



Five Years in Operation: Is Our House in Order?

GLENDAL McDONALD, M.S.W. RSW, REGISTRAR

It is hard to believe that the College has been operational for only five years. While the full weight of some of our statutory responsibilities has yet to be realized, and some operational refinements still have to be made, a tremendous amount has been accomplished since those early days in 2000, when the College first opened its doors. The development of the College has been both focused and fast...and while the speed with which all of the statutorily required processes, related policies and operational procedures had to be developed, approved and implemented, caused some unintended challenges, overall, as can be seen below, the results have been impressive:

- Developed and approved a detailed five-year business plan, which has guided the initial operational development of the College;
- Located, leased and built premises for the College, in accordance with established and approved criteria;
- Developed an initial registration regulation, a general registration regulation and a professional misconduct regulation, all of which were approved by the Government of Ontario;
- Hired a Registrar, who subsequently hired 16 staff, who support the work of the College, Council, committees and task groups;
- Developed and approved a Mission and Vision Statement, Strategic Plan and a Corporate identity and logo;
- Received over 13,000 applications for registration with the College;
- Issued over 12,000 certificates of registration;
- Developed, approved and distributed a Code of Ethics and Standards of Practice for members of the Ontario College of Social Workers and Social Service Workers;

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- Conducted an extensive consultation process on the Code of Ethics and Standards of Practice;
- Initiated the development of practice guidelines in four practice areas (custody & access; capacity assessments; consent and confidentiality with children & youth; and medication practices);
- Provided practice consultation to hundreds of members of the College;
- Developed, approved and pilot tested a Continuing Competence Program, for members of the College;
- Organized and held annual elections in the 5 electoral districts for the elected members of Council;
- Established the 5 statutory committees of the College, as required in the *Social Work and Social Service Work Act* (the “Act”);
- Established 6 non-statutory committees (Standards of Practice; Elections; Nominating; Corporations; Governance and Finance);
- Established 6 Task Groups (Entry to Practise; Agreement on Internal Trade; Social Service Work Outreach; Human Resources, Registration Policy and Governance);
- Published and distributed 4 Annual Reports, which outline the activities of the College;
- Held 3 Annual Meetings for members of the College;
- Implemented an annual Education Day for members of the College;
- Delivered over 100 presentations to students, members and other stakeholders;
- Developed and launched a Website, which contains information about the College for members, employers and members of the public;
- Developed, published and distributed a bi-annual newsletter: *Perspective*;
- Received 179 complaints regarding conduct of members of the College;
- Received 28 mandatory reports regarding members of the College;
- Held 2 discipline hearings and published the decisions of the Discipline Committee in these matters;
- Responded to several key pieces of legislation impacting the professions and/or the College.

These statistics tell only part of the story....while they serve as a testament to the significant accomplishments of the College relative to the objects set out in the *Social Work and*

Social Service Work Act (the “Act”), an equally important issue is whether or not the College truly represents, as it should, the professions' commitment to the public of Ontario that they are willing and able to regulate themselves in an effective and efficient manner in exchange for an increase in the public's confidence in the professions to do so. This is a much more difficult outcome to measure and, at this point, only some preliminary observations may be made, largely based on anecdotal information.

Does the College appear to have the support of the professions? One of the most significant achievements of the College, is that, in the past five years, the College has received over 13,000 applications for registration with the College and has registered approximately 12,000 members in the social work and social service work professions. This includes the 900 applications for a provisional certificate of registration received by the College, during the two-year period for grandparenting from those persons who had experience performing the role of a social worker or social service worker, but who did not have the academic qualifications typically associated with the profession. To date, 429 social workers and 93 social service workers have been issued a provisional certificate of registration. The College believes that the number of College members is indicative of social workers' and social service workers' general support for professional self-regulation, and specific support for the College. However, based on numerous presentations given by College staff to members of the College and members of the professions, who are not members of the College, the College is also aware that the mandate of the College is still not well understood and this misunderstanding leads, at times, to feelings of ambivalence and anger towards the College on the part of members and non-members. This speaks to the need for more education of members regarding the mandate of the College and the need for members' support of this mandate. Additionally there is a need for more education for members of the profession who are not members of the College. Professional self-regulation usually signals the maturity of a profession to assume responsibility for setting standards for the entry to the profession; setting standards for the practice of the professions; adjudicating issues respecting the conduct of members of the profession and setting continuing competence requirements for members of the profession. Many members of the professions continue to see the College as an “option” rather than a professional obligation. Some delegate the responsibility

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regarding membership in the College to their employer rather than assuming the responsibility themselves. Many members of the profession, who are not members of the College, cite the fact that their employer has changed their job title to one other than social worker or social service worker, as the case may be, so that they are not required to be a member of the College and/or they claim that “membership with the College is not a requirement of their job”. However, in exchange for this delegation of responsibility, they accept the consequence of not using the title of “social worker” or “social service worker”, which is the professional designation associated with the educational qualifications they have worked so hard to achieve. This remains a curiosity and a concern.

Does the public have confidence in the professions of social work and social service work's ability to regulate themselves in the public interest? Again anecdotal evidence suggests that the public has knowledge of the College and its mandate. The College does receive numerous requests from members of the public for information contained in the Register of members of the College. Some members of the public seem to want to assure themselves that they are or will be receiving services from a regulated professional. The litmus test of professional self-regulation, from the perspective of the public, is often felt to be the way in which a College deals with complaints from the public about the actions of members. As previously mentioned, to date, the College has received 179 complaints and 28 mandatory reports - a total of 207 matters. The College has disposed of 140 complaints and 19 mandatory reports. The complaints and mandatory reports received by the College are comprised of allegations concerning many professional practice areas and issues, the most recurrent being sexual abuse of a client¹, dual relationships with clients, conflict of interest and boundary violations, child custody and access investigations, assessments and reports, child welfare practices and interventions, and breach of client confidentiality.

There have been four referrals to the Discipline Committee of the College, concerning three members. The Committee has completed two discipline hearings. Summaries of the Discipline Committee's Decisions and Reasons for Decisions can be accessed via the College's website, at www.ocswssw.org.

The College has disposed of 77% of the complaints received and 2% have resulted in a referral to the Discipline Committee. In addition to enhancing the public's trust in the professions, the complaints process supports the important educative function of the College. Although the decisions of the Complaints Committee are confidential, the matters considered may inform the development and/or refinement of practice standards and/or practice guidelines. They also inform the subject matter for Practice Notes, a regular feature in Perspective.

