



## UPDATE - Ontario Government's 5-Year Review of the *Social Work and Social Service Work Act, 1998*

College members and visitors to the College's website will know that on January 14, 2005, the Minister of Community and Social Services announced the Ontario Government's five-year review of the *Social Work and Social Service Work Act, 1998* (the "Act"), required by section 56 of the Act. This article is intended to keep readers up-to-date on the College's activities related to the Minister's review.

On January 17, 2005, the College Registrar wrote to all College members to inform them of the Minister's announcement, the March 15, 2005 deadline for written submissions to the Ministry, and how submissions could be made to the Ministry. College members were also provided with copies of the Minister's News Release and the Ministry's Discussion Paper – *Review of the Social Work and Social Service Work Act, 1998*. Both of these documents may be accessed on the College's website at [www.ocswssw.org](http://www.ocswssw.org).

The College made its written submission to the Ministry, as approved by the College Council, and responded to the following two questions asked by the Ministry in its Discussion Paper:

*Are the provisions in the Act adequate for achieving the objectives of the Act (i.e., public protection, quality social work and social service work services and accountability)?*

*What changes to the Act, if any, should be considered by the government to improve the operations of the College in carrying out its roles and responsibilities.*

The College's written submission may also be viewed on the College's website.

On June 28, 2005, the Ministry provided the College and other stakeholders with the Ministry's internal, confidential synopsis of all the submissions received. The College and other stakeholders were invited to attend a Ministry focus group on July 6, 2005, to "share thoughts on the issues and concerns that were raised in the review." The College attended and participated in the focus group.



As the Ministry's synopsis addressed issues not previously considered by the College Council at the time that it prepared its submission to the Ministry, the College requested an opportunity to deliver a further written submission to the Ministry. The College's additional submission was sent to the Ministry in October 2005 and is also posted on the College's website.

The College anticipates that the Ministry will host further stakeholder focus groups on dates yet to be scheduled. The College has also requested a meeting with Ministry staff, including legal counsel, to discuss important issues raised in the College's submission, to ensure that the Ministry has a full appreciation of the issues identified in the document.

Readers are encouraged to visit the College's website where further updates on the Minister's review will be posted as and when information becomes available.

*For more information on the College's activities related to the Minister's Five-Year Review of the Act, please contact Marlene Zagdanski, Director, Complaints and Discipline, at 416-972-9882 or 1-877-828-9380 ext. 208 or e-mail: [mzagdanski@ocswssw.org](mailto:mzagdanski@ocswssw.org).*

# New Council and Committee Roster for 2006

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The following is the listing of Council and committee members subsequent to the elections and public appointments that took place in late 2005. 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](http://www.ocswssw.org).

### LISA BARAZZUTTI – PUBLIC MEMBER

Lisa is a lawyer practising general law in Timmins, Ontario and sits on the Timmins Symphony Orchestra Board. Lisa was appointed to the OCSWSSW Council as a public member in December 2001.

### RACHEL BIRNBAUM – ELECTED SOCIAL WORKER

Rachel Birnbaum, Ph.D., has an 18-year history as a clinician and regional supervisor with the Office of the Children’s Lawyer. Currently, Rachel is an Assistant Professor at the School of Social Work, King’s College, University of Western Ontario. Rachel has been involved with the College since its inception and was elected to Council in May 2002.

### MARY CIOTTI – ELECTED SOCIAL WORKER

Mary Ciotti is a Social Worker at Hamilton Health Sciences in the Digestive Diseases Program. Mary was elected to the OCSWSSW Council in June 2000, and re-elected for a further three-year term in 2003.

### SUSAN CLARK – PUBLIC MEMBER

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

### GENEVIÈVE CÔTÉ – ELECTED SOCIAL WORKER

Geneviève Côté was elected to the College Council in May 2004. She 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 is President/CEO of El Shaddai Outreach Inc., a Clinical Director and Addiction Counsellor at the HEART-BEAT Counselling Centre, and a Multi-Lingual Access Worker at Wellington County Social Services in Kitchener. He was elected to Council in June 2000 and re-elected in 2003.

### ZITA DEVAN – PUBLIC MEMBER

A retiree from Sir Sandford Fleming College, Zita held positions as a Program Coordinator – 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.

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## **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, Yellowknife, 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.

## **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.

## **SHELLEY HALE – ELECTED SOCIAL SERVICE WORKER**

Shelley Hale is a Mental Health Worker at Carlington Community & Health Services and also provides casual staff relief at 515 MacLaren. Shelley was elected to the OCSWSSW Council in June 2000 and was acclaimed as a social service work member in May 2002.

