



PERSPECTIVE

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BILL 171 UPDATE: Social Workers Authorized to Perform Psychotherapy

Since the publication of the last issue of *Perspective*, a number of developments have taken place regarding Bill 171, the *Health System Improvements Act*. As you will know from past issues of *Perspective* as well as regular website updates and eBulletins, Bill 171 was introduced in the Ontario Legislature in December 2006 and amends a number of Acts, including the *Regulated Health Professions Act* (RHPA) and also includes new Acts, such as the *Psychotherapy Act* which establishes the new College of Psychotherapists and Registered Mental Health Therapists of Ontario. Further,

the *Psychotherapy Act* makes complementary amendments to the RHPA including the addition of the controlled act of psychotherapy: "treating by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning." In its original form, Bill 171 only authorized physicians, nurses, occupational therapists, psychologists and members of the

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new college to perform the controlled act. It did not authorize members of the OCSWSSW to perform psychotherapy or use the title “psychotherapist.”

The College was gravely concerned about the impact this Bill would have on our members and the public and engaged Counsel Public Affairs, a government relations firm, to assist the College in pressing for amendments to the Bill as it moved through the legislative process. The College began communicating with officials from both the Ministry of Health and Long-Term Care and the Ministry of Community and Social Services to push for an amendment in order to ensure that members of the College who are competent to do so are able to provide psychotherapy services.

On March 21, 2007, the College received a letter from the Hon. George Smitherman, Minister of Health and Long-Term Care respecting Bill 171. Minister Smitherman confirmed that the government intended to introduce an amendment during the committee stage of the legislative process respecting the psychotherapy provision in the Act. He expressed his awareness of the valuable contribution made by social workers in the delivery of psychotherapy services in Ontario and advised that an amendment would be introduced that would allow social workers to continue to be able to provide these services.

On April 2, 2007, second reading debate on the Bill concluded at which time the Bill was referred to the Standing Committee on Social Policy. The Standing Committee held public hearings on April 23 and 24, 2007 and the College made an oral presentation before the Committee and put forward a written submission at this time (the College's submission is available to download from our website at www.ocswssw.org).

Following the public hearings, the College was informed that the government would introduce an amendment during the clause-by-clause review of Bill 171. The amendment is worded as follows:

Section 27 of the *Regulated Health Professions Act, 1991* is amended by adding the following subsection:

(4) Despite subsection (1), a member of the Ontario College of Social Workers and Social Service Workers is authorized to perform the controlled act set out in paragraph 14 of subsection (2), in compliance with the *Social Work and Social Service Work Act, 1998*, its regulations and by-laws.

As a result of this amendment, once this section of the *Psychotherapy Act* is proclaimed, members of the College will be authorized to perform the controlled

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act as long as it is in compliance with the *Social Work and Social Service Work Act*, regulations made under the Act and the by-laws approved by Council.

On June 4, 2007, Bill 171 received Royal Assent in the legislature. With respect to the *Psychotherapy Act*, only sections 1, 2 and 12 came into force on Royal Assent. Section 1 provides the name of the new College as being the College of Psychotherapists and Registered Mental Health Therapists of Ontario; Section 2 provides that the Health Professions Procedural Code is deemed to be part of the *Psychotherapy Act*; and Section 12 provides for a transition before the remainder of the provisions come into force (e.g. appointment of a transitional Council and Registrar; perform activities necessary for the implementation of the Act; accept and process applications for the issuance of certificates of registration, charge application fees and issue certificates of registration, in accordance with a registration regulation to be made under the Act).

The provisions that are not yet in force include the new controlled act of psychotherapy and the amendment to the controlled act provision of the *Regulated Health Professions Act, 1991*, which authorizes members of the OCSWSSW to perform the controlled act. This transition period between Royal Assent and proclamation is typical when a new regulated profession is created and a new regulatory body is established.

It is not known how long it will be before the remainder of the provisions of the *Psychotherapy Act* come into force. By way of comparison, the *Social Work and Social Service Work Act* received Royal Assent on December 18, 1998 and was not fully proclaimed until August 15, 2000.

The College is gratified that the Minister of Health and Long-Term Care and Ministry staff responded to the outcry from the College, the Ontario Association of Social Workers, numerous social workers and other regulated professionals, educators and employers regarding the initial omission of social workers from the *Psychotherapy Act* of Bill 171. The College is pleased that the amendment that it pressed for gives positive authorization to members of the OCSWSSW who have the competence to provide psychotherapy. Without the amendment, the impact of the Bill on social workers who provide psychotherapy services and on the public who receive these important services, would have been significant.

The OCSWSSW intends to keep well informed of further developments as the transitional Council of the College of Psychotherapists and Registered Mental Health Therapists of Ontario is appointed. The College will also engage in a process for setting out the competencies to perform the controlled act, as well as determine how to regulate members who are competent to perform the controlled act. We will continue to keep members informed of these matters via the website, e-Bulletin and *Perspective*.

Standards of Practice Consultation – Phase 2 Completed

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

As members will know, the College's Standards of Practice Committee developed a two-phase consultation process to review the current standards of practice. Phase 1 took place in 2002 – 2003 and, based on member and stakeholder feedback, helped determine areas of priority in updating the standards. In early 2007 the College embarked on Phase 2 of the consultation which solicited feedback about the revised standards and new practice guidelines from members and stakeholder groups.

The following questions guided the consultation:

1. Have key issues identified in the first phase of the consultation been addressed, to the extent possible? If not, what action would members like to see?
2. Are there any other major issues that should be addressed?
3. How is the membership likely to respond to the revised standards?
4. How useful are the new practice guidelines for people who work in the areas to which the guidelines are applicable?



The consultation involved three components: a survey of randomly-selected members, interviews with purposefully-selected members and written feedback from purposefully-selected stakeholder groups. Members who volunteered were also included.

Overall, the survey respondents, interviewees and stakeholder groups were satisfied with the revisions made to the standards. The new features – tabs, glossary and index – were extremely well received. Most respondents found that the new Explanatory Note which explains the meaning of “client”, and makes explicit that the standards apply to direct, indirect, clinical and non-clinical practice, addressed the full range of practice. Most respondents found that the revised standards were easier to understand, though took some effort on the reader's part, which is to be expected.

While the majority of the concerns identified in Phase 1 of the consultation were addressed in the revised standards, some of the suggested changes could not be made. An information sheet explaining the changes that were made, along with those that could not be made and the reasons why, accompanied the revised standards. Most respondents indicated that they understood the decisions made by the College.

Feedback was sought about the new practice guidelines pertaining to Capacity Assessments, Consent and Confidentiality with Children and Youth, Custody and Access and Medication Practices. Many thoughtful comments and suggestions were provided, which will be useful for making revisions to the guidelines.

The Standards of Practice Committee is currently reviewing the feedback from all components of the consultation and is determining next steps. It is hoped that the revised standards will go before Council for approval in the near future, while further work will be undertaken on the practice guidelines.

If you have any questions regarding 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 or e-mail pblake@ocswws.org.