Approximately 28% of the total number of complaints and mandatory reports related to individuals whom the complainants or the persons filing the report believed were social workers or social service workers, but who were not registered with the College, and over whose conduct or actions the College was, consequently, found to have no jurisdiction. This statistic should be concerning to members of the College because it alone could diminish the public's trust in the professions. There appears to be a need for the education of the public regarding the requirements for membership with the College and the availability of the Register of the College, to assist the public in confirming who is and who is not a social worker or social service worker and subject to the jurisdiction of the College.

In summary, while the College is proud of the achievements of the first five years of operation, it must now turn its attention to the priority of communication with and education of members of the College, members of the professions and members of the public in order to more fully achieve the objectives of public protection, quality social work and social service work services and professional accountability.

¹ For the definition of “sexual abuse” see subsection 43(4) of the Act.

Ontario Disability Support Program – Regulation Amendments

The College has been informed by the Ministry of Community and Social Services that the Ontario Disability Support Program Regulations have been amended to add Registered Social Workers to the list of professionals who can complete the Activities of Daily Living Index in the Disability Determination Package. The Disability Determination Package, which consists of the Health Status Report and the Activities of Daily Living Index form, is used to determine whether or not the applicant is a person with a disability as defined by the *Ontario Disability Support Program Act* (the “Act”). This change was effective December 15, 2004.

Previously, only Physicians, Psychologists, Ophthalmologists, Optometrists, Occupational Therapists, Physiotherapists, Chiropractors and Registered Nurses in the Extended Class were permitted to complete the Activities of Daily Living Index.

As with the above list of professionals, Social Workers can receive \$20.00 for completing the form by invoicing the Ministry of Community and Social Services. However, in situations where the Social Worker is completing the Activities of Daily Living Index form on behalf of a physician, only one approved professional can bill for the service provided. Information regarding the invoice process is contained in the Disability Determination Package.

The revised Activities of Daily Living Index form will go into circulation once all of the old forms have been used. In the meanwhile, Social Workers can complete the old forms.

The original omission of Social Workers and Social Service Workers from the regulation made under the Act, was

viewed by the College as a public interest issue, in that many clients whose primary worker was a Social Worker or Social Service Worker encountered difficulties in obtaining the required verification to receive ODSP benefits. As a result, in 2002 the College struck a task group to determine whether or not the provision of such verification was within the scope of practice of one or both professions and whether Social Workers and/or Social Service Workers had the knowledge, skill and judgement to conduct the appropriate assessment to complete the Activities of Daily Living Index form. Following a thorough review of the issues, the task group concluded that both Social Workers and Social Service Workers have the required qualifications to complete the Activities of Daily Living Index form in support of an application for ODSP. This report, which was approved by College Council, was forwarded to the then Minister of Community, Family and Children’s Services, the Honourable Brenda Elliott in 2003, and requested a change to the Regulation made under the Act. The College subsequently discussed the issue with the Minister of Community and Social Services, the Honourable Sandra Pupatello. The College has verified that the Ministry of Community and Social Services considered the submission made by the College and determined that the regulation would be changed to include Registered Social Workers.

For more information, contact Pamela Blake, M.S.W., RSW, Director, Professional Practice and Education, at 416-972-9882 or 1-877-828-9380, ext. 205. E-mail: pblake@ocswssw.org.



Discipline Decision Summary

This summary of the Discipline Committee's Decision and Reasons for Decision is published pursuant to the Discipline Committee's penalty order.

By publishing such summaries, the College endeavours to:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances; and,
- implement the Discipline Committee's decision.

Dishonourable and Unprofessional Conduct

Member, RSW

Allegations and Plea

The Member admitted the following College allegations of professional misconduct:

1. Abusing a client physically, sexually, verbally, psychologically or emotionally (but *not* including sexual intercourse or another form of physical sexual relations with a client);
2. Using information obtained during the professional relationship with a client, or using the Member's professional position of authority to coerce, improperly influence, harass or exploit a client or former client;
3. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
4. Failing to regard the well-being of the Member's client, as the Member's primary professional obligation and failing to facilitate self-determination in the client. In particular, the Member failed to appreciate how the Member's needs might impact on the professional relationship with the client, placed the Member's own needs before those of the client, and failed to ensure that the client's interests were paramount;
5. Failing to maintain clear and appropriate boundaries in the Member's professional relationship with the client. In particular, the Member was in a conflict of interest situation, in which the Member ought reasonably to have known that the client would be at risk and the Member used the professional position of authority to abuse or exploit the client.

Agreed Statement of Fact

The College and the Member submitted a written statement to the Discipline Committee, in which the following facts were agreed:

- The Member is a social worker specializing in the treatment of youth and young adults with a mental health condition involving, among other features, severe and sustained impairment in social, occupational or other important areas of functioning.
- For almost two years, the Member provided counselling and psychotherapy services to the client, an adolescent who was then 17 years of age and had been diagnosed with a mental health disorder involving severe and sustained impairment in social functioning. During that period, the Member also saw the client's mother for a number of individual sessions, and in joint sessions with the client.
- During the period that the Member provided counselling and psychotherapy to the client, the Member engaged in a dual personal/professional relationship with the client and committed a series of boundary violations, including having extensive social, non-clinical contact with the client.
- The non-clinical contacts included, but were not limited to: going out to dinner with the client; attending supper with the client's mother and younger sibling at the family home, followed by attending the school play in which the client was performing; having dinner with the client at a restaurant and then going to a movie with the client; having the client alone, and the client along with another of the Member's clients to dinner at the Member's home; meeting and watching a video with the client at the client's home;

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after the client accessed a website on the Member's home computer containing nude photographs, viewing those photographs with the client and discussing the client's and the Member's sexuality and pornography; sending the client e-mails of a personal and sexual nature, including e-mails enclosing a nude photograph and a photograph of a person in underwear; providing alcohol to the client and consuming alcohol in the client's presence, accompanying the client to purchase "poppers", after the client had tried "poppers" belonging to the Member in the Member's home; having a framed picture of the client in the Member's home; hugging and kissing the client in a manner perceived by the client as sexual; having numerous evening and late-night communications of a personal nature with the client by telephone, e-mail and the internet; having discussions of sexuality with the client in non-clinical settings; making personal disclosures to the client, including disclosures about the Member's sexual orientation; and making comments of a sexual nature to the client, including comments that the Member was sexually attracted to the client and had inappropriate feelings about the client.