## **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.

## **MICHAEL KOPOT – ELECTED SOCIAL WORKER**

Michael is a counsellor in the Lakehead University Health and 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.

## **MUKESH KOWLESSAR – ELECTED SOCIAL SERVICE WORKER**

Elected in 2000 to the first elected College Council and re-elected in 2004, Mukesh Kowlessar has been in the social service field for over 20 years. Mukesh is currently a Manager with the City of London, Community Services Department.

## **NORMAN MACLEOD – PUBLIC MEMBER**

Norman spent 38 years with the Household Financial Corporation, 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. Elected to the OCSWSSW Council in June 2000, Sue-Ellen was acclaimed for a further three-year term in 2003.

## **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. Elected to the OCSWSSW Council in June 2000, John was re-elected in May 2002.

## **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. Sylvia was appointed to Council in June 2005.

## **JUDY SHANKS – ELECTED SOCIAL SERVICE WORKER**

Judy Shanks is the Executive Director of CMHA Cochrane/Timiskaming Branch. She was Vice-Chair of the Cochrane District Health Council and a Member of the Timmins & District Hospital Board and Chair of the Board of Governors of Northern College. Judy was acclaimed as a social service work member in the May 2002 election.

## **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 Coordinator of the Social Services Worker Program at Humber Institute of

# New Council and Committee Roster for 2006

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 was elected to the OCSWSSW Council in June 2000, and re-elected in the 2003 election.

## **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 as a social service work member 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**  
Zita Devan, Public Member - **6th Executive Member**

## **COMPLAINTS COMMITTEE:**

Judy Shanks, RSSW (**Chair**)  
Sue-Ellen Merritt, RSSW  
Joe Fecht, RSW  
Anita Gupta, Public Member  
Sylvia Pusey, Public Member  
Beth McCarthy-Kent, RSW

## **REGISTRATION APPEALS COMMITTEE:**

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

## **DISCIPLINE COMMITTEE:**

Lisa Barazzutti, Public Member (**Chair**)  
Susan Clark, Public Member  
Geneviève Côté, RSW  
Shelley Hale, RSSW  
Kevin Kennedy, RSSW  
Paula Klein, RSW  
Michael Kopot, RSW  
Patricia Spindel, Public Member  
Colleen Zakoor, RSSW

## **FITNESS TO PRACTISE COMMITTEE:**

Lisa Barazzutti, Public Member (**Chair**)  
Susan Clark, Public Member  
Geneviève Côté, RSW  
Shelley Hale, RSSW  
Kevin Kennedy, RSSW  
Paula Klein, RSW  
Michael Kopot, RSW  
Patricia Spindel, Public Member  
Colleen Zakoor, RSSW

## **STANDARDS OF PRACTICE COMMITTEE:**

Shelley Hale, RSSW (**Chair**)  
Lisa Barazzutti, Public Member  
Linda Chodos, RSW  
Gary Cockman, RSSW  
Geneviève Côté, RSW  
Suzanne Hainer, RSSW  
John Newman, RSSW  
Elaine Sauriol, RSW  
Patricia Spindel, Public Member  
Joanne Turner, RSW

## **NOMINATING COMMITTEE:**

Mary Ciotti, RSW (**Chair**)  
Roman Delicart, RSSW  
Zita Devan, Public Member  
Joe Fecht, RSW  
Judy Shanks, RSSW  
Patricia Spindel, Public Member

## **ELECTION COMMITTEE:**

Mukesh Kowlessar, RSSW (**Chair**)  
Kevin Kennedy, RSSW  
Michael Kopot, RSW  
Norman MacLeod, Public Member  
John Pretti, RSW  
Sylvia Pusey, Public Member

## **CORPORATIONS COMMITTEE:**

Lisa Barazzutti, Public Member (**Chair**)  
Roman Delicart, RSSW  
John Pretti, RSW

## Annual Meeting & Education Day Wrap-Up

**O**n June 24, 2005 the College held its 4th Annual Meeting and its 2nd Education Day at the Holiday Inn on King in Toronto. The theme for the event was *Complexities of Contemporary Practice* which was selected to address many of the issues members are currently confronted with in their practice, including consent and confidentiality issues with children and youth, dilemmas for members who conduct capacity assessments and the impact of organizational factors on practice. More than 400 members attended the all-day event which included the Annual Meeting, keynote speaker and a panel presentation. According to the reviews submitted by many members, the day was a success; well organized and very productive. One member wrote a personal letter to the College regarding the event:

*“I was truly enlightened as to what some of the experiences are of others in this field and to see and understand more clearly what role the College plays in the world of social work and social service work.”*

As the membership is widely dispersed throughout the province, the College arranged for those unable to attend the event in person to join in via webcast. This option was particularly beneficial for those outside of Toronto. According to one member, “the webcast was very easy to follow and very user friendly.” More than 100 people participated via webcast, a significant number for the first time the service was available.