Discipline Decision Summary

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

By publishing this summary, 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;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

DISGRACEFUL, DISHONOURABLE AND UNPROFESSIONAL CONDUCT

LYNN M. KNIGHT – Member #521252

AGREED STATEMENT OF FACT

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

1. Ms. Knight was at all relevant times registered as a social work member of the College, employed on a full-time basis as a therapist in the Adult Mental Health Service of a community hospital.
2. A client attended at the community hospital, seeking counselling for overeating, depression and social anxiety. When the client was seen for an initial assessment by Ms. Knight, the client presented with a history of social anxiety, anger, depression, childhood sexual abuse and post-traumatic stress disorder. The client was also being medicated for temporal lobe epilepsy and anxiety, and was not employed and was supported by disability benefits.
3. The client attended weekly individual counselling sessions with Ms. Knight for approximately three months, with the exception of two weeks when the client attended two sessions per week. The intended focus of the counselling was the client's social relationships and coping strategies to manage anxiety, depression and associated weight gain. Ms. Knight provided the client with psychotherapy and counselling services.
4. After approximately three months of counselling, the client indicated consideration of terminating therapy with Ms. Knight. Ms. Knight scheduled one further future appointment with the client. The client subsequently cancelled that appointment. Ms. Knight's progress notes record a telephone call from the client, post-dating the cancelled appointment, in which the client reportedly indicated wishing to terminate therapy. Ms. Knight closed the client's file with a closure summary.
5. During the course of Ms. Knight's therapeutic relationship with the client, Ms. Knight engaged in the following conduct, which is alleged to constitute a series of boundary crossings or boundary violations, including:
 - Removing her shoes during a therapy session, moving her chair opposite the client and putting her feet up on the couch beside the client (which Ms. Knight asserts was done with the client's prior consent as a result of Ms. Knight recently having had knee surgery);
 - Revealing personal information about herself (which Ms. Knight asserts was relevant to the therapy being provided to the client);
 - Reporting having a friendship with a previous client (which Ms. Knight stated occurred many years after the therapy ended. Such information only being provided following questioning by the client);
 - Having the client discuss past sexual/intimate relationships, although this was not germane to the client's therapy (which Ms. Knight asserts was relevant to therapy she was providing to the client);
 - Providing the client with her home e-mail address and exchanging e-mails with the client of a personal nature after the session in which the client indicated consideration of terminating therapy with Ms. Knight, but before the therapeutic relationship had been terminated;
 - Meeting with the client in Ms. Knight's apartment and elsewhere outside Ms. Knight's office after the

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- session in which the client indicated consideration of terminating therapy with Ms. Knight;
- Hugging the client after the session in which the client indicated consideration of terminating therapy with Ms. Knight;
 - Conducting herself in a manner that the client perceived as sexualizing the therapeutic relationship;
6. Following termination of the therapeutic relationship, but in the same month of termination, Ms. Knight established a personal and intimate relationship with the client, which included physical sexual relations and continued (intermittently) for approximately one year.
 7. Early one morning in the following month, the client attended at the Emergency Department of the community hospital where Ms. Knight was employed, with suicidal ideation, which the client stated was precipitated by emotional abuse and sexual harassment by the client's former therapist (subsequently identified as Ms. Knight).
 8. Early that same day the client also left a voice-mail message for Ms. Knight, advising her that the client was suicidal, was going to the community hospital's crisis unit to lay out the facts of the client's relationship with Ms. Knight and that it was all Ms. Knight's fault.
 9. Ms. Knight prepared a "Closed Case Contact" form regarding the client's voice-mail message, misrepresenting the content of the message. The form omitted any reference to the personal and sexual relationship between the client and Ms. Knight and suggested that the client was angry about having to resort to the community hospital's crisis service because the client was no longer Ms. Knight's client. This inaccurate Closed Case Contact became part of the client's record at the community hospital.
 10. The information the client provided to the community hospital Emergency Department was relayed to the Clinical Director, Adult Outpatient Service, who subsequently interviewed Ms. Knight regarding the client's allegations. At that time, Ms. Knight denied that any therapeutic boundaries had been crossed. Ms. Knight attributed the client's allegations to certain emotional and/or psychological conditions from which she suggested the client was suffering (based on information obtained by Ms. Knight during her therapeutic relationship with the client). Ms. Knight subsequently admitted the truth of the allegations in a meeting with the Clinical Director five days later.
 11. Between the date on which she was interviewed by the Clinical Director, and the date on which she admitted the allegations, Ms. Knight contacted the client and tried to convince the client to retract the complaint and to so advise the Clinical Director.
 12. On the day prior to Ms. Knight's admission, the client attended at the Clinical Director's office and left with the receptionist there an envelope addressed to the Clinical Director containing a letter setting out the client's allegations against Ms. Knight together with copies of a number of e-mails and a CD ROM containing files of pictures documenting the client's allegations.
 13. Ms. Knight took the envelope from the receptionist, indicating she would deliver it to the Clinical Director, but failed to do so. When confronted by the Clinical Director about the missing envelope, Ms. Knight gave the Clinical Director the client's letter, but withheld the e-mails and the CD ROM. When confronted again by the Clinical Director, Ms. Knight only supplied copies of the e-mails. The CD ROM was subsequently located in Ms. Knight's desk.
 14. On or about the same date, the community hospital suspended Ms. Knight's employment, pending a full investigation of her relationship with the client. After that investigation, Ms. Knight's employment with the community hospital was terminated.
 15. On the day following termination of Ms. Knight's employment, the Clinical Director filed a mandatory report with the College in respect of Ms. Knight's conduct and her relationship with the client. Ms. Knight received notice from the College of that mandatory report and the substance of the allegations in the report.
 16. While the College's investigation of that mandatory report was ongoing, Ms. Knight continued to maintain an intermittent personal and/or sexual relationship with the client.



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17. Ms. Knight provided information about her professional training and work experience to the client, to enable the client to pose as Ms. Knight's previous employer (namely, as a Program Manager with whom Ms. Knight had worked at the community hospital). The client was to provide a job reference for Ms. Knight to a prospective employer, to assist Ms. Knight in obtaining a social work position with an agency. The client ultimately did not pose as a reference. There is a dispute as to whether the client initially suggested posing as a reference, or was first asked to do so by Ms. Knight.

ALLEGATIONS AND PLEA

The Discipline Committee accepted Ms. Knight's Plea, admitting the truth of the facts set out in the Agreed Statement of Fact and that she is guilty of professional misconduct as set out in Section 26(2)(a) and (c) of the *Social Work and Social Service Work Act* (the "Act"), as proof that the following acts of alleged professional misconduct occurred:

1. The Member violated sections 2.5 and 2.36 of Ontario Regulation 384/00 (Professional Misconduct), made under the Act, by abusing a client physically, sexually, verbally, psychologically or emotionally, and 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 when she established a personal and/or sexual relationship with the client, to whom Ms. Knight provided counselling services and/or psychotherapy services.
2. The Member violated section 2.6 of the Professional Misconduct Regulation by using information obtained during her professional relationship with a client, or using her professional position of authority to improperly influence or exploit a client or former client, when Ms. Knight established a personal and/or sexual relationship with the client, to whom she provided counselling services and/or psychotherapy services.
3. The Member violated section 2.2 of the Professional Misconduct Regulation and Section 1 of the Code of Ethics and (or in the alternative) Principle I of the Standards of Practice (commented on in Interpretations 1.5 and 1.6) by failing to regard the well being of the client as her primary professional obligation when Ms. Knight established and pursued a personal and/or sexual relationship with the client. In doing so Ms. Knight failed to distinguish her own needs from those of her client, failed to appreciate how her own needs might impact on her professional relationship with the client, placed her own needs before those of her client and failed to ensure that the client's interests were paramount.
4. The Member violated Principle II (2.2) of the Standards of Practice (commented on in Interpretations 2.2.1, 2.2.2, 2.2.3, and 2.2.8) by failing to maintain clear and appropriate boundaries in her professional relationship with the client when Ms. Knight established a personal and/or sexual relationship with the client, to whom she provided counselling services and/or psychotherapy services. In doing so, Ms. Knight placed herself in a conflict of interest situation in which she ought reasonably to have known that the client would be at risk and (or in the alternative) used her professional position of authority to abuse or exploit a client or former client.
5. The Member violated section 2.2 of the Professional Misconduct Regulation and Principle II (2.2) of the Standards of Practice (commented on in Interpretations 2.2.3 and 2.2.4) by using information obtained during her professional relationship with the client, and her professional position of authority to:
 - (a) coerce or improperly influence the client in the client's communications with Ms. Knight's former employer, the community hospital, and the College regarding Ms. Knight's professional conduct; and
 - (b) discredit the client in respect of those communications with Ms. Knight's former employer and the College for Ms. Knight's own advantage, namely: to protect herself from employment or professional consequences which might ensue from those communications.
6. The Member violated section 2.19 of the Professional Misconduct Regulation by falsifying a record relating to her practice, namely: her record of a telephone message sent to her by the client early in the morning during the

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2007 Election Results Districts 1, 2 and 5

The College is pleased to announce the results of the election of College members to Council, held on May 24, 2007, in electoral districts one, two and five. The term of office for these members is three years.