- The Member sought and received consultation from colleagues including two psychologists and a speech-language pathologist, and the Member's own healthcare

provider concerning aspects of the Member's relationship with the client. However, the Member continued to maintain a dual personal/professional relationship with the client and failed to appropriately recognize and effectively deal with issues of transference and counter-transference with the therapeutic relationship with the client.

- The Member allowed a relationship of excessive emotional dependency by the client upon the Member to develop, and used the therapeutic relationship to meet the Member's own personal needs.
- The Member contacted the client by e-mail and invited the client to maintain contact with the Member after termination of the therapeutic relationship.
- After receiving Notice of the Discipline Committee Hearing concerning this case, the Member telephoned the client and said the Member was not angry with the client.

Finding

The Discipline Committee found that the Member engaged in the forms of professional misconduct listed earlier in this summary, which were admitted by the Member in the Agreed Statement of Fact. Specifically, concerning the allegation that the Member engaged in conduct or performed an act relevant to the profession of social work that, "having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional"¹, the Discipline Committee found that the facts support a finding that the Member's professional misconduct was dishonourable and unprofessional.

In arriving at its finding, the Discipline Committee accepted the following definitions:

"Disgraceful" conduct is conduct that has the effect of shaming the member, and by extension, the profession. In order to be disgraceful, the conduct should cast serious doubt on the member's moral fitness and inherent ability to discharge the higher obligations the public expects professionals to meet. "Dishonourable" conduct is similar, but need not be as severe. Both dishonourable and disgraceful conduct have an element of moral failing. By contrast, "unprofessional" conduct does not require any dishonest or immoral element.

¹ Section 2.36, O. Reg. 334/00 (Professional Misconduct), made under the *Social Work and Social Service Work Act*.

Discipline Decision Summary

Joint Submission on Penalty

The College and the Member jointly submitted that:

1. The Member be reprimanded and the reprimand be recorded on the register.
2. The Registrar be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the register,
 - (a) prohibiting the Member from providing psychotherapy services or counselling services², subject to the below-described exceptions;
 - (b) restricting the Member's scope of practice to engaging in the activities described in subparagraphs (ii), (iii), (iv), (v) and (vi) of the scope of practice of the profession of social work³, subject to the below-described exceptions;
 - (c) prohibiting the Member from applying to the College for removal or modification of the terms, conditions or limitations imposed on the Member's certificate of registration, for a period of 2 years;
3. The Discipline Committee's finding and order (or a summary thereof) be published, with identifying information removed, in Perspective and the results of the hearing be recorded on the register.
4. The Member is to engage in intensive insight-oriented psychotherapy for a period of two years, and must allow the psychotherapy to be monitored at the College's discretion.

The exceptions to the terms, conditions and limitations to be imposed on the Member's certificate of registration permit the Member to:

- i. Conduct assessments and prepare assessment reports regarding clients and their families;
- ii. Provide psychoeducation⁴ services to clients and

their families, provided that with respect to each client and his or her family,

- (a) those services are supplied under a short-term service contract, not to exceed three one-hour sessions; and
 - (b) the combined total of any such sessions with the client, together with any such sessions with members of the client's family, does not exceed three hours.
- iii. Provide case management⁵ services for clients and their families; and
 - iv. Provide group psychoeducation and group counselling (not to include psychotherapy) to clients' families (not including clients).
 - v. In providing the services referred to in paragraphs i. to iv, any sessions with a client shall be conducted in the presence of that client's parent(s) or guardian(s), or in the presence of another member of the College or a regulated health professional. Where none of those individuals is available, sessions with clients may be conducted in the presence of an individual approved by the College, such approval to be obtained prior to the session in question.

Penalty Decision

The panel of the Discipline Committee accepted the Joint Submission on Penalty, and in so doing, made its order in accordance with the Joint Submission. The panel concluded that the penalty is reasonable, in the public interest, addresses the circumstances of the Member's serious acts of professional misconduct, and sends a message to the Member, the College membership and the public, that the profession will not tolerate the type of conduct engaged in by the Member. In arriving at its penalty decision, the panel considered that the Member co-operated with the College by agreeing to the facts and proposed penalty, entering into and complying with a pre-hearing Undertaking and Acknowledgement to the College, and personally accepting responsibility and expressing regret for his conduct.

² See Principle VIII, footnotes 5 and 6 of the College's Standards of Practice, as prescribed by by-law No. 24 of the College.

³ The Scope of Practice for the profession of social work can be found in the College's *Code of Ethics and Standards of Practice Handbook*.

⁴ **Psychoeducation:** The process of teaching clients with mental illness and their family members about the nature of the illness, including its etiology, progression, consequences, prognosis, treatment, and alternatives.

⁵ **Case Management:** A procedure to plan, seek, and monitor services from different social agencies and staff on behalf of a client.

Standards of Practice Consultation – Update

PAMELA BLAKE, M.S.W., RSW, DIRECTOR,
PROFESSIONAL PRACTICE AND EDUCATION

Steady progress has been made on the implementation of recommendations that emerged from the College's extensive consultation on the standards of practice.

All proposed changes have been consolidated and are in draft form. These include the addition of a glossary, standards for indirect practice and guidelines for electronic communication. Revisions have also been made to ensure consistency with legislation, such as the amendments to the Business Corporations Act. The wording of some interpretations has been changed to increase clarity.

Four sets of guidelines to accompany the standards have been drafted to address issues arising in specific practice areas: consent and confidentiality with clients who are children and youth, capacity assessments, medication practices and custody and access assessments.

The standards of practice meet several purposes: They set out the minimum standards of professional practice and conduct for members and they are used to guide and assess the

professional behaviour of College members and to adjudicate issues of professional practice. In revising and adding to the standards, the College must ensure that the new standards and accompanying guidelines will continue to fulfill these purposes.

As we move forward, the new standards and guidelines will be rigorously reviewed by other departments of the College and by legal counsel. Subsequently, further consultation will take place with members to ensure that the finished product is relevant and helpful to members in meeting their professional obligations.