The College would like to thank the speakers and panel experts who made the event such a success:

Claudia Newman, M.S.W., RSW

Rena Postoff, B.S.W., M.S.W., RSW

Elizabeth Ridgley, B.A., B.S.W., M.S.W., RSW

Glenn Thompson, B.A., B.S.W., M.S.W., RSW

We would also like to thank all attendees for their participation and feedback and look forward to welcoming you again in 2006.



### What's webcasting all about?

Webcasting provided a progressive addition to the Annual Meeting and Education Day last year by greatly expanding the audience who was able to participate. With just a click of the mouse and basic software, most people with access to a PC and internet can join events via webcast.

In addition to watching and listening, viewers were also able to send questions via e-mail and those questions were answered live during the meeting.

Participants received instructions prior to the event so they could test their systems and identify any potential issues. The College also provided a help line for members who experienced difficulties accessing the test webcast.

The College encourages all members to participate in person, but if this is not possible, consider joining us via webcast. Join us in the comfort of your home or office and be part of the webcast audience!

# Complaints Process – FAQs

This article forms part of the College’s continuing effort to keep College members, employers of College members, and members of the public informed of the College’s complaints process.

Since publication of related information on the College’s website, in its brochure – *FAQ’s College Complaints Process* – and in back issues of *Perspective*<sup>1</sup>, the College continues to receive inquiries about the College’s complaints process, and frequently, individuals appear confused about the College’s separate and distinct complaints and discipline processes. This article is intended, therefore, to assist social workers, social service workers, their employers and members of the public by clarifying various issues concerning the College’s complaints process, and by answering frequently asked questions.

It should be emphasized, however, that while this article may help to clarify various issues concerning the complaints process, it is not intended to be an exhaustive summary of the relevant statutory provisions. In the event of any discrepancy between this *Perspective* article, on the one hand, and the *Social Work and Social Service Work Act*, the regulations and the by-laws, on the other hand, the Act, regulations and by-laws will prevail.

Readers of this article are encouraged to review the previously published information about the complaints process (most of which is not repeated in this article), as it provides necessary procedural context for this article.

## What is the role of the College’s Complaints Committee?

The College’s Complaints Committee is one of five committees that the *Social Work and Social Service Work Act* (the “Act”) requires the College to establish. The Complaints Committee is composed of two social workers, two social service workers and two members of the public appointed to the College Council by the Ontario government.

The Complaints Committee’s role is to consider and investigate written complaints regarding the conduct or actions of members of the College.<sup>2</sup> The Complaints Committee must refuse to consider and investigate a written complaint if, in its opinion, the complaint does not relate to professional

misconduct, incompetence or incapacity on the part of the member of the College, or the complaint is frivolous, vexatious or an abuse of process.<sup>3</sup>

## What kind of decisions can the Complaints Committee make?

The Complaints Committee must review all information the College has that is relevant to the complaint. After doing so, the Committee may:

- Refer the matter to the Discipline Committee of the College.
- Refer the matter to the Fitness to Practise Committee of the College.
- Direct that the matter not be referred to the Discipline Committee or the Fitness to Practise Committee.
- Require the member of the College complained against to appear before the Complaints Committee to be cautioned.
- Take any action the Complaints Committee considers appropriate in the circumstances and that is not inconsistent with the Act.
- Take no further action.

## What type of decisions is the Complaints Committee not authorized to make?

Unlike the College’s Discipline Committee, the Complaints Committee does not have the authority to: determine that a College member has committed an act of professional misconduct, or is incompetent; reprimand a College member; revoke, suspend or impose restrictions or conditions on a College member’s certificate of registration; or require a College member to do anything (other than to appear before the Complaints Committee to be cautioned).

## How does the Complaints Committee determine whether to refer a matter to the Discipline Committee of the College?

The Complaints Committee makes such determinations by considering the following issues:

1. Assuming the allegation is true, could the alleged conduct or actions amount to professional misconduct or incompetence?