Electoral District One

- Social Work: Michael Kopot

Electoral District Two

- Social Work: Geneviève Côté

Electoral District Two

- Social Service Work: Jack Donegani

Electoral District Five

- Social Work: John Pretti

Electoral District Five

- Social Service Work: Mukesh Kowlessar

In addition, the following College member was acclaimed to Council:

Electoral District One

- Social Service Work: Danny Gillard

The election was very successful this year, with a total of 16 candidates nominated for the six Council positions. The voter return rate was 25%, which is higher than in previous years. The College thanks all members who participated in the election, whether as a candidate, a nominator, or a voter. The next election will be in May 2008 in electoral district three.

month following the termination of the therapeutic relationship.

7. The Member violated section 2.19 of the Professional Misconduct Regulation and Principle II of the Standards of Practice (as commented on in Interpretation 2.2.5) by failing to conduct herself in a manner which demonstrated respect for the client and the College while an investigation was underway concerning the allegations about Ms. Knight's conduct. In particular, Ms. Knight attempted to improperly influence the client to withdraw the allegations about Ms. Knight's conduct.

PENALTY ORDER

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by counsel for the College and counsel for Ms. Knight, and in doing so, made an order in accordance with the terms of the Joint Submission as to Penalty. The panel considered its penalty order to be reasonable and in the public interest, and appropriate having regard to the gravity of the professional misconduct in which Ms. Knight engaged. The panel ordered that:

1. The Registrar is directed to, forthwith, revoke Ms. Knight's certificate of registration, and a notation of that revocation shall be recorded on the register, together with the information directed by the Discipline Committee pursuant to paragraph 2;
2. The findings and Order of the Discipline Committee (or a summary thereof) shall be published, in detail or in summary, in the College's official publication, and/or in such other manner or medium as the Discipline Committee considers appropriate, with the name of the member but without any other identifying information.
3. For a period of four (4) years from the date of this Order disposing of the allegations against Ms. Knight, Ms. Knight shall not apply to the Registrar of the College for a new certificate of registration. Further, Ms. Knight shall agree, in writing, that if she applies to the Registrar of the College for a certificate of registration, all of the material in the College's files pertaining to the allegations may be considered by the Registrar and the Discipline Committee in dealing with Ms. Knight's application for a certificate of registration.

Bill C-40, *The Sales Tax Amendments Act, 2006*

Bill C-40

GST

Legislation amending the *Excise Tax Act (Canada)* enacted on June 22, 2007 changes the way certain social work services are treated for GST purposes.¹

The changes are retroactive to October 3, 2003 and provide that the following types of services provided by social workers qualify as exempt supplies for which GST should not be charged if they meet the following conditions:

- services rendered to an individual within a professional-client relationship;
- provided for the prevention, assessment or remediation of, or to assist the individual in coping with:
a physical, emotional, behavioural or mental disorder or disability of the individual or of another person to whom the individual is related or to whom the individual provides care or supervision otherwise than in a professional capacity.

If these services are performed in Ontario, you must be a member of the OCSWSSW who holds a certificate of registration for social work in order for the services to qualify for this GST exempt treatment.

GST may have been charged by you on services that qualify as exempt on a retroactive basis. If you have charged GST on services that are GST exempt under these new provisions, the following options are available to get a refund of that GST back to the client:

- If the GST has been collected in a reporting period before the GST return is required to be filed, you may make a refund to your client and adjust the GST return for that reporting period to reflect the change in the GST treatment of the exempt services.
- If the GST has been collected and accounted for on previously filed GST returns:
you may make a refund to your client for GST paid for services rendered after October 3, 2003, issue a credit note to the client and take a deduction from your next GST return for the refund paid; or the client may apply for a refund directly to the government.

In either case, for GST that has already been accounted for on previously filed GST returns, the refund must be made by you or requested by the client no later than June 22, 2008 or two years from the date the GST was collected, whichever is later.

For more information about how these changes may affect you or if you need assistance in dealing with the refund procedures, you may wish to contact your accountant or lawyer. You may also wish to contact the Canada Revenue Agency. Information about the tax services office closest to you may be obtained at <http://www.cra-arc.gc.ca/contact/tso-e.html> or 1-800-959-5525 (for self-employed individuals).

¹Sales Tax Amendments Act, 2006 (2007, c.18). The Sales Tax Amendments Act, 2006 can be viewed at http://laws.justice.gc.ca/en/showdoc/an/2007_18/bo-ga:l_1/en

Renewal Reminder



As of August 1, 2007 the College had registered 11,484 members. Of these, 936 were social service workers and 10,548 were social workers.

With such a large membership, preparation for annual renewals begins well before you receive your renewal form in the mail. When we reviewed our 2007 renewal process, we were pleased that over 95% of the renewal forms were filled out correctly and could be processed right away. However, for each renewal form not properly completed, the College has to mail duplicate renewal forms or letters to the member who then returns the completed form to the College once again. Although the percentage is small, returning over 500 incomplete or incorrect renewal forms consumes a lot of time and resources.

Before you seal the envelope with your 2008 renewal form, make sure you have completed, signed and dated the form. The most common reason for returning a member's renewal form is because they forgot to include their signature!

Help us to serve you better and contribute to a friendlier environment.

Health Claims for Auto Insurance

Health Claims for Auto Insurance (HCAI) is a project developed in consultation with the Financial Services Commission of Ontario, health care provider associations and stakeholders in the auto insurance system. The intent of the project is to improve the delivery of health care benefits to Ontarians injured in automobile collisions. Regulations have been passed that will make it mandatory for all health professionals and auto insurers to use an electronic platform to transmit certain forms and invoices.

HCAI began its phased roll-out on April 2, 2007 and will require all health facilities and auto insurers that transact business in Ontario to enroll and use HCAI by February 1, 2008. Since many members of the OCSWSSW deliver treatment service that is paid for by Ontario auto insurers, it is important to know how to locate information to assist in preparing your practices for HCAI. The HCAI website can be found at www.hcaiinfo.ca. For general inquiries and enrolment questions, please e-mail providersupport@hcaiinfo.ca.

New Council and Committee Roster for 2007-2008

The following is the listing of Council and committee members subsequent to the election of the Executive Committee and committee appointments which took place at the September 17-18, 2007 Council meeting. Council includes 21 persons representing equally the public, social service workers and social workers. For complete bios of Council members, please visit the College's website www.ocswssw.org.

Lisa Barazzutti – Public Member

Lisa is a lawyer with a general law practice in Timmins, Ontario. She is also a panel lawyer for the Office of the Children's Lawyer and the Family Responsibility Office. Lisa was appointed to the OCSWSSW Council as a public member in 2001.