For more information on the standards of practice, please contact Pamela Blake, M.S.W., RSW, Director, Professional Practice and Education at 416-972-9882 or 1-877-828-9380, ext. 205. E-mail: pblake@ocswssw.org



Registration Update

MINDY COPLEVITCH, M.S.W., RSW, DIRECTOR OF REGISTRATION

Registration of Members

Registering members in the College is an ongoing activity. Since 2000, the Registrar has issued over 12,000 certificates of registration in accordance with requirements set out in the *Social Work and Social Service Work Act, 1998* (the “Act”)

In making a determination whether to issue a certificate of registration or propose to refuse to issue a certificate of registration, the Registrar relies on the Act, College by-laws, the Registration Regulation (O. Reg. 383/00), and is also guided by Registration Policies approved by Council.

Council has recently approved or amended the following registration policies:

Registration Policy Regarding Secondary School Equivalency

This policy, which was first approved in May 2002, amended in October 2003, and further amended by Council in December 2004, sets out the educational training or testing that is considered to be equivalent to at least an Ontario Secondary School Diploma.

Registration Policy Regarding the Human Services Counsellor Program at George Brown College

In December 2004, Council approved the Human Services Counsellor Program at George Brown College of Applied Arts and Technology as equivalent to a social service work program offered in Ontario at a College of Applied Arts and Technology. This policy follows Council’s approval in May 2003 of the policy: *Criteria for a Program Offered in Ontario at a College of Applied Arts and Technology to be Approved by Council as Equivalent to a Social Service Work Program Offered in Ontario at a College of Applied Arts and Technology.*

Entrance to Practise Examinations

In May 2004, Council approved that the College embark on administering entrance to practise examinations for applicants applying for registration in the College. Furthermore, Council resolved, that, as the College regulates two professions, there will be distinct examinations for social workers applying for membership and social service workers applying for membership. The College is working on the development and administration of the examinations.

Please note that an entrance to practise examination *does not affect current* members of the College. However, if a member resigns membership or has his or her certificate revoked, and wishes to apply for membership in the future, he or she would be required to successfully complete all registration requirements in place at the time of the new application.

Provisional Certificates of Registration and Additional Training Requirements

In May 2004, Council resolved that the additional training requirements for members who hold provisional certificates of registration for social work would be specific to social work ethics and standards of practice. At the same time, Council resolved that the additional training requirements for members who hold provisional certificates of registration for social service work would be specific to social service work ethics and standards of practice.

If you hold a provisional certificate of registration, the Registrar will be notifying you in writing about the additional training.

As the additional training undertaking is to be completed within three years after the day the Registrar notifies you, it is essential that you keep the College records current and advise us in writing when your mailing address changes. If the College is not informed of address changes the College cannot be responsible for non delivery of mail. You may E-mail information to info@ocswssw.org or fax to 416-972-1512.

Student Applicants

The Registration Regulation sets out the classes and categories of registration certificates. The College does not have a Student Member category. The Registrar will, however, consider an application from a student who has successfully completed all the academic and practicum requirements necessary for either the degree in social work or the diploma in social service work if the student requires registration prior to convocation.

If the student applicant satisfies the additional registration requirements, the Registrar may issue a certificate of registration with a term, condition and limitation pertaining to the academic requirement. Upon graduation, the member is

Registration Update

MINDY COPLEVITCH, M.S.W., RSW, DIRECTOR OF REGISTRATION

required to ensure that his/her academic institution forwards confirmation to the College that the degree or diploma has been obtained. Upon receipt of the original academic verification by the College, the Registrar will remove the term, condition, and limitation that pertains to the academic requirement.

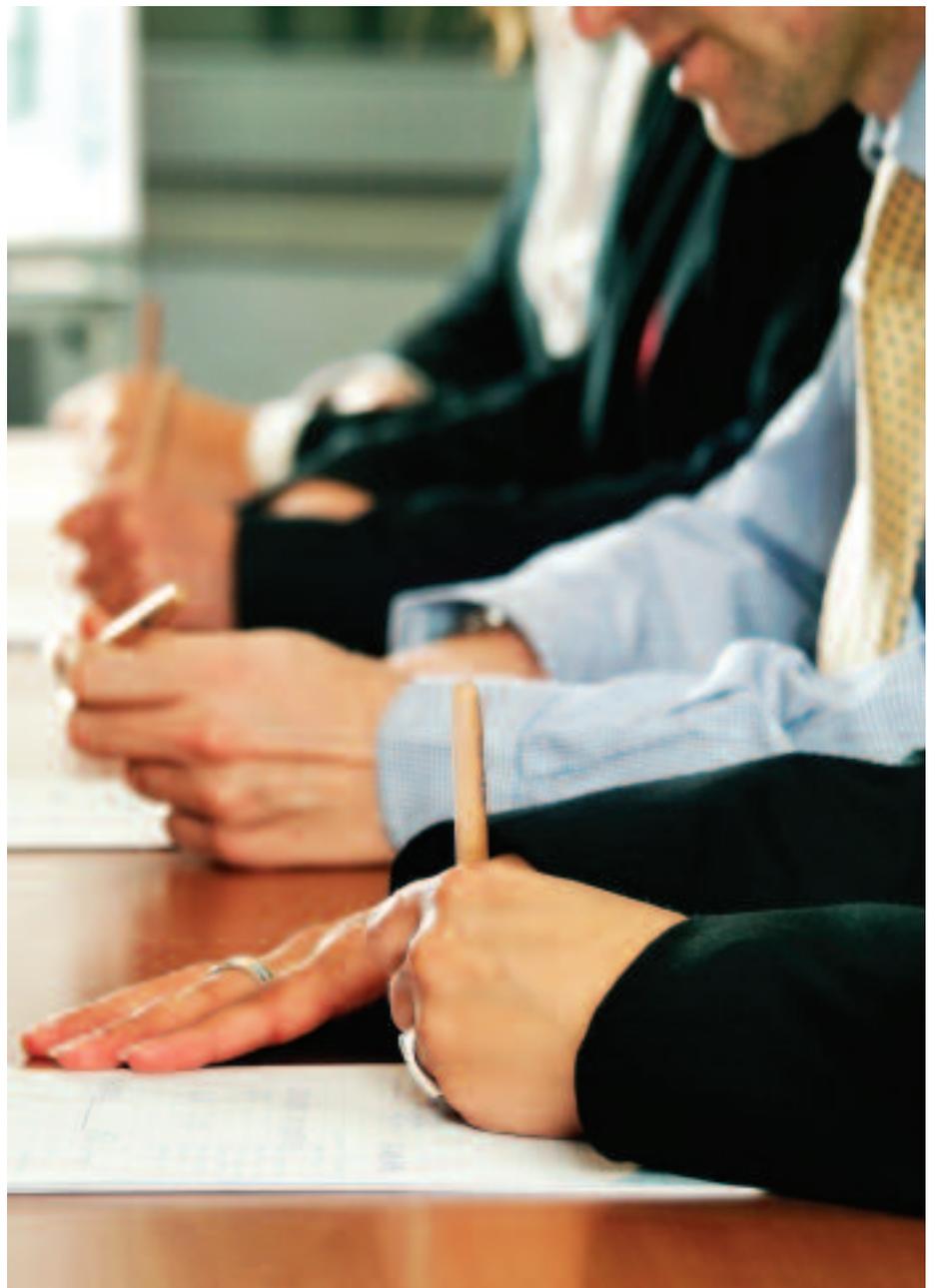
In order to facilitate the application process for graduating students, the College annually forwards application packages to all social work and social service work programs in Ontario. Students who wish to wait until they receive their degree in social work or their diploma in social service work at convocation, are invited to begin the application process before convocation takes place. Review of the application is completed upon receipt of the independent academic verification from the academic institution.

