

PRACTICE NOTES



➤ WHAT CLIENTS
ARE SHARING
WITH THE
COLLEGE

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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 College's Professional Practice Department and Complaints Committee that may affect everyday practice. The notes offer general guidance only and College registrants' with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.*

The Professional Practice Department provides thousands of practice consultations every year. Most commonly, College registrants contact the Department with practice inquiries; however, employers and clients do so as well. These interactions offer unique opportunities to hear about client experiences and their perspectives on service delivery. These Practice Notes explore several recurring themes that have emerged from the Department's conversations with clients. Clients will reach out to use Professional Practice staff as a sounding board. Clients may contact the Department to express concerns about the services they have received, to provide feedback, or to learn more about common or typical practices when working with College registrants.

When faced with an issue, some clients express that they would prefer to have Professional Practice staff share feedback with registrants on their behalf, rather than file a formal complaint. Professional Practice staff explain that the College does not intervene in how a registrant delivers service outside of a formal complaint process; however, the College offers proactive guidance to help registrants understand their professional and ethical obligations. In addition, the College administers a mandatory Continuing Competence Program (CCP), which promotes quality assurance for the practice of the professions of social work and social service work and encourages registrants to enhance their practice in an ongoing way.

These Practice Notes have been developed to convey common client concerns, which College registrants should consider in their practice and decision-making. While the scenarios below are based mainly on private practice, the lessons can be applied across various practice settings.

⁷ Disclaimer: the term "member" and "registrant" are used interchangeably and synonymously as equivalent to the term "member" as used in the *Social Work and Social Service Work Act, 1998*, and the Regulations.

SCENARIO 1 – VIRTUAL VS. IN-PERSON PRACTICE

Clients have contacted the Professional Practice Department to explain that they would prefer to receive in-person services but can only find College registrants who offer virtual services. Several clients who contacted the Department were parents who stated they could only find virtual play therapy for their children, which they felt was less effective than in-person services. These parents also expressed that their children had difficulty focusing on the virtual sessions and that limiting their children's screen time was a priority. Many clients asked the College to mandate in-person services. It was explained that this was outside the College's mandate; however, the Code of Ethics and Standards of Practice speaks to this issue.

"A College registrant maintains the best interest of the client as the primary professional obligation."⁸ This is the first interpretation of the Code of Ethics, and the client's best interest should be the priority and driving force behind all client interactions. Services should be delivered in a way that supports "the most advantageous outcome for a client."⁹ This includes consideration of whether delivering services in-person or virtually is most beneficial for the client. Factors that College registrants should weigh when deciding whether to deliver virtual services include, but are not limited to, the client's:

- age;
- safety;
- capacity;
- treatment goals and preferences; and
- technological competence.

At times, virtual services may be in the client's best interest. Virtual services provide flexibility and convenience for both client and practitioner and, in many cases, have made receiving care easier and more accessible for clients. Nevertheless, College registrants must review the needs and service delivery preferences with each client. While many clients are comfortable receiving virtual services, alternative options must

be explored for those who are not. Registrants must respect and facilitate client self-determination¹⁰. Solely offering virtual services can limit client choice and, ultimately, be a barrier to service.

Offering virtual services is very common and even essential at times. However, not long ago, virtual services were often considered inferior compared to in-person interactions, which many felt offered the ability to connect more deeply with clients. Registrants must recognize when in-person services are more appropriate and should be mindful to prioritize the needs of their clients over their personal convenience. Registrants "shall distinguish their own needs and interests from those of their clients to ensure that, within professional relationships, clients' needs and interests remain paramount."¹¹ Therefore, if a client requests in-person services, the registrant should accommodate that request as appropriate.

SCENARIO 2 – EXCESSIVE FEES

Clients have contacted Professional Practice staff with questions about fees they are being charged for copies or summaries of their files. Most clients understand there is an administrative cost for College registrants to provide a copy or a summary of their records. However, clients are reporting that they are being charged large sums to access their information without forewarning. Professional Practice staff refer to the Standards of Practice and the College's Privacy Toolkit in these instances.

The Standards of Practice speak to this scenario in the following way:

College registrants shall not charge or accept payment for any fees unless the basis for those fees was fully disclosed to the client before the College registrant began providing the services to which the fees relate. When establishing service contracts with clients, College registrants shall:

⁸ Ontario College of Social Workers and Social Service Workers (OCSWSSW), *The Code of Ethics and Standards of Practice, Third Edition, 2023*, Code of Ethics, interpretation 1.

⁹ (OCSWSSW), *The Code of Ethics and Standards of Practice, Third Edition, 2023*, Glossary, Best Interest.