Rachel Birnbaum – Elected Social Worker

Rachel is an Associate Professor at the School of Social Work, King's University College, University of Western Ontario. Her areas of expertise are with children and families undergoing separation and divorce. Rachel was elected President of the College in 2005 and re-elected in 2006 and 2007.

Mary Ciotti – Elected Social Worker

Mary Ciotti is a social worker at Hamilton Health Sciences in the Digestive Diseases Program. She holds faculty appointments in psychiatry and social work at McMaster University and is a Practicum Instructor at Wilfrid Laurier University. Mary was elected to the OCSWSSW Council in June 2000, and re-elected for a further three-year term in 2003 and 2006.

Susan Clark – Public Member

Susan retired from the Ontario Government after 30 years with the Ministry of the Solicitor General and Correctional Services. She held numerous positions at the senior management level including Deputy Chief Provincial Bailiff; Manager, Inmate Classification and Transfer, and Regional Program Coordinator. Susan was appointed to Council as a public member in 2005.

Geneviève Côté – Elected Social Worker

Geneviève Côté was elected to the College Council in May 2004 and re-elected in May 2007. She graduated from the Health Social Work program at the University of Ottawa in 1998. Geneviève is currently a social worker at the Ottawa Regional Women's Breast Health Centre and has worked as a medical social worker for six years.

Roman Delicart – Elected Social Service Worker

Roman Delicart is President/CEO of El Shaddai Outreach Inc., a Clinical Director and Addiction Counsellor at the HEART-BEAT Counselling Center, and a Multi-Lingual Access Worker at Wellington County Social Services in Kitchener. Roman was elected to the OCSWSSW Council in June 2000 and re-elected in 2003 and 2006.

Zita Devan – Public Member

A retiree from Sir Sandford Fleming College, Zita held positions as a Program Co-ordinator – Employment Counsellor – Life Skill Coach, working with disadvantaged youth, unemployed individuals, social workers and social service workers. Zita joined the OCSWSSW Council as a Public Member in October 2000.

Jack Donegani – Elected Social Service Worker

Jack, a retired Director-General with the Government of Canada and a former policy advisor with the Government of Nunavut, is a graduate of the Social Service Worker program at Algonquin College and is currently working towards a certificate in Trauma/Addictions Recovery. He also holds an MBA in Public Administration and is currently employed in the addictions field and in support of those with acquired brain injury in Ottawa and Kemptville. He was elected to Council in May 2007.

Joachim (Joe) Fecht – Elected Social Worker

Currently retired from the profession, Joe has worked for organizations such as the Riverside Psychiatric Hospital (British Columbia) as a social worker at the outset of his career, a senior area social worker with the Government of the Northwest Territories, and his pre-retirement position of executive director with the Orillia and District Association for Community Living. Joe was first elected to Council in 2000.

New Council and Committee Roster for 2007-2008

Danny Gillard – Elected Social Service Worker

Danny Gillard is an honours graduate of the Social Service Worker, and Drug and Alcohol Programs at Northern College. Danny offers consulting services for a multi-disciplinary Northern Medical Team and is responsible for the development, implementation and maintenance of occupational health and wellness programs, policies and procedures throughout district one. Danny was acclaimed to Council in electoral district one in May 2007.

Anita Gupta – Public Member

Anita is a Fellow of the Chartered Insurance Professionals' Society, a Division of the Insurance Institute of Canada. Her more than 20 years experience in the business and corporate sector has provided her with extensive knowledge of corporate governance. Anita was appointed to Council in 2003.

Kevin Kennedy – Elected Social Service Worker

Kevin Kennedy is a faculty member in the Social Service Worker program at Seneca College of Applied Arts and Technology. In 1999 Kevin was appointed by the Ministry of Community and Social Services as a Council Member of the OCSWSSW Transitional Council to develop the infrastructure of the College. Kevin was elected to Council in June 2000 and was acclaimed as a social service work member in May 2002 and May 2005.

Michael Kopot – Elected Social Worker

Michael is a Counsellor in the Lakehead University Health & Counselling Centre and works on a casual basis with Creighton Youth Services in Thunder Bay at J.J. Kelso (juvenile detention centre). Michael was first elected to sit on Council as a social work member in May 2002 and re-elected in May 2004 and 2007.

Mukesh Kowlessar – Elected Social Service Worker

Elected in 2000 to the first elected College Council and re-elected in 2004 and 2007, Mukesh Kowlessar has been in the social service field for over 20 years. Mukesh is a Manager with the City of London, Community Services Department. His current responsibilities include the Family Support Program and the Appeals Unit.

Norman MacLeod – Public Member

Norman William MacLeod is a graduate of the University of Manitoba. He joined Household Financial Corporation and spent 38 years with the company, working in Western Canada and in Toronto as Vice-President – Administration. He has previously served on the boards of Scarborough Grace Hospital, the Ontario Hospital Association (Regional Executive), the Canadian Memorial Chiropractic College and the Psychology Foundation of Canada. Norman was appointed to Council in June 2005.

Sue-Ellen Merritt – Elected Social Service Worker

Sue-Ellen Merritt is an Addictions Counsellor/Case Manager at the New Port Centre, Niagara Health System, in Port Colborne. Sue-Ellen is a representative on the Social Service Worker Advisory Board at Niagara College, and as Chair of their legislation sub-committee, was actively involved in the inclusion of social service workers in the OCSWSSW. Elected to the OCSWSSW Council in June 2000, Sue-Ellen was acclaimed for a further three-year term in 2003 and 2006.

John Pretti – Elected Social Worker

John Pretti is a social worker at Regional Mental Health Care (London), Saint Joseph Hospital. As well, he is a part-time counsellor at London Interfaith Counselling Centre. John is a Capacity Assessor recognized by the Ministry of the Attorney General. Initially elected to the OCSWSSW Council in June 2000, John was re-elected in May 2002, 2004 and 2007.

Sylvia Pusey – Public Member

Sylvia Pusey has been an educator employed by the former Toronto Board of Education and the current Toronto District School Board, and worked for many years in a wide range of Special Education programmes serving students with special needs in the Primary, Junior and Intermediate grades before returning to regular education programmes. She retired from active teaching in June 1998 and was appointed to Council in June 2005.

Patricia Spindel – Public Member

Patricia Spindel of Toronto is a professor in the Family & Community Social Services and Justice Studies Programs at the University of Guelph-Humber. She is also a former

New Council and Committee Roster for 2007-2008

Coordinator of the Social Services Worker Program at Humber Institute of Technology & Advanced Learning. Patricia was appointed to Council in August 2005.

Joanne Turner – Elected Social Worker

Joanne Turner recently retired as the Director of Social Work and Associate Professor at Renison College at the University of Waterloo. She is currently Professor Emerita and Adjunct Professor at Renison College. She was elected to the

OCSWSSW Council in June 2000, and re-elected in 2003 and 2006.

Colleen Zakoor – Elected Social Service Worker

Colleen Zakoor is the Executive Director of the Canadian Mental Health Association serving York Region and South Simcoe County. She is also a Professor in Humber College's Psychosocial Rehabilitation Post-Diploma program. Colleen was acclaimed to Council in May 2005.