Applying for Membership from Other Jurisdictions

From time to time, applicants who are regulated (licensed, certified, or registered) in other provinces or American states inquire whether their social work registration will be recognized with the Ontario College of Social Workers and Social Service Workers as the means to meeting our registration requirements. At this time there is no reciprocity of membership between the jurisdictions. All applicants to the College are required to meet the registration requirements as set out in the Registration Regulation in place at the time they submit their application.

For more information about the application requirements and processes of the College or your questions regarding your provisional certificate of registration, contact Mindy Coplevitch, M.S.W., RSW Director of Registration, at 416-972-9882 or 1-877-828-9380 ext. 203 or E-mail mcoplevitch@ocswssw.org.

If you are a member of the College and have questions regarding your membership, please contact Lynda Belouin, Membership Administrator, at ext. 212 or E-mail lbelouin@ocswssw.org.



Practice Notes: Dual Relationships – Approach with Caution

PAMELA BLAKE, M.S.W., RSW, DIRECTOR,
PROFESSIONAL PRACTICE AND EDUCATION

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, since the relevant standards and appropriate course of action will vary depending on the situation.

Recurring Issue: Dual Relationships

As readers will see from the Discipline Decision Summary on page 5, the member was found to have failed to maintain clear and appropriate boundaries and in so doing, to have committed serious acts of professional misconduct.

Previous Practice Notes on “Boundary Violations” (Perspective Fall/Winter 2003/2004) addressed the continuum of boundary transgressions, from those which in and of themselves likely pose little risk of harm to the client, to those which likely pose a major risk, including lasting or permanent damage. This article will deal specifically with the issue of dual relationships.

A dual relationship is defined as a situation in which a College member, in addition to his/her professional relationship, has one or more other relationships with the client, regardless of whether this occurs prior to, during, or following the provision of professional services.¹

It is important to focus on dual relationships for a number of reasons:

- Sexual abuse² is frequently preceded by less serious forms of boundary violations which can easily occur where there are dual relationships.
- In addition to our professional role, we all play many other roles. We are members of families, communities and interest groups. We have friends, hobbies and affiliations. The likelihood is therefore great that we will encounter situations in which our professional and personal roles intersect. The likelihood is increased when the membership of a community is small.

- Dual relationships are inherently risky. Although dual relationships per se are not prohibited by the standards of practice, the standards of practice do prohibit various types of conduct that may be associated with dual relationships (such as engaging in professional relationships that constitute a conflict of interest, having sexual relations with clients, etc.). Whether or not a dual relationship is appropriate requires careful scrutiny to appraise the risks in an honest way, and to arrive at a course of action that is truly in the client’s best interest.

While dual relationship situations may frequently arise, each situation is complex and requires the member to perform an analysis of the pertinent factors, and the risks involved before making a decision about what course of action to take. Members are strongly encouraged to seek supervision or consultation when confronted with dual relationships. There are rarely easy answers. For guidance however, members should refer to the standards of practice.

Consider the following:

Scenario #1

- A social worker is a member of the board of a self-help organization, located in a small town in Ontario. She is approached by a staff member of the organization, who requests that the social worker see him and his wife in marital therapy, in the social worker’s private practice.

In considering how one might deal with this situation, the following standards of practice are applicable:

¹ Code of Ethics and Standards of Practice, Principle III, Responsibility to Clients, Footnote 6

² The definition of sexual abuse may be found in the *Social Work and Social Service Work Act*, subsection 43(4). Also refer to the Professional Misconduct Regulation, section 2 (4) and to the Code of Ethics and Standards of Practice, Principle VIII, Sexual Misconduct.

Practice Notes: Dual Relationships – Approach with Caution

PAMELA BLAKE, M.S.W., RSW, DIRECTOR,
PROFESSIONAL PRACTICE AND EDUCATION

Principle II, Competence and Integrity:

2.2 Integrity

“College members are in a position of power and responsibility with respect to all clients. This necessitates that care be taken to ensure that all clients are protected from the abuse of such power during and after the provision of professional services.

College members establish and maintain clear and appropriate boundaries in professional relationships for the protection of clients. Boundary violations include sexual misconduct and other misuse and abuse of the member's power.”

- 2.2.1 “College members do not engage in professional relationships that constitute a conflict of interest or in situations in which members ought reasonably to have known that the client would be at risk in any way. College members avoid or declare conflict of interest situations. College members do not provide a professional service to the client while the member is in a conflict of interest. (See also Interpretation 3.7.)”

As a board member, the social worker has a duty to act in the best interest of the organization. The board is responsible for overseeing and evaluating the activities of the organization, including its employees. As such, she is in a power position. She would be wise to question the appropriateness of learning personal information about the employee and his wife, while ultimately being responsible for decisions that may impact on his job. The issue of conflict of interest or the perception of this by others must also be considered, in that it could appear that the member is directly benefiting from her board work in her private practice. The issue of conflict of interest would also arise in the context of her carrying out her duties as a member of the board. After careful thought, the member offers to refer the employee to her trusted colleague in a nearby community.

Scenario #2

- A social service worker, who works as a case manager for a mental health agency, is asked to supervise the field placement of a student who is a former client. The student tells the social service worker that she is excited about the prospect of being supervised by the social service worker as she really enjoyed their counselling sessions some years back.

