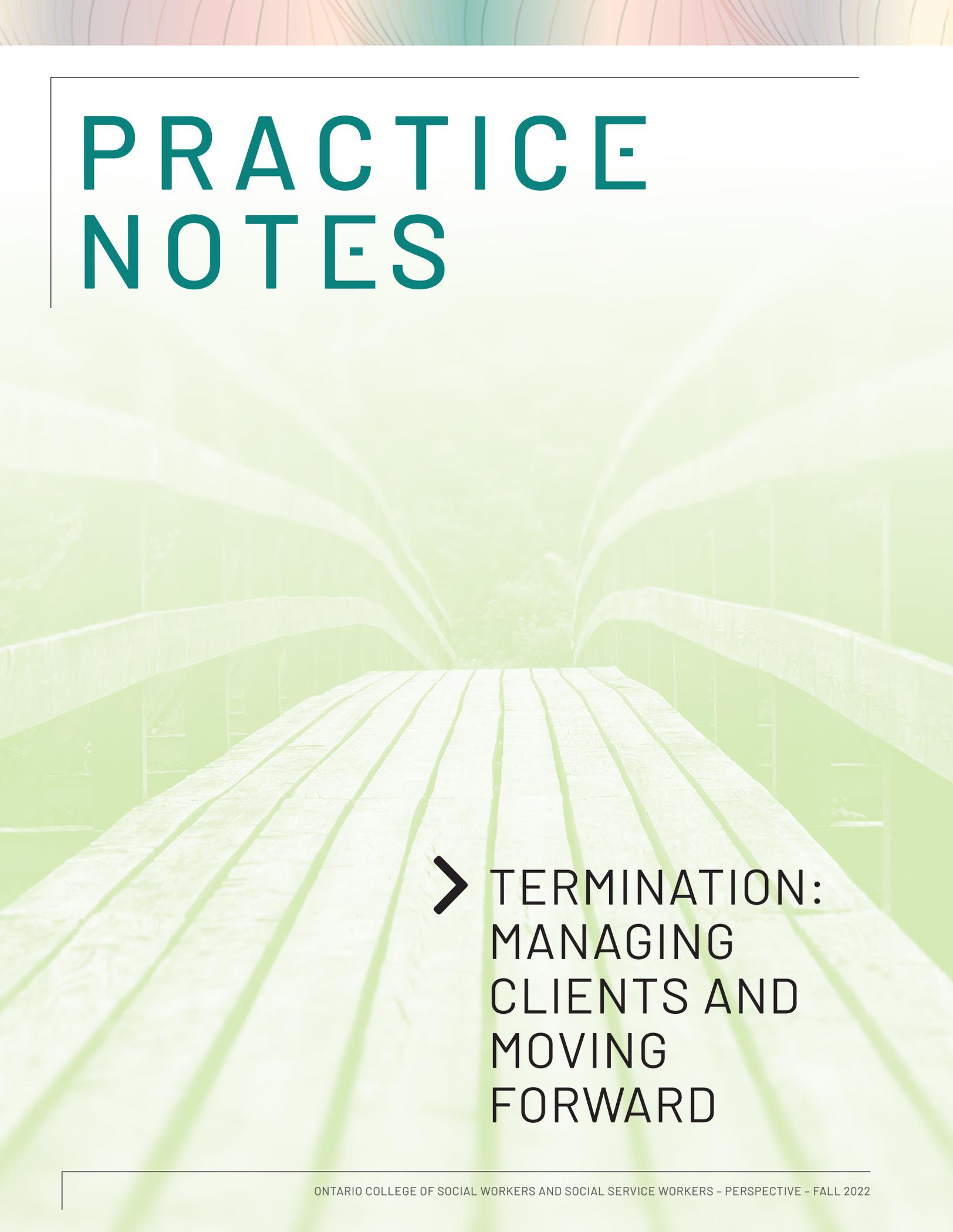


PRACTICE NOTES



➤ TERMINATION:
MANAGING
CLIENTS AND
MOVING
FORWARD

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TERMINATION: MANAGING CLIENTS AND MOVING FORWARD



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➤ *Practice Notes is an educational tool designed 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 Professional Practice Department and the Complaints Committee that may affect everyday practice. The notes offer general guidance only and College members with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.*

The termination process can be very challenging to navigate. As a result, the Professional Practice Department frequently receives inquiries on this topic from members asking about their ethical obligations. Some inquiries demonstrate members' uncertainty as to when it is appropriate to end the professional relationship with their client – either because members are unaware of their ethical and professional responsibilities to a client, or because they believe that there are limited circumstances in which termination is appropriate.