Executive Committee:

Rachel Birnbaum, RSW - **President**
Sue-Ellen Merritt, RSSW - **First Vice-President**
Norman MacLeod, Public Member - **Second Vice-President**
Joe Fecht, RSW - **4th Executive Member**
Mukesh Kowlessar, RSSW - **5th Executive Member**
Susan Clark, Public Member - **6th Executive Member**

Complaints Committee:

Joe Fecht, RSW (**Chair**)
Zita Devan, Public Member
Jack Donegani, RSSW
Anita Gupta, Public Member
Beth McCarthy, RSW (Non-Council)
Sue-Ellen Merritt, RSSW

Registration Appeals Committee:

Mary Ciotti, RSW (**Chair**)
Lisa Barazzutti, Public Member
Susan Clark, Public Member
Gary Cockman, RSSW (Non-Council)
Kevin Kennedy, RSSW
John Pretti, RSW

Discipline Committee:

Lisa Barazzutti, Public Member (**Chair**)
Geneviève Côté, RSW
Roman Delicart, RSSW
Kevin Kennedy, RSSW
Michael Kopot, RSW
Paula Klein, RSW (Non-Council)
Sylvia Pusey, Public Member
Patricia Spindel, Public Member
Colleen Zakoor, RSSW

Fitness to Practise Committee:

Lisa Barazzutti, Public Member (**Chair**)
Geneviève Côté, RSW
Roman Delicart, RSSW
Kevin Kennedy, RSSW
Michael Kopot, RSW
Paula Klein, RSW (Non-Council)
Sylvia Pusey, Public Member
Patricia Spindel, Public Member
Colleen Zakoor, RSSW

Standards of Practice Committee:

Geneviève Côté, RSW (**Chair**)
Linda Chodos, RSW (Non-Council)
Danny Gillard, RSSW
Kenneth Gordon, RSW (Non-Council)
Suzanne Hainer, RSSW (Non-Council)
Shelley Hale, RSSW (Non-Council)
John Newman, RSSW (Non-Council)
Sylvia Pusey, Public Member
Patricia Spindel, Public Member
Joanne Turner, RSW

Nominating Committee:

Michael Kopot, RSW (**Chair**)
Rachel Birnbaum, RSW

Roman Delicart, RSSW
Danny Gillard, RSSW
Anita Gupta, Public Member
Patricia Spindel, Public Member

Election Committee:

Mukesh Kowlessar, RSSW (**Chair**)
Mary Ciotti, RSW
Roman Delicart, RSSW
Zita Devan, Public Member
John Pretti, RSW

Corporations Committee:

Norman MacLeod, Public Member (**Chair**)
Rachel Birnbaum, RSW
Danny Gillard, RSSW

Finance Committee:

Anita Gupta, Public Member (**Chair**)
Jack Donegani, RSSW
Joe Fecht, RSW
Glenn Thompson, RSW (Non-Council)
Joanne Turner, RSW
Colleen Zakoor, RSSW

Governance Committee:

Sue-Ellen Merritt, RSSW (**Chair**)
Mary Ciotti, RSW
Susan Clark, Public Member
Geneviève Côté, RSW
Zita Devan, Public Member
Danny Gillard, RSSW

Legislation Update – Bill 14, *Access to Justice Act*

MARLENE ZAGDANSKI, DIRECTOR, COMPLAINTS AND DISCIPLINE

The College's Fall 2006 issue of *Perspective* (Volume 5, Number 2) reported on the introduction of Bill 14, the *Access to Justice Act, 2006*, which among other things, proposed to amend the *Law Society Act*, so that the paralegal profession would be regulated by the Law Society of Upper Canada (the "LSUC"), the regulatory body in Ontario for the legal profession. The Bill proposed that any person, other than a person licensed by the LSUC, would be prohibited from practising law in Ontario or providing legal services in Ontario.

The College was concerned that Bill 14 proposed a meaning for "providing legal services" that was so broad that it could include services that are performed by many College members including those who, for example, conduct custody and access assessments or investigations on behalf of the Office of the Children's Lawyer, or who act as evaluators under the *Health Care Consent Act* and assessors under the *Substitute Decisions Act*. The College, therefore, made submissions to the Attorney General's Office, and then to the Standing Committee on Justice Policy, in which the College expressed these concerns and recommended that the Bill be amended.

Bill 14 has now been passed by the Legislature, after amendments were made by the Standing Committee. Most of the provisions of Schedule C of the Bill (the Schedule which amends the *Law Society Act*) came into force on May 1, 2007. College members are encouraged to review the recently amended *Law Society Act*, and in particular the following provisions:

- Part 1.1, which contains provisions which, subject to certain exceptions, prohibit any person, other than a paralegal or lawyer licensed under the *Law Society Act*, from practising law in Ontario or providing legal services in Ontario;
- Subsections 1(5), 1(6) and 1(7) which set out what "the provision of legal services" means under the *Law Society Act* (and which includes representation of a person in a proceeding before an adjudicative body); and,

- Subsection 1(8) which deems certain persons not to be practising law or providing legal services, including "a person who is **acting in the normal course** of carrying on a profession...governed by another Act of the Legislature...that regulates specifically the activities of persons engaged in that profession...". (emphasis added)

In other words, College members who are "acting in the normal course of carrying on" the profession of social work or social service work are deemed not to be practising law or providing legal services by virtue of subsection 1(8). In addition, the LSUC has, by by-law, exempted certain groups and individuals from the requirement to be licensed by it.



College members who believe that their professional services may fall within the meaning of providing legal services under the *Law Society Act* (which includes representation of a person in a proceeding) will need to examine their professional services in the context of these provisions of the *Law Society Act*, in order to determine whether those services fall within the exceptions described in subsection 1(8) or one of the exemptions approved by the LSUC. The *Law Society Act* may be accessed via the Internet at www.e-laws.gov.on.ca. The website of the LSUC may be accessed at www.lsuc.on.ca.

In examining their professional services, College members may also find it of assistance to review the College's scopes of practice of the professions of social work and social service work, which can be found in the College's Code of Ethics and Standards of Practice Handbook, and which may also be accessed on the College's website at www.ocswssw.org.

This article is not intended to be an exhaustive summary of the *Law Society Act*, nor should this article serve as a substitute for individual review of the relevant statutory provisions.

Registration Update

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

The following is an update on the work of the registration department and the College Council:

GRADUATES OF SOCIAL WORK AND SOCIAL SERVICE WORK PROGRAMS

The College has implemented a number of strategies to help recent graduates of social work and social service work programs become members of the College.

- a) On May 10, 2006, Council of the College approved a change to the Fee by-law. Effective January 1, 2007, for new graduates (those who apply for registration in the College in the year in which they graduate from a social work or social service work program), the registration fee decreased from \$370 to \$240 and continues to be pro-rated quarterly. Additionally, the annual fee for these new graduate members in the two subsequent years of their membership is \$240, provided that the payment of the annual fee is made prior to the date on which the late payment penalty is effective.
- b) Occasionally, there is a significant gap between the period of time that students complete all academic and practicum requirements and the date by which they officially obtain their degree or diploma. This created a barrier for some graduating students in their job search. To address this, the College has implemented a registration practice whereby the Registrar may issue a general certificate of registration provided the applicant consents to a term, condition and limitation placed on his or her certificate of registration. This states that the certificate will automatically expire within 90 days after the date of convocation, if the College does not receive written verification from the academic institution that the degree in social work or diploma in social service work has been obtained.

If an applicant wishes to pursue registration in this manner, a number of steps are put into place. First, the Dean, Coordinator or Director of the student's program must confirm that the applicant has

completed all the academic and practicum requirements and is scheduled to graduate. Second, the applicant must sign a declaration form giving his or her consent to a term, condition and limitation being placed on the certificate of registration. Third, the applicant, as is the case with all applicants, must satisfy all the registration requirements as set out in the registration regulation.

- c) Graduating students who do not require registration in the College prior to convocation are invited to submit an application for membership anytime during the academic year. Application packages are available at the academic institution. Once confirmation of the applicant's graduation is received by the College, the Registrar will conclude the review of the application.