Members are reminded of Principle III, Responsibility to Clients:

- 3.7 “College members avoid conflicts of interest and/or dual relationships with clients or former clients, or with students, employees and supervisees that could impair members' professional judgement or increase the risk of exploitation or harm to clients.”

In this instance, the social service worker initially felt very positive about the possibility of supervising the field placement of a former client. She was pleased to learn that the client had progressed in her education, and that the client had good memories of the work they did together. However, the social service worker also had to acknowledge that her prior knowledge of the client/student gained from the professional relationship, could have an impact on her judgement and hence on her role as a field supervisor. The former client/student's comments that she was “excited” about working again with the social service worker also gives rise to concern. It would be critical to clarify the expectations held by the former client regarding a supervisory relationship, and essential that she understand that while a counselling relationship is largely supportive, it is the role of a field supervisor to critically evaluate a student. The need for clear boundaries also must be considered. A client is expected to reveal personal information - a student is not, and in fact field supervision should not stray into a counselling or therapy relationship. Confidentiality issues are also pertinent. The member decided that she would decline the request to supervise the field placement of the former client.

Practice Notes: Dual Relationships – Approach with Caution

PAMELA BLAKE, M.S.W., RSW, DIRECTOR,
PROFESSIONAL PRACTICE AND EDUCATION



Scenario #3

- A client admires a painting that hangs on the wall of the social worker’s office. The social worker discloses that she herself is the artist, and that painting is one of her passions. Subsequently, the client who is the owner of an art gallery, invites the social worker to show her work in the gallery.

The social worker appreciates the client’s admiration of her work and is tempted by the possibility of finally gaining recognition of her art, a long held dream of hers. However, she must also consider whether entering into a dual relationship could have any negative consequences for the professional relationship. Of note are the following interpretations found in

Principle I, Relationship with Clients:

- 1.5 “College members are aware of their values, attitudes and needs and how these impact on their professional relationships with clients.”
- 1.6 “College members distinguish their needs and interests from those of their clients to ensure that, within professional relationships, clients' needs and interests remain paramount.”

In this situation, the wish to accept the client’s offer is driven by the social worker’s desires, and not by the client’s needs. She declines the client’s offer.

Practice Notes: Dual Relationships – Approach with Caution

PAMELA BLAKE, M.S.W., RSW, DIRECTOR,
PROFESSIONAL PRACTICE AND EDUCATION

Scenario #4

A social worker, who does volunteer work for an environmental advocacy group, is surprised to see one of his clients at a meeting of the organization. He is further surprised when the client, at the meeting, volunteers to join a committee of which the social worker is also a member. Although the social worker and the client have discussed their shared values about environmental issues, and the client knows of the social worker's volunteer work, they had not discussed the client becoming involved in the group.

The social worker was initially taken aback by the presence of his client at the organization's meeting. He was unsettled and unsure how to handle this situation, which had been imposed upon him by the client. Upon further exploration in discussion with a colleague, he recognized that there was evidence of other boundary crossings initiated by the client. He further recognized that he would feel inhibited in committee meetings and that he would have to monitor what he said. He felt resentful towards the client, for intruding on a pleasurable aspect of his personal life. It was critical that he became aware of this, both to assist him in his ongoing work with his client and in determining how he would deal with the volunteer situation. He realized that he would need constant vigilance to ensure that boundaries were maintained with the client and arranged regular consultation sessions for himself. Members are reminded of the following interpretation:

- 2.1.5 “As part of maintaining competence and acquiring skills in social work or social service work practice, College members engage in the process of self review and evaluation of their practice and seek consultation when appropriate.”

As stated, dual relationships are complicated and perilous. The safest route is to avoid dual relationships, though this may not be possible at all times. When confronted with the issue of dual relationships members are encouraged to:

- Review the Code of Ethics and Standards of Practice.
- Analyze the situation from the perspective of possible

impairment to one's own judgement and risks to the client.

- Identify the issues that are pertinent to the particular situation.
- Consider various courses of action, and weigh the benefits and risks of each.
- Identify what steps could be taken to minimize or avoid risks.
- Engage in a process of self-reflection and strongly consider discussing the dilemma with a supervisor or colleague.
- Prior to taking action, articulate and document the date, the factors considered, the decision made and the rationale for it, which will demonstrate that the decision is in the best interest of the client.

Members who enter a personal relationship with a client or former client are reminded of the following:

- 3.8 “ In a situation where a personal relationship does occur between the member and a client or former client, it is the member, not the client or former client, who assumes full responsibility for demonstrating that the client or former client has not been exploited, coerced or manipulated, intentionally or unintentionally.”

It is inevitable that members will from time to time encounter a situation in which there is the potential for a dual relationship with a client. It is essential that members have the ability to critically analyse the situation as it arises, in order to make a decision that is in the best interest of the client. This article is intended to highlight some of the important considerations and provide guidance to members who are grappling with this complex professional issue.

For more information, please contact Pamela Blake, M.S.W., RSW, Director, Professional Practice and Education at 416-972-9882 or 1-877-828-9380, ext. 205. E-mail: pblake@ocswssw.org