There is a common misconception among members that only a client can terminate or withdraw from services

once the professional relationship has begun. Members may misunderstand the concept of “client abandonment” – a term that is commonly used in health care environments, but which is not included in any definition of professional misconduct for social workers or social service workers.¹ While the Professional Misconduct Regulation does not include the term “client abandonment,” it does contain the following provision, which defines professional misconduct to include:

8. Discontinuing professional services that are needed unless,
 - i. the client requests the discontinuation,
 - ii. the client withdraws from the service,
 - iii. reasonable efforts are made to arrange alternative or replacement services,
 - iv. the client is given a reasonable opportunity to arrange alternative or replacement services, or
 - v. continuing to provide the services would place the member at serious risk of harm, and, in the circumstances described in subparagraph i, ii, iii or iv, the member makes reasonable efforts to hold a termination session with the client.

¹ *Social Work and Social Service Work Act, 1998. O. Reg 384/00 Professional Misconduct.*

Members should look to the Professional Misconduct Regulation and the Standards of Practice for direction as to the circumstances in which they are permitted or required to terminate services.

Upon deciding to work with a new client, College members must assess whether the services they provide (and whether they themselves) are a suitable match for the client. They may decide, for a variety of reasons, that the client would be more appropriately served by another professional. In these cases, the member should make an onward referral and/or provide the client with suggestions for alternative resources.

In other instances, members may only determine that they are not an appropriate fit for a client after the professional relationship has been established. They may reach this conclusion because they realize that they do not have the requisite competence, that their professional services are not benefitting the client, and/or that the professional relationship has been ruptured, has dissolved or is untenable. In these cases, members must apply their professional judgment to determine whether it is appropriate to terminate client services.

The following scenarios are intended to assist members in the decision-making process when they are considering whether to terminate their professional relationship with a client:

SCENARIO 1: TERMINATION WHEN THE GOALS OF SERVICE ARE NOT BEING MET

A member contacted the Professional Practice Department for a consultation because they had been unable to assist a client with whom they had been working for some time in meeting their stated goals. The member had come to this conclusion despite having sought supervision and applied various strategies and interventions. The member believed that the client may be better served by another professional who could bring a different perspective and apply new skills in relation to the client's situation.

Professional Practice staff directed the member to the Standards of Practice, which state that "College members may provide services and/or products so long as the provision of these services and/or products are relevant and conform to College standards. College members do not provide a service and/or product that the member knows or ought reasonably to know is not likely to benefit the client."² The member noted that they had not previously considered that they should not be offering a service if they knew that it was not likely to benefit their client, and indicated that they did not feel their services had been helpful to the client for some time.

The member was referred to Principle III: Responsibility to Clients, Interpretation 3.9, which states that:

College members terminate professional services to clients when such services are no longer required or requested. It is professional misconduct to discontinue professional services that are needed unless:

- i) the client requests the discontinuation,
- ii) the client withdraws from the service,
- iii) reasonable efforts are made to arrange alternative or replacement services,
- iv) the client is given a reasonable opportunity to arrange alternative or replacement services, or
- v) continuing to provide the services would place the member at serious risk of harm, and in the circumstances described in subparagraph i, ii, iii, or iv, the member makes reasonable efforts to hold a termination session with the client.³

The member indicated that they had already considered alternative or replacement services that they could recommend to the client. As a result of their discussion with Professional Practice staff, the member decided to inform the client that they would be terminating service in a month's time, following which the client would be transferred to another provider. The member stated that they would begin this conversation at their next

² Ontario College of Social Workers and Social Service Workers (OCSWSSW), *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Clients, Interpretation 3.8.

³ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Clients, Interpretation 3.9. See also O. Reg 384/00 Professional Misconduct, s. 2.8

session with the client, which would give the client time to adjust to the transition while also providing them with an opportunity to connect with other recommended service providers prior to the termination. The member also decided to hold a termination session at the end of this period, following which they would, if the client agreed, provide the client's new service provider with a summary of their work together.

SCENARIO 2: TERMINATION OF COURT-ORDERED SERVICE

A member of the College who was named on a court order requiring a couple to attend co-parenting counselling with them contacted the Professional Practice Department for a consultation. The goals of service included supporting the couple in developing better communication strategies and setting parenting norms and expectations. One parent chose to withdraw from services, effectively ending the professional relationship. The member was concerned that termination of service by that client may not be permitted and was unsure if they would be held liable by the courts because the co-parenting sessions had not been completed.

As in Scenario 1, Professional Practice staff referred the member to the Standards of Practice. In this instance, the Standards of Practice appeared to support termination because the client had withdrawn from service.⁴ The member expressed concern about possible ramifications resulting from one client's withdrawal from service because that client had been court-ordered to see the member; Professional Practice staff suggested that the member obtain a legal consultation through their professional liability insurance and then follow up with the Professional Practice Department to discuss next steps.