REGISTRATION APPEALS COMMITTEE

The mandate of the Committee is to review matters related to the registration of members in the College. For example, when the Registrar of the College proposes to refuse to issue a certificate of registration, the applicant is given notice of the Registrar's proposal and reasons why, and is informed that he or she may request a review in writing by the Registration Appeals Committee. The Committee is working steadily to review, in a timely manner, the approximately 140 requests that have been received to date.

ADDITIONAL TRAINING FOR HOLDERS OF PROVISIONAL CERTIFICATES OF REGISTRATION

The College continues to work on implementing the additional training requirements as outlined in the registration regulation. Members of the College who hold provisional certificates of registration have signed an undertaking to successfully complete, to the satisfaction of the Registrar, additional training approved by the College in social work ethics and social work standards of practice or social service work ethics and social service work standards of practice, depending on the individual's category of membership.

Registration Update

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

The Registrar will be communicating in writing to all members holding provisional certificates of registration once the requirement is set to be launched.

Please note: If you hold a provisional certificate of registration, it is your responsibility to notify the College of changes of address and telephone numbers. The additional training undertaking is time sensitive. 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.

REGISTRATION POLICY REGARDING DIPLOMA IN SOCIAL WORK PROGRAM AT GRANT MACEWAN COLLEGE, ALBERTA

The diploma in social work program offered outside Ontario at Grant MacEwan College in Alberta (formerly Grant MacEwan Community College) was recently approved as equivalent to a social service work program offered in Ontario at a College of Applied Arts and Technology.

INTERNATIONALLY TRAINED APPLICANTS

The Internationally Educated Social Work Professionals Program offered at Ryerson University is a bridging program that grants a certificate in *Canadian Social Work Practice* to internationally trained social work professionals who want to gain a practical knowledge of the Ontario social service sector.

Graduates of this program who apply for membership with the College are, along with new graduates of social work and social service work programs, eligible for the \$240 registration fee (provided the application is made no later than December 31 of the year in which the certificate is granted). Additionally, the annual fee for these members in the two subsequent years of their membership is \$240, provided that the payment of the annual fee is made prior to the date on which the late payment penalty is effective.

MUTUAL RECOGNITION AGREEMENT (MRA)

The purpose of the MRA is to establish conditions under which a **social worker** who is registered in a Canadian jurisdiction (one of the ten provinces which are parties to the agreement), will have his or her qualifications recognized in another province.

The agreement was set to be signed by all parties by the end of March 2007. In preparation, the College has begun considering registration processes which will facilitate the registration of **social work** applicants who are registered, at the time of their application to the College, in another Canadian jurisdiction.

THE FAIR ACCESS TO REGULATED PROFESSIONS ACT

The Act was proclaimed by the provincial government on March 1, 2007. The primary focus of the Act is to break down barriers and help internationally trained professionals enter and practise their respective professions. This Act requires that at least 34 of the province's regulated professions adopt fair, transparent, impartial and expeditious registration practices.

In order to be compliant with the Act, the College is developing internal registration processes which will ensure that the review of all applications is undertaken in a timely manner. In order to increase transparency of our entry to practice requirements, the College is revising information on its website and in print materials.

If you have any questions regarding the registration process, please 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.

Annual Meeting & Education Day: Another Successful Event



The *Essential Balance: Professional Excellence, Personal Self-Care* was the theme for the College's 2007 Annual Meeting and Education Day which took place on June 22, 2007 at the Old Mill Inn in Toronto. Once again, the event was a huge success with approximately 400 members participating either in person or via webcast. The evaluations from the day were overwhelmingly positive and we thank all members who attended the event, as well as the following speakers who made the day a great success:

Marian Pitters

Rick Csiernik, PhD, RSW

Roberta Boughton, MEd, NCGC

Chantal Dubois, BA, CPGC

Mukesh Kowlessar, RSSW

Karen Faith, BSW, MEd, MSc, RSW

Debbie Tarshis

Sharon Bieck-Shangrow, MSW, RSW

Monita Persaud

Robert Maunder, MD, FRCPC

The day began with the College's Annual Meeting, followed by a keynote address from Marian Pitters entitled *"Take Care of Yourself"*. The address was very well received by delegates with one member commenting that "Marian was informative, humourous, and interactive!"

Following lunch, delegates attended breakout sessions on a variety of topics such as *Workplace Wellness*, *Women's Problematic Gambling*, *Ontario's Social Assistance Programs* and *Elder Abuse*, among others. Below are some of the comments we received following the afternoon sessions:

"Very informative, excellent speaker. This was extremely pertinent to my work and I gained a lot of information. Thank you."

"Very knowledgeable researcher, very thoughtful, good speaker. Very unassuming, open to feedback. I learned a lot. Excellent."

"Very informative, well presented, clear, concise and helpful."

Each year, our event is becoming increasingly successful. This year, within weeks of the brochure being mailed to members, the event was at capacity, and unfortunately as a result, some members who wished to attend were unable to. While it is gratifying that each year the meeting is growing in popularity, it is regrettable that this year not all those on the waiting list could be accommodated. We hope that members were able to participate in the morning via webcast and availed themselves of the presenters' slides which are on the College website www.ocswssw.org.

The overwhelming response to the Annual Meeting and Education Day will be taken into account for planning the 2008 meeting. We hope to see you next year!

Practice Notes: Assessment and Goal Setting: Etched in Stone or Moving Target?

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 professional practice department and 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.

ASSESSMENT – A CRUCIAL COMPONENT OF PRACTICE

The importance of assessment in the practice of social work and social service work is undisputed, regardless of one's theoretical orientation or work setting. Beginning with course and field work experiences in social work and social service work educational programs, there is an emphasis on the importance of theoretical frameworks and integrating theory into practice. In professional practice it is well understood that the assessment process, which takes into account the multiplicity and complexity of factors, is key to

understanding the client. This understanding leads to the conceptualization of the client's problems, which in turn is used to establish a common understanding of the problem with the client and a contract which outlines the desired outcome, the specific objectives and the means to achieve these. On this basis, the work may proceed. Failing to establish this foundation is akin to building a house on quicksand – it quickly leads to serious problems. In social work and social service work practice this can result in harm to the client. Consider the following scenario:

Daniel, the twelve-year-old son of separated parents, is referred to the social worker by his mother, who feels he needs counselling to help him deal with the losses associated with his parents' separation, and to provide him with a neutral place to express his feelings. The social worker meets individually with each parent for a one hour long session, and then sees Daniel weekly for 10 sessions. In the initial contact, both mother and Daniel expressed concern that due to the stress he is experiencing, he is having difficulty concentrating at school and there is some decline in his school performance. After two sessions with Daniel, the social worker concludes he has "learning challenges" and embarks on a series of educational exercises with him, aimed at improving his attention and memory. However, the member does not discuss with either parent or the client the change in the focus of the services being provided from counselling relating to the separation of Daniel's parents to educational exercises.

This scenario engages the following College standards:

- Members are reminded that the client and the member "participate together in setting and evaluating goals"¹ and that they "respect and facilitate self-determination in a number of ways including.....encouraging them to decide which problems they want to address as well as how to address them."² If the member's conceptualization of the clients' problems changes, resulting in a change of approach or services, discussion should occur with the clients about this, ensuring their agreement before proceeding.

¹Code of Ethics and Standards of Practice, 2000 Principle I, interpretation 1.1

²Code of Ethics and Standards of Practice, 2000 Principle I, interpretation 1.3

Practice Notes: Assessment and Goal Setting: Etched in Stone or Moving Target?