On the Move

GLENDAL McDONALD, M.S.W., RSW, REGISTRAR

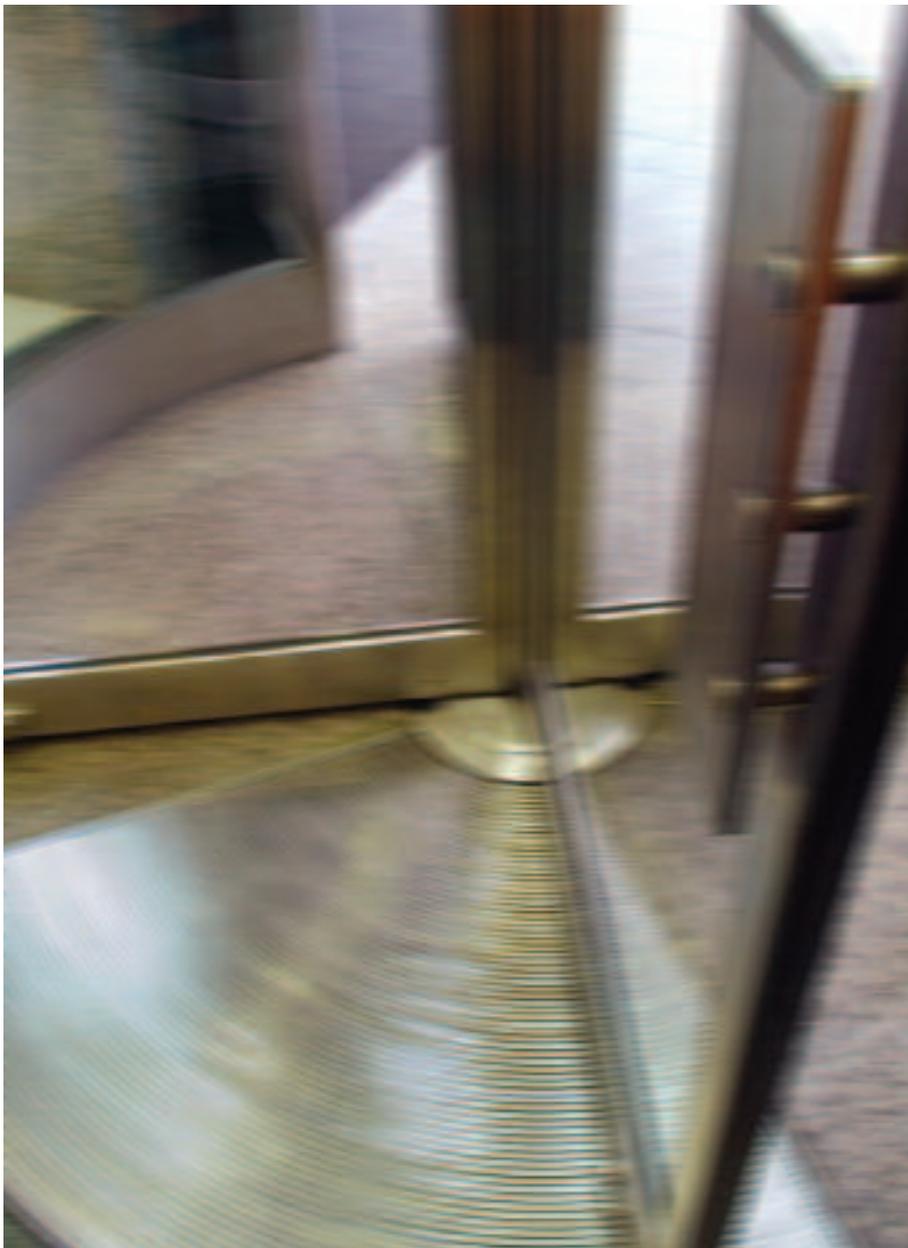
On July 31, 2005, the lease for the current College office space at 80 Bloor West will expire. Therefore, in September 2004, under the direction of the Finance Committee, the College undertook an extensive review of its current operational requirements and projected space needs over the next 10 years. A detailed staffing plan was developed as was an evaluation of the size and

functionality of the current space. Given the rapid growth of the College membership in the past 5 years, it was determined that the College would likely need to double its space in the near future. As that would require either expansion in its current location or a move to a new location, a relocation analysis was conducted which included a thorough financial analysis comparing a number of office locations available.

A comparison was also conducted regarding the option of leasing or purchasing future office space. The criteria considered for future office needs included:

- A location that is geographically accessible for staff, Council and committee members and members of the public, preferably accessible by public transit;
- Competitive cost based on a market review;
- Maximize amortization of build-out costs;
- Adequate square footage to accommodate current and projected staff and functions of the College;
- Barrier free, to the greatest extent possible;
- Close to other professional regulatory organizations;
- Close to the Ministry of Community and Social Services.

Once all the analyses and comparisons were completed, it was determined that it would be in the best interests of the College, from a financial and operational perspective, to move to a new location. Thus, in July 2005, the College offices will be located at 250 Bloor Street East, Suite 1000, Toronto, ON, M4W 1E6. The phone numbers will remain the same. Exact details regarding the effective date of the move will be provided to members as soon as this is available.



Watch the Web.....

For up to date information about the following College initiatives, watch the College website: www.ocswssw.org.

Annual Meeting and Education Day

The 2005 Annual Meeting and Education Day is scheduled for June 24, 2005. Members of the College are welcome to attend. The purpose of the annual meeting of the College is to inform members of the College of the activities of the Council and College.

Following the Annual Meeting, the second annual Education Day will take place. The Education Day, entitled “Complexities of Contemporary Practice”, will feature speakers addressing issues that members have identified to the College as challenging, such as consent and confidentiality issues with children and youth, dilemmas for members who conduct capacity assessments and the impact of organizational factors on practice.

PHIPA Toolkit

On November 1, 2004, the *Personal Health Information Protection Act* (PHIPA) came into force. The purpose of PHIPA is to provide consistent and comprehensive rules governing the collection, use, retention, disclosure and disposal of personal health information in the custody and control of health information custodians. Health information custodians, such as hospitals and long term care facilities, employ many social workers and social service workers. Additionally, social workers or social service workers in private practice or who are employed by an agency that is not a health information custodian may, if they provide health care, be considered to be health information custodians under this legislation. To assist members’ understanding of this complex legislation, the College developed a toolkit. The toolkit explains the purposes of the PHIPA, provides important background information on the Act, and explains who is covered by the Act using a decision tree that will help members to determine their responsibilities under the Act.

The funding for the toolkit was assisted through a grant received from the Health Information Privacy Unit of the Ministry of Health and Long-Term Care.

Election Results

On May 26, 2005 an election took place in Electoral District # 3. Two social workers and two social service workers were elected to serve as Council members in Electoral District # 3 for a three year term. For election results watch the College website or contact Pat Lieberman at 416-972-9882 or 1-877-828-9380, ext. 207 or by E-mail at plieberman@ocswssw.org.

Ontario Government’s Review of the SOCIAL WORK AND SOCIAL SERVICE WORK ACT

As many readers and visitors to the College’s website will know, on January 13, 2005, pursuant to the requirement of subsection 56(1) of the Social Work and Social Service Work Act, 1998 (the “Act”), the Ontario government launched its 5-year review of the Act. As part of its review, the government invited those with an interest in the social work and social service work professions to make written submissions, on or before March 15, 2005, responding to the following two questions:

- Are the provisions in the Act adequate for achieving the objectives of the Act (i.e., public protection, quality social work and social service work services and accountability)?
- What changes to the Act, if any, should be considered by the government to improve the operations of the College in carrying out its roles and responsibilities?

The College has made a written submission to the Ministry of Community and Social Services. Information about the College’s submission to the government may be accessed on the College website at www.ocswssw.org. Information about the government’s response to the College’s submission and any future government review processes will also be posted on the College’s website, as and when it becomes available.

