the College bylaws will also have requirements respecting the name.

Incorporation does not limit professional liability. Shareholders of a professional corporation will be liable with the professional corporation for claims of professional negligence. In addition, social workers and social service workers, who practise through a professional corporation will still be accountable to the College for their professional conduct.

Professional incorporation may provide tax and other advantages in some situations. Members should consult their legal and tax advisors to determine the implications in their specific circumstances.

It is important to note that the shareholders, officers and directors of a professional corporation must maintain their individual membership with the College. The professional corporation must also be issued a certificate of authorization by the College.<sup>1</sup>

<sup>1</sup> The information in this article is not provided as legal advice.

Practice Notes is designed as an educational tool to help Ontario social workers, social service workers, employers and members of the public gain a better understanding of recurring issues dealt with by the Complaints Committee that may affect everyday practice. The notes offer general guidance only and members with specific practice inquiries should consult the College<sup>1</sup> since the relevant standards and appropriate course of action will vary depending upon the particular situation.

## Recurring issue: Confidentiality and conflict of interest

The College has received a number of complaints concerning the conduct of members in the context of private practice, marital counselling and child custody and access matters.

Many of the cases involved a College member who provided counselling services, at one point, to both a husband and wife. The joint counselling was followed by individual counselling with one of the spouses and the preparation of a written report, for court purposes, at the request of the spouse who received individual counselling. The complaints revolve around disclosure of confidential information and conflict of interest.

## Practice Considerations

A basic principle in establishing a professional relationship is the belief that clients have the right and capacity to determine their own objectives. Indeed, an initial step that members and clients take is to participate together to identify the purpose for the professional

relationship and the goals the client wishes to attain. This statement of purpose will guide the working contract to which the members and clients agree. At this early stage in the relationship, it is also important that the member clarify a number of other issues. These include, but are not limited to:

- Providing clients with “accurate and complete information about the extent, nature and limitations of any services available to them.”<sup>2</sup>
- Informing clients of “foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services.”<sup>3</sup>

It is also critical at this time to inform clients of any limits of confidentiality, and in the case of members in private practice, to establish clear policies regarding disclosure of client information.

While clarity of purpose and goals are important elements of a contract, equally important is a degree of flexibility, which allows goals to be renegotiated as the needs of the clients change.

A couple, for example, may attend counselling together with the shared goal of resolving their conflicts in order to enhance their relationship. In the course of counselling, however, one or both partners may decide that the conflicts are not resolvable and the initial goal of maintaining the relationship is no longer viable. The initial goals must then be re-examined and the contract renegotiated. The goal might shift to helping the partners separate in a constructive manner, especially if children are

involved. Alternatively, one or both members of the couple could decide that, since the initial goals are not attainable, the couple's counselling should terminate. It is also possible that one partner may wish to continue to see the member for individual counselling, after the couple counselling has ended. This option may be acceptable to all parties involved and may seem practical in locations where counselling resources are limited. In fact, agreement of all parties is strongly advised when the terms of the original agreement are changed in this way. If there is objection from either partner, the member is advised to refrain from providing either partner with individual counselling and to assist either or both partners to obtain the individual counselling services elsewhere.

Additionally, it is critical for the member to carefully consider any potential risks in providing individual counselling to one partner after the termination of couple counselling even where both partners consent to the new

arrangement. In particular, the member must consider how this change will affect each partner, as well as the member. Will this change in working relationship place the member in a conflict of interest situation? Who possibly could request information about the couple's counselling and/or the individual counselling? What information could justifiably be disclosed and under what circumstances? Members must be mindful that when a record pertains to more than one client (that is, when the record arises from joint couple counselling sessions rather than from individual counselling), authorization must be obtained from each individual client prior to releasing information. Members' records should clearly reflect information obtained through couple counselling and information obtained through individual counselling.

Members should also be careful not to include information obtained through couple counselling in the individual counselling records pertaining to one of the partners. Failure to do so can lead

to a number of difficulties such, as the inadvertent disclosure of couple counselling information upon the release of individual counselling records without the consent of both partners.

In addition to issues of record keeping and confidentiality, issues of conflict of interest may arise where a member provides couple counselling, followed by individual counselling to one of the partners, where the couple is in conflict. These conflict of interest issues are especially pronounced where the couple is engaged in litigation such as, for example, a custody and access dispute concerning their children. The member may be asked by the current client or the client's lawyer to provide a letter or report in that litigation. In these circumstances, there is significant potential for a conflict of interest, particularly if the report being sought is to comment on any of the matters in dispute in the litigation and will be used “against” the interests of the other partner (i.e. the member's former client).

The “classic” third party disclosure situation involves the member disclosing information from the individual counselling record to the current client's lawyer or to another professional who is performing a custody/access assessment. If the information disclosed originated in the couple counselling and the disclosure was made without the consent of both partners, a breach of confidentiality issue arises. Many of those breaches could be avoided by more rigorous record keeping and disclosure practices.

When a change is proposed, such as seeing one spouse in individual counselling after having seen both spouses in couple counselling, it is advisable for the member to revisit each of the

forementioned practice considerations identified at the outset of the therapeutic relationship. These practice considerations should be revisited yet again if the member is asked to supply any report, letter or information that may potentially be used in litigation between the spouses. This process can serve to identify potential conflicts down the road, and direct the member to consider how these issues could be addressed, prior to making a decision about whether to continue the member's work with the individual only. In carefully considering the possible consequences of a change in the working relationship, a member must ultimately make a decision that constitutes sound and ethical practice for all parties concerned.

*If you have professional practice questions, please contact Pamela Blake, Director of Professional Practice & Education at Ext. 205.*

*If you have questions about the complaints process, please contact Marlene Zagdanski, Director of Complaints & Discipline at Ext. 208.*

For further information about relevant guidelines, please refer to the Code of Ethics and Standards of Practice Handbook:  
*Principle I, Relationship with Clients – 1.1*  
*Principle II, Competency and Integrity – 2.2.1*  
*Principle III, Responsibility to Clients – 3.7*  
*Principle IV, The Social Work and Social Service Work Record – 4.3.1, 4.3.2, 4.3.6*  
*Principle V, Confidentiality – 5.1.5, 5.2*

<sup>1</sup> In the event of any discrepancy between the Practice Notes and *the Social Work and Social Service Work Act*, the Act, regulations, bylaws and Standards of Practice will prevail.  
<sup>2</sup> Code of Ethics and Standards of Practice Handbook: Responsibility to Clients, 3.1  
<sup>3</sup> Code of Ethics and Standards of Practice Handbook: Responsibility to Clients, 3.6