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

The requirements of a social worker to document her assessment, diagnosis, formulation, plan and key elements of the contract³, and to participate with clients in setting and evaluating goals, provide the foundation for everything that

follows. Self-awareness by the member throughout the professional relationship is also crucial. Consider the following scenario:

Michael is the nine-year-old son of parents who are engaged in custody and access litigation. Michael is referred to the social worker with the consent of both his parents, for counselling to help him deal with his parents' separation and the stresses associated with the ongoing litigation. The social worker sees each of the parents in individual sessions and then provides counselling to Michael in a series of weekly sessions. Some months after the sessions with Michael have finished, his father's lawyer requests a letter from the social worker reporting on the therapy with Michael. Without contacting any of her clients - Michael, his mother or father - the social worker subsequently writes the letter, containing her opinions and conclusions which are supportive of the father. The nature of the social worker's opinions reflected those usually seen in custody and access reports, though the stated purpose of contact was to provide counselling to assist Michael's coping with his parent's high conflict separation, and the social worker's contact with the parents had been minimal.

The above scenario raises a number of issues and engages the following College standards:

- The issue of whether to release clients' information to a third party must be carefully examined: "Prior to releasing information from a record that pertains to more than one client, for example, a couple, family group.....College members receive authorization from each individual client."⁴ Additionally, "College members inform clients of the parameters of information to be disclosed and make reasonable efforts to advise clients of the possible consequences of such disclosure."⁵ Even with consent, a member may feel that releasing information is ill advised, for example in the context of acrimonious court proceedings, and should take steps to convey this concern to the client.
- In providing information about clients to a third party "College members do not make statements....or issue or sign a certificate, report or other document....that the member knows or ought reasonably to know are false, misleading, inaccurate

or otherwise improper."⁶ A document provided by a member should therefore focus on the nature of the member's contact with the client and not venture opinions about issues that have not been addressed in the services provided.

- High conflict situations are emotionally charged for all parties, and members are not immune. Members must be "aware of their values, attitudes and needs and how these impact on their professional relationships with clients."⁷ The record should: "report impartially and objectively the factors relevant to the client's situation. The record clearly distinguishes the College member's observations and opinions from the information reported by the client."⁸ The record should also "be free of prejudice and discriminatory remarks".⁹

Had the social worker in the previous scenario demonstrated this personal, clinical and contractual clarity it would have contributed greatly to a focus in her practice and helped her avoid straying into dangerous waters that were not in her clients' best interest.

³Code of Ethics and Standards of Practice, 2000 Principle IV, footnote 3. (g)

⁴Code of Ethics and Standards of Practice, 2000 Principle IV, interpretation 4.3.6

⁵Code of Ethics and Standards of Practice, 2000 Principle V, interpretation 5.1.5

⁶Code of Ethics and Standards of Practice, 2000 Principle IV, interpretation 4.1.7

⁷Code of Ethics and Standards of Practice, 2000 Principle I, interpretation 1.5

⁸Code of Ethics and Standards of Practice, 2000 Principle IV, footnote 2. (b)

⁹Code of Ethics and Standards of Practice, 2000 Principle IV, footnote 2. (e)

Practice Notes: Assessment and Goal Setting: Etched in Stone or Moving Target?

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

REVISITING GOALS

While it is crucial to maintain focus on the agreed upon goals that flowed from the initial assessment, assessment is ongoing and goals can be revisited. Consider the following:

Maria, a newly separated mother of three children, seeks counselling to help her deal with her recent job loss and home stress. The agency she contacts offers up to six sessions and this is explained to her at the outset. The goals that she and the member agree upon are therefore modest, in keeping with the time-limited nature of the services available to her. She and the member agree that the ultimate goal will be to link her to other resources that would provide the ongoing assistance she requires. After the third session, however, Maria calls the member to inform her that her children have been apprehended by child welfare. Understandably distressed, she asks the member to contact the child welfare worker and the member agrees. The member and Maria then decide together that their immediate goal will be to determine what Maria needs to do in order to have her children returned to her. The member advocates with her employer on Maria's behalf to extend their contract for two additional sessions and is successful in this. Maria and the member deal with the urgent child welfare issues and Maria is linked to resources that will provide ongoing support for her personal and family issues and assistance in finding employment.

In this situation the member was aware of the "purpose, mandate and function" of her employing organization, and "how these impact on and limit professional relationships with clients"¹⁰ and was mindful of this in her initial contract, though when a crisis arose, was able to renegotiate with the client to focus on the immediate issue of the apprehension of her children. The member also appropriately advocated on behalf of her client¹¹ and was able to extend the sessions to allow her and her client to return to their original contract.



¹⁰Code of Ethics and Standards of Practice, 2000 Principle I, interpretation 1.7

¹¹Code of Ethics and Standards of Practice, 2000 Principle III, interpretation 3.12

Practice Notes: Assessment and Goal Setting: Etched in Stone or Moving Target?

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

As already established, client participation in setting goals is pivotal. This is more difficult, however, when the client is a family and more particularly, a family fraught with conflict

whose members may agree on very little. This challenge is compounded when the goal for intervention is imposed by an external body:

Jill, a 14-year-old girl who lives with her mother and stepfather, has no contact with her biological father. He has gone to court to have his access reinstated. The Judge orders reconciliation counselling and the social worker is retained. She meets with Jill for 12 sessions, and during sessions, Jill consistently expresses that she does not want contact with her father. With Jill's consent the social worker conveys Jill's stance to both parents and legal counsel for each of the parties, including Jill. She recommends that Jill be encouraged by her mother and stepfather to participate in counselling and that they, as well as her biological father, also engage in counselling about how best to assist Jill in reestablishing contact with her father. Jill continues to state to the social worker that she does not want contact with her father, nor does she wish to continue the counselling. Jill's mother and stepfather state that they will not insist that Jill attend counselling.

Clearly, although there was initial agreement, there is not a consensus about the contract and the goal will not be met. The social worker decided to revisit with all parties the stated goals of their work together and to reevaluate them to determine whether the work can continue.

Are assessment and setting goals etched in stone or a moving target? Neither. What is required is initial assessment and conceptualization of the problems, collaborative goal

definition and agreement about the key elements of the contract. This solid foundation will provide a focus and clarity for the ensuing work. Members must also be alert to their own reactions and to new information and situations, and work with the client or client system to revisit, and when appropriate, renegotiate goals. Members are encouraged, especially when dealing with complex and high conflict situations, to seek consultation.

Q & A



Q&A is a feature appearing in *Perspective* that answers members' questions on various topics relating to the College and the practice of social work and social service work. If you have any questions you would like answered, please send them via e-mail to Yvonne Doyle, Communications Coordinator at ydoyle@ocswssw.org. Although not all questions will be published in subsequent issues of *Perspective*, all will be answered.

During this year's Annual Meeting, a number of questions were raised from the membership. We welcome the opportunity to answer questions from members and have included some we addressed at the meeting below:

Q: Does the College plan to have an inactive category of membership and who would be included?

A: At its meeting in September 2006, Council approved in principle an inactive category of membership. This category would include 1) retired College members, who do not intend to return to active practice but wish to maintain membership in the College and to refer to themselves as a social worker or social service worker, and 2) College members who are not engaged in the practice of social work or social service work due to, for example, parental leave, illness or disability and who intend to return to active professional practice. Council decided not to include unemployed members or those living outside Ontario in the inactive category due to the difficulties associated with verifying and monitoring these circumstances. Introducing an inactive category would require a change to the Registration Regulation made under the *Social Work and Social Service Work Act*. The College plans to approach the Ministry of Community and Social Services to ascertain whether there is support to amend the Registration Regulation for this purpose.

Q: Why doesn't the College allow its members to make motions and propose policy direction at the Annual Meeting?