<sup>1</sup> Readers may access the related information on the College’s website, at [www.ocswssw.org](http://www.ocswssw.org). The College brochure – *FAQ’s College Complaints Process* – is available from the College and on the College’s website.

<sup>2</sup> Subsection 24(1), *Social Work and Social Service Work Act*, 1998.

<sup>3</sup> Subsection 24(2)(a) and (b), *Social Work and Social Service Work Act*, 1998. The terms “professional misconduct”, “incompetence” and “incapacity” are defined in subsections 26(2), (3) and 27(2) of the *Social Work and Social Service Work Act*, 1998, respectively.

## Complaints Process – FAQs

2. If so, is there a *prima facie* case?<sup>4</sup>
3. If the answer to the first two questions is in the affirmative, does the allegation (assuming it is true) warrant<sup>5</sup> referral?

### What is a personal attendance caution?

If the Complaints Committee decides that the allegations comprising the complaint do not warrant referral to the Discipline Committee, the Complaints Committee may decide that the College member must appear before the Complaints Committee to be cautioned. In such a case, the Complaints Committee's written decision<sup>6</sup> also explains why the matter is not being referred to the Discipline Committee, identifies the College member's conduct or actions of concern to the Complaints Committee, the basis for concern, the proper professional practices with reference to the College's standards of practice, the Act and/or the regulations under the Act, and

may also make recommendations to improve or remedy the College member's future professional practices.

A College member who is required to appear before the Complaints Committee to be cautioned is notified, in writing, of the date and time at which to appear at the College's offices to be cautioned. The College member usually appears before a three-member panel of the Complaints Committee, but not necessarily the same Complaints Committee members who made the decision to require the member to appear to be cautioned. The College member may be accompanied to the College offices by a support person, however the only persons permitted to be present at the caution, in addition to the Complaints Committee members and the member, are College staff members providing administrative support to the Complaints Committee. The caution is delivered orally. The member may also receive a copy of a written version of the caution.



<sup>4</sup> A *prima facie* case will exist if there is evidence which, if believed by the Discipline Committee, could be found to prove the alleged conduct or actions. The Complaints Committee is not required to assess the credibility of witnesses or weigh the evidence in detail in considering whether there is a *prima facie* case, but only to consider whether there is evidence of the alleged conduct which would be available and admissible at a Discipline Committee hearing.

<sup>5</sup> Allegations warranting referral might include allegations that, for example, are serious enough to justify a Discipline Committee hearing, relate to an issue of particular current concern to the College and/or the profession, relate to a course of conduct or a pattern of the College member's practice.

<sup>6</sup> Pursuant to subsections 24(6) and (7), except for a decision to refer the matter to the Discipline Committee or the Fitness to Practise Committee, the Complaints Committee's written decision and reasons for decision must be provided to the complainant and the College member complained against.

# Complaints Process – FAQs

## How many complaints have resulted in referrals to the Discipline Committee of the College or in personal attendance cautions?

As at October 31, 2005, out of 164 completed complaints, there have been four referrals to the College's Discipline Committee, and seven College members have been required to attend before the Complaints Committee to be cautioned. The remaining 153 completed complaints have resulted in decisions either directing that the matter not be referred to the Discipline Committee, or finding that the Complaints Committee did not have jurisdiction over the individual complained about or over the subject matter of the complaint.

## How do the College's statutory complaints and discipline processes differ from each other?

In addition to the above information about the Complaints Committee's process and possible decisions, neither the individual who filed the complaint nor the College member complained against is entitled to meet with the Complaints Committee. The Complaints Committee normally reviews documentation only. Complaints Committee decisions are not available to the public.

The Discipline Committee, however, holds formal hearings to consider allegations of a College member's professional misconduct or incompetence referred to it by, among other committees<sup>7</sup>, the Complaints Committee. During Discipline Committee hearings, Discipline Committee members hear evidence and ascertain the facts of the case. Witnesses (possibly including the individual(s) who filed the complaint and the College member complained against) testify under oath and are cross-examined. All testimony is recorded. The Discipline Committee determines whether, upon the evidence and facts ascertained, the allegations have been proven and whether the College member has committed an act of professional misconduct or incompetence and the penalty to be imposed in cases where such findings have been made. Should the Discipline Committee determine that a College member has committed an act of professional misconduct, the Discipline Committee may, among other things, make an order: directing the College Registrar to revoke or suspend the College member's certificate of registration, and/or impose terms,

conditions or limitations on a College member's certificate of registration; require that the College member be reprimanded, admonished or counselled by the Discipline Committee or its delegate; impose a fine, and/or direct that its finding and order be published.<sup>8</sup> Should the Discipline Committee determine that a College member is incompetent, the Discipline Committee may, among other things, make an order: directing the College Registrar to revoke or suspend the College member's certificate of registration, and/or impose terms, conditions and limitations on a College member's certificate of registration.