The member indicated in a follow up call to the Professional Practice Department that they had followed up on their earlier discussion, obtained legal advice and were going to terminate the professional relationship because the client had withdrawn from services. It should be noted that each situation involving

court orders is different, and dependent on a number of variables, including how the order is worded and the extent to which the member was involved in the issuance of the court order. Members should always seek their own legal advice and be mindful that the course of most caution is to seek direction from the court. It should also be noted that it would have also been permissible, according to the Standards of Practice, for the member to terminate the court-ordered counselling if the member thought that the services were not likely to benefit the client; as before, this decision should be made after obtaining legal advice.⁵

In the follow-up consultation with Professional Practice staff, the member inquired further about how to terminate ethically and appropriately – namely, what would constitute “reasonable efforts” in the context of members’ responsibility to “arrange alternative or replacement services” and “hold a termination session with the client.”⁶ The member was encouraged to consider the following reflective questions:

- Did the member give careful thought to which alternative or replacement services would best suit the individual needs of the client?
- Did the member provide the client with the contact details of several professionals and/or organizations in order to access alternative or replacement services?
- Did the member provide appropriate support and/or guidance to the client in contacting other professionals and/or services?
- Did the member make multiple attempts to contact the client, using different means of communication (e.g. phone and email) in order to arrange a termination session?
- Did the member consider whether it was necessary to seek legal advice (in relation to court-ordered counselling, for example)?

⁴ Ibid.

⁵ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Clients, Interpretation 3.8.

⁶ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Clients, Interpretation 3.9.

- Did the member document appropriate details in relation to the reflective questions above?

As a result of their second consultation with the Professional Practice Department, the member decided to compile a list of other service providers who may be able to offer co-parenting counselling services to the couple and to send an email to both parents to try to arrange a joint termination session. The member stated that if they did not receive a response, they would attempt to call each parent separately to offer individual termination sessions. If that approach was unsuccessful, they indicated that they would send a final email to both parents explaining that service had been terminated and providing a list of recommended replacement service providers.

SCENARIO 3: TERMINATION RESULTING FROM INFRINGEMENT OF PERSONAL VALUES

A member had been working with a client for several sessions when the client made racist comments and expressed racist ideologies. The member conscientiously probed, questioned and attempted to challenge the client's thinking, but the client remained firm in their beliefs. After the session, the member sought supervision and peer support to determine how, and if, they could continue to work with the client. At the next session, the member attempted unsuccessfully to address the client's racist ideas and was left feeling exasperated, incensed and unsure about how to continue to work with the client after the session. The member's supervisor suggested that they consult with the College in order to decide what to do.

During their conversation with Professional Practice staff, the member explained that they felt that their personal values and beliefs had been infringed upon to the extent that they could no longer be objective in their work with the client. The member stated that because of this, they believed they could not provide a service that would benefit the client.⁷ The member was referred

to the Standards of Practice which direct members to take appropriate steps to terminate services by:

- making reasonable efforts to arrange alternative or replacement services;
- giving the client a reasonable opportunity to arrange alternative or replacement services; and
- making a reasonable effort to hold a termination session with the client.⁸

While the member said that they were comfortable with arranging alternative services for the client, they were concerned about holding a termination session in person (like previous sessions) because they felt unsafe due to their recent conversations. Professional Practice staff asked whether they may be able to hold a termination session online or over the phone and the member decided that they would feel safe terminating in one of these ways.

One week later, the member reached out to the Professional Practice Department again and recounted that they had called the client to explain that they would need to transition services to another professional and to arrange a termination session via an online platform. The member noted that the client became very hostile at this point, directing aggressive and abusive language toward the member. The member stated that they ended the phone call, but the client had continued to call and leave threatening and angry voicemails for several days. The member stated that as a result of these developments, they no longer felt safe with the client and did not feel that they could follow through with a termination session. Professional Practice staff encouraged the member to refer to Interpretation 3.9 in Principle III: Responsibility to Clients in the Standards of Practice, which states that College members may discontinue services if "continuing to provide the

⁷ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Clients, Interpretation 3.8.

⁸ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Clients, Interpretation 3.9.

services would place the member at serious risk of harm.”⁹

After discussing this further, the member decided to email the client to explain why they were ending the professional relationship and to provide recommendations for alternative or replacement services. Professional Practice staff suggested that the member may wish to speak with their supervisor or obtain a legal consultation through their workplace or professional liability insurance in order to decide on appropriate wording for this email. The member agreed to document the process thoroughly in the event that they were required to provide evidence of their decision-making process and the actions they had taken.

At the end of the consultation, the member expressed concern that the client may make future attempts to contact or threaten them in the future. Professional Practice staff suggested that the member may wish to contact an IT specialist to determine if the client could

be blocked from calling or emailing them and/or to obtain a legal consultation to determine if there was any legal recourse available to them.

CONCLUSION

Members must carefully consider their professional and ethical obligations when terminating their professional relationships with their clients. There are times when termination of a professional relationship is both necessary and permitted by the Standards of Practice. Members should review the Standards of Practice, consult appropriately and document their decision-making process to ensure that they are engaging in a thoughtful and careful process which supports ethical decisions.

⁹ Ibid.