A: The College was created by the *Social Work and Social Service Work Act, 1998* (SWSSWA) which sets out the primary duty to serve and protect the public interest. The objects set out in the SWSSWA define the College's authority and responsibilities and any activity of the College must support these objects. Essentially, the College takes its direction from the legislation and the Council is the governing body that establishes policies in accordance with the SWSSWA, regulations made under the SWSSWA, and other relevant legislation. This is typical for a regulatory body. By contrast, membership organizations, such as professional associations, take direction from their members because their mandate is, in part, to promote the interests of those in the profession.

According to College by-law:

- The purpose of the OCSWSSW Annual Meeting is to inform the members of the College of the activities of the Council and the College.
- The business at the Annual Meeting consists of reports by the Council, the auditor and by one or more committees of Council.
- There is a question period during which members of the College may ask questions regarding the reports.
- No motions shall be proposed nor votes taken at the Annual Meeting of members.

While the Annual Meeting invites questions from members, though not motions, feedback from members at the Annual Meeting, as well as throughout the year, is always duly considered. In response to member feedback, Council recently approved a reduction in the membership fees. Members are regularly consulted by the College for their opinions and ideas, for example through the consultations on the standards of practice and the pilot of the Continuing Competence Program. Members who have an interest in developing policy for the OCSWSSW may wish to consider standing for election to Council.

Q: Why doesn't the College offer professional liability insurance to its members?

A: The mandate of a regulatory body, such as the College, is to protect the public interest. One of the objects of the College is to receive and investigate complaints against members of the College and to deal with issues of discipline, professional misconduct, incompetency and incapacity. One purpose of professional liability insurance is to provide coverage to offset costs of disciplinary defense associated with malpractice, errors or mistakes in the course of professional duties. Thus it would be a conflict of interest for the College to provide professional liability insurance to its members. Typically, professional associations, whose mandate is to promote the profession and the interests of those in the profession, offer professional liability insurance as one of the benefits of membership.

While in some provinces the regulation of a profession has been delegated to a professional association, this is not the case in Ontario, where to date, regulation of a profession has been delegated to the profession through the creation, by statute, of specific professional regulatory bodies.

Bulletin Board

Titles and Designations

Members are reminded that it is a requirement of the Registration Regulation made under the *Social Work and Social Service Work Act* for College members to use the title "Social Worker" or "Registered Social Worker"; "Social Service Worker" or "Registered Social Service Worker", in connection with their practice of social work or social service work. It is a further requirement of the Registration Regulation for members to use the designation RSW or RSSW in documentation used in connection with their practice.

The reason for these requirements is to clearly inform the public that individuals from whom they are receiving social work or social service work services are members of the College and are accountable for meeting the standards and requirements of the professions.

Change of Information Notification

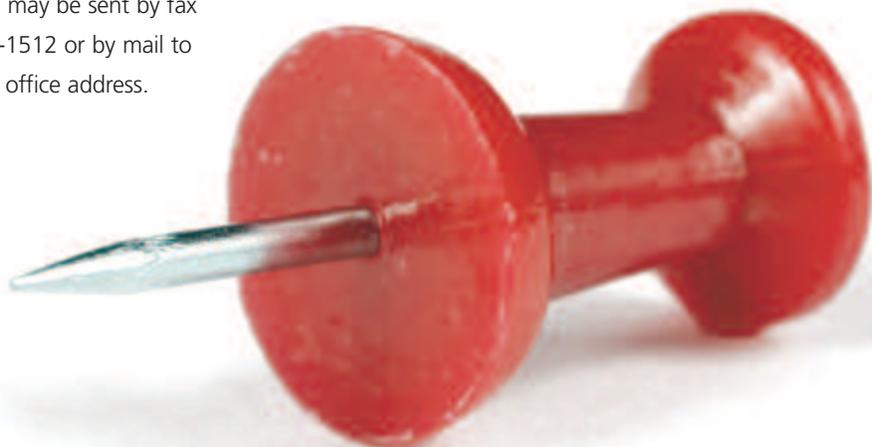
If you change employers or move, please advise the College in writing within 30 days. The College is required to have the current business address of its members available to the public. Notification of change of address can be done through the website at www.ocswssw.org, emailed to info@ocswssw.org, 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 mail to the College office address.

Participation in the Work of the College

If you are interested in volunteering for one of the College's committees or task groups, please e-mail Trudy Langas at tlangas@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 the by-laws and policies of the College.

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 Trudy Langas at tlangas@ocswssw.org. Please visit the College's website for the dates and times of upcoming meetings.





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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HOW TO REACH US:

The College is open Monday to Friday from 9 a.m. to 5 p.m.

250 Bloor Street East
Suite 1000
Toronto, Ontario M4W 1E6

Telephone: 416-972-9882
Toll-Free: 1-877-828-9380
Fax: 416-972-1512
Email: info@ocswssw.org
www.ocswssw.org

WHO TO CONTACT AT THE COLLEGE:

OFFICE OF THE REGISTRAR

Glenda McDonald
Registrar
Ext. 200 or e-mail:
registrar@ocswssw.org

Carolyn Daniels
Deputy Registrar
Ext. 206 or e-mail:
cdaniels@ocswssw.org

Trudy Langas
Executive Assistant
Ext. 219 or e-mail:
tlangas@ocswssw.org

Pat Lieberman
Manager, Council & Employee Relations
Ext. 207 or e-mail:
plieberman@ocswssw.org

Contact Pat for Council information.

REGISTRATION

Mindy Coplevitch
Director
Ext. 203 or e-mail:
mcoplevitch@ocswssw.org

Susanne Pacheco
Registration Coordinator
Ext. 213 or e-mail:
spacheco@ocswssw.org

Ema Sevdina
Registration Administrator
Ext. 204 or e-mail:
esevdina@ocswssw.org

Elaine Hall
Registration Administrator
Ext. 214 or e-mail:
ehall@ocswssw.org

Contact Mindy, Susanne, Ema or Elaine when inquiring about the registration process.

Frances Ma
Registration Assistant

Angella Rose
Registration Assistant

For general registration inquiries, please e-mail:
registration@ocswssw.org

MEMBERSHIP/ADMINISTRATION

Lynda Belouin
Office Manager (bilingual)
Ext. 212 or e-mail:
lbelouin@ocswssw.org

Anne Vezina
Membership Administrator (bilingual)
Ext. 211 or e-mail:
avezina@ocswssw.org

Catherine Painter
Information Assistant

Nadira Singh
Information Assistant

Contact Lynda, Anne, Catherine or Nadira for general information, status of application inquiries, register requests, as well as fees information and address changes. For general inquiries, please e-mail: info@ocswssw.org

Contact Lynda for information and inquiries about professional incorporation.

COMPLAINTS & DISCIPLINE

Marlene Zagdanski
Director
Ext. 208 or e-mail:
mzagdanski@ocswssw.org

Anastasia Kokolakis
Senior Administrative Assistant
Ext. 210 or e-mail:
akokolakis@ocswssw.org

Contact Marlene or Anastasia for information on complaints, discipline and mandatory reporting.

FINANCE

Eva Yueh
Financial Administrator
Ext. 209 or e-mail:
eyueh@ocswssw.org

COMMUNICATIONS

Yvonne Doyle
Communications Coordinator
Ext. 220 or e-mail:
ydoyle@ocswssw.org

Contact Yvonne regarding the College's website, newsletter, Annual Report and other publications.

PROFESSIONAL PRACTICE AND EDUCATION

Pamela Blake
Director
Ext. 205 or e-mail:
pblake@ocswssw.org

Nancy Martin
Professional Practice Associate
Ext. 225 or e-mail:
nmartin@ocswssw.org

Contact Pamela or Nancy with professional practice questions.

INFORMATION TECHNOLOGY

Cristian Sandu
IT Support Specialist
Ext. 115 or e-mail:
csandu@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.