The Development of a Continuing Competence Program - Update

One of the College's legislated responsibilities is to implement a continuing competence program to ensure that members meet professional and ethical standards, and that practice enhancement takes place in an ongoing way.

Over the past several years, the Standards of Practice Committee has been researching continuing competence programs of other regulatory bodies in Ontario, other provinces, and the United States. Based on this research, the committee developed a draft *Continuing Competence Program* that is based on an adult education model. The program requires members to review their professional responsibilities, conduct a self-assessment, identify learning objectives, develop and implement a learning plan, and evaluate their progress. Once the program is implemented, members will be required to make an annual declaration to the College of their participation in the Program.

Over the past months, the College pilot tested the Program with a sample of social service workers and social workers. The sample included those who volunteered, as well as a group of members who were purposefully selected to represent the full range of job roles, practice fields, practice settings, electoral districts and voting categories. Both English and French members were surveyed. Members were sent copies of the draft Program and were asked to complete a questionnaire or participate in a focus group. Five focus groups were conducted in various parts of the province, to ensure that the views of those living in less central areas, as well as northern areas were represented. The participants provided some very useful feedback that will help the College improve the Program before finalizing it and introducing it to the full membership.

Pilot Test Findings

Some of the key findings from the pilot test were as follows:

- Most participants appreciated the self-directed and goals-oriented approach taken by the program, and found this approach to be empowering and respectful.
- The Program helped most of the participants become more familiar with the Standards of Practice and helped them develop plans for ongoing learning.
- There was some concern that the Program would not ensure continued competence, because it includes no

monitoring or enforcement mechanism and no objective assessment of competence.

- For the most part, the Program appears to be relevant to all members, regardless of their preferred language, professional designation, geographical area, work setting, or practice field. However, the self-assessment component was seen as more relevant to those in direct clinical practice than to those with other job functions such as teaching, management, or community development.
- Participants who were not working in a social work or social service work role were unsure how the Program applied to them.
- A substantial minority of participants thought there were reasons the Program might not work for them, including lack of time, lack of resources, lack of employer support, and fear of exposing themselves to risk.
- There were a number of common misunderstandings that suggest a need for clearer instructions. Participants were unsure about what they needed to submit to the College, how to complete the self-assessment, how to make the self-assessment tool useful for planning purposes, and how to integrate the Program with workplace performance appraisals.
- Participants suggested that the College could also support their continuing competence in other ways, such as connecting members with one another, facilitating access to learning resources and professional development opportunities, and encouraging employers to support ongoing practice enhancement.

Next Steps

Based on the pilot test results, the Standards of Practice Committee has decided to make some significant changes to the Program, the most important of which are:

- Changing the way the Program materials are organized;
- Revising the instructions to clarify expectations;
- Adding or changing items on the self-assessment tool so that the tool is more relevant to members in non-clinical practice;
- Revise the self-assessment tool so that it encourages members to think about the standards more broadly, particularly as they apply to the knowledge and skills they need in their day to day work.

Continued on the next page

Competence Program - Update

cont'd

- Obtain feedback about the revised Program from members who participated in the pilot test and others who expressed interest.

The College will keep members informed as the Program is revised and refined.

If you are interested in learning more about the Continuing Competence Program and/or providing feedback on the revised version of the program, please download the executive summary of the final report from the College website or contact Pamela Blake M.S.W., RSW, Director, Professional Practice and Education, at 416-972-9882 or 1-877-828-9380, x205. E-mail: pblake@ocswssw.org.

Cynthia Huyer, RSSW is the winner of the gift draw which was offered to participants in the pilot of the Continuing Competence Program. The prize is a trip to this year's Annual Meeting and Education Day, scheduled for June 24 in Toronto.

The following is an excerpt from a letter received following the last issue of Perspective:

Greetings, enjoyed reading your article on self-employment, there were a couple of points that I will highlight to my students..... Other than acknowledging the relevance of your article I just wanted to make one small clarification, as it is one of my areas of research, the correct term for EAP is Employee Assistance Programs rather than Employment Assistance – just a couple of letters but quite distinct is what actually occurs in each area of practice.

Nice to see my \$'s hard at work in members publications.

Sincerely

*Rick Csiernik, B.S.W., M.S.W., Ph.D., RSW
Graduate Studies Coordinator
Associate Professor
School of Social Work
King's University College at the University of Western Ontario
London, Ontario*

Perspective wishes to thank Dr. Csiernik for his letter and for pointing out that the reference to "Employment Assistance Programs" in the article "Self-Employment: Look Before You Leap" (Perspective Fall/Winter 2004/2005) should read "Employee Assistance Programs".

*One of the strategic goals of the College is improving communication with our members.
If you have comments or questions about the College, please forward them to:*

*Ontario College of Social Workers and Social Service Workers
80 Bloor Street West, Suite 700,
Toronto ON M5S 2V1
Or
info@ocswssw.org
Some letters to the editor may be edited for spelling, grammar and space.*

Bulletin Board

CHANGE OF INFORMATION NOTIFICATION

If you change employers or move, advise the College in writing within 30 days. The College is required to have the current business address of its members available to the public. Notification of change of address can be done through the website, www.ocswssw.org (Membership Information, Membership Update), emailed to info@ocswssw.org, faxed to 416-972-1512 or mailed to the College office address. In addition to providing your new address, please also provide your old address and College registration number. If you change your name, please advise the College of both your former name(s) and your new name(s) in writing and include a copy of the change of name certificate or marriage certificate for our records. The information may be sent by fax to 416-972-1512 or by Canada Post to the College office address.

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 to receive an application form.

The College welcomes all applications, however, the number of available positions for non-Council members is limited by the statutory committee requirements in the *Social Work and Social Service Work Act* as well as by the by-laws and policies of the College.

E-BULLETIN

From time-to-time the College sends out E-bulletins with information of interest to College stakeholders. You can sign up to receive E-bulletin on the home page of the website, www.ocswssw.org.

COUNCIL MEETINGS

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.

Upcoming Meetings:

September 7-8, 2005

November 7-8, 2005





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.

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Catherine Painter
Information Assistant

Nadira Singh
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Contact Gail for information and inquiries about professional incorporation.

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Contact Pamela with professional practice questions.

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eyueh@ocswssw.org

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 reference number, your old address and your new address information.