¹⁰ (OCSWSSW), *The Code of Ethics and Standards of Practice, Third Edition, 2023*, Principle I: Relationship with Clients, interpretation 1.4.

¹¹ (OCSWSSW), *The Code of Ethics and Standards of Practice, Third Edition, 2023*, Principle I: Relationship with Clients, interpretation 1.8.

- Explain in advance or at the beginning of service the basis for all charges, giving a reasonable estimate of projected fees, and disbursements, pointing out any uncertainties involved so that clients may make informed decisions with respect to using the registrant's services. Factors which may influence the amount charged include:
 - the time and effort spent;
 - the complexity of the issues; and
 - the skills and expertise required.
- Ensure that they do not charge fees that are excessive in relation to the services performed.
- Discuss and renegotiate the service contract with clients when changes in the fees are anticipated.
- Ensure that contracts for service clearly describe billing procedures, reasonable penalties for missed and cancelled appointments or late payment of fees, the use of collection agencies or legal proceedings to collect unpaid fees and third-party fee payments.¹²

From the above interpretation, it is clear that clients must be fully informed about fees before service provision, and that fees cannot be excessive for the services performed. Excessive fees are "an amount that exceeds what is considered usual, reasonable and customary which may be determined by comparing other registrants' charges for similar services."¹³ Therefore, registrants may want to connect with other service providers to compare what they charge for providing copies or summaries of client files.

This language is echoed in the [Privacy Toolkit](#), which states that a College registrant:

may charge a fee for making the record available, or for providing a copy to the requestor, but you must first give the requestor a fee estimate. The amount of the fee cannot exceed the amount prescribed in regulation or, if no amount is prescribed, the amount of "reasonable cost recovery." As a HIC [Health Information Custodian], you may also waive the fee if, in your opinion, it is "fair and equitable" to do so. For example, several hospitals have chosen to waive

access fees for the homeless, for patients on social assistance and for assault victims.¹⁴

It is important to consider several factors when charging clients for copies or summaries of their files. First, registrants need to establish charges in accordance with standard, reasonable and customary practices. Next, clients must receive comprehensive information about all fees at the outset of service to enable them to make an informed decision regarding their requests for copies or summaries of their files. Lastly, registrants should document the client's request for a copy or summary of their record, the details of the conversation about service fees, and, once complete, that a copy or summary of the file was given to the client as requested.

College registrants must remember that clients are legally entitled to access their information. While a fee to prepare and produce a copy or summary of client files is permitted, registrants must consider if the fee presents a barrier to service and is typical and reasonable. Registrants must also remember that there is an inherent power imbalance within professional relationships – making it difficult for clients to access their files is one of the ways this imbalance can manifest.

SCENARIO 3 – UNETHICAL CONTRACTS

Some clients have raised concerns about their service contracts with registrants, which state that clients are not permitted to file complaints with the College. The clients want clarification on their options and are worried they would be signing away their rights under these types of agreements. Clients are reassured that they are welcome to file a complaint anytime during or after receiving services from a College registrant.

Simply put, College registrants cannot include a clause in their contract that denies clients from filing a complaint with the College. This would not be a legally enforceable contract due to the *Social Work and Social Service Work Act, 1998*, which states that an object of the College is "[t]o receive and investigate complaints against members of the College and to deal with issues

¹² (OCSWSSW), *The Code of Ethics and Standards of Practice, Third Edition, 2023*, Principle VI: Fees, interpretation 6.1.

¹³ (OCSWSSW), *The Code of Ethics and Standards of Practice, Third Edition, 2023*, Glossary, Excessive Fees.

¹⁴ (OCSWSSW), *Privacy Toolkit for Social Workers and Social Service Workers: Guide to the Personal Health and Information Protection Act, 2004.*, pg. 44.

of discipline, professional misconduct, incompetency and incapacity.”¹⁵

In fact, the College has received complaints about registrants for this very scenario, who were then referred for discipline hearings; more details of one case can be found [here](#). Not permitting clients to file a complaint about services they receive contradicts the College’s public protection mandate, and it is neither professional nor ethical.

CONCLUSION

Client insight is invaluable to service planning and provision. The Professional Practice Department

receives comments and concerns from clients when they are unsure if a registrant’s conduct is appropriate. As discussed above, providing service in a way that ensures a client’s best interest is a College registrant’s primary professional obligation. It should also guide all decision-making and service planning. In addition, registrants must clearly discuss the expectations and limitations of service at the outset of practise, including service fees, to ensure clients have all the necessary information they need to make informed decisions surrounding service. College registrants must remain vigilant in applying relevant legislation and the Standards of Practice so they can provide ethical and professional client services.

¹⁵ *Social Work and Social Service Work Act, 1998.*