Discipline Committee hearings are usually open to the public, and media will be able to report on discipline hearings unless the Discipline Committee makes an order, based on the circumstances set out in the Act, that the public be excluded from all or part of a hearing.

## After the complaints process is completed, what happens to the documentation collected by the College and the Complaints Committee's written decision?

The Complaints Committee may not take any action in response to a complaint unless, among other things, it has examined all the information and documents the College has that are relevant to the complaint.<sup>9</sup> A College member's complaint history may be relevant to future complaints concerning that member. The College, therefore, retains the complete complaint file including all of the correspondence received from the individual who made the complaint and the College member complained against. The complaint file is, however, kept separate from the College membership file. Only the College Registrar, College legal counsel and College staff members who support the Complaints Committee have access to the complaint file.

## Is the information obtained during the complaints process confidential?

Although College procedures are designed to keep information about a complaint confidential, and individuals who communicate with the College to inquire about whether a College member has been complained about are routinely informed that information about complaints is confidential

<sup>7</sup> Each of the Executive Committee and Council also has authority to make referrals to the Discipline Committee.

<sup>8</sup> Subsections 26(4) – (9) prescribe all of the decision-making powers of the Discipline Committee.

<sup>9</sup> Subsection 24(3)(c), *Social Work and Social Service Work Act, 1998*.

## Complaints Process – FAQs



information that cannot be disclosed to the public, the College cannot guarantee that the information supplied to it will always be kept confidential. For example, information or documents may be given to other individuals contacted during the course of investigation, for the purpose of obtaining their comments or response. If allegations are referred to a discipline hearing, such information may be supplied to witnesses during the course of preparing for the hearing. In addition, information relating to a complaint may be considered by the Complaints Committee in relation to another complaint to which the information is relevant.

Hearings of the Discipline Committee are generally open to the public. Although the Discipline Committee has the power to order that the public be excluded from all or part of a hearing, the Committee must first be satisfied that the circumstances set

out in the Act exist.<sup>10</sup> Therefore, there is no way of knowing, during the investigation of a complaint, whether allegations will be referred to the Discipline Committee for a hearing and, if so, whether the hearing will be open to the public. Consequently, any documents or information supplied to the College during the course of a complaint investigation may be used, if the matter is referred to the Discipline Committee for a hearing, at the hearing which is generally open to the public.

*If you have additional comments, questions and/or concerns regarding the complaints process, please contact Marlene Zagdanski, Director, Complaints and Discipline, at (416) 972-9882 or 1-877-828-9380 ext. 208 or e-mail: [mzagdanski@ocswssw.org](mailto:mzagdanski@ocswssw.org).*

<sup>10</sup> Subsections 28(6), (7) and (8), *Social Work and Social Service Work Act, 1998*.

# Registration Requirements – Equivalency Criteria

GLEND A McDONALD, M.S.W., RSW, REGISTRAR

Some members have contacted the College, expressing concern that persons without a degree in social work or diploma in social service work may be eligible for membership in the College. It is true that persons who do not possess the academic qualifications typically associated with social work and social service work may apply for registration. The purpose of this article is to provide further information and clarification regarding the requirements for registration related to those applicants.<sup>1</sup>

As most members are aware, when the *Social Work and Social Service Work Act* was proclaimed, and in accordance with section 63 of the Act, there was an opportunity during a limited period for a person to apply for a provisional certificate of registration with the College on the basis of having experience performing the role of a social worker or social service worker and meeting the conditions prescribed by the regulations. The intent of section 63 was to ensure that the proclamation of the Act did not disadvantage, from an employment perspective, those who had considerable experience performing the role of a social worker or social service worker but did not possess the typical academic qualifications associated with the two professions. The role of a social worker or social service worker, for this purpose, is described in the Registration Regulation (O. Reg. 383/00). The requirements regarding both the currency of the experience and the length of the experience are also set out in the regulation. A person applying under these circumstances had to be employed in the role of a social worker or social service worker in Ontario on the date of his or her application to the College. Additionally, the applicant had to have worked in the role of a social worker or social service worker for a minimum of 2000 hours within the two years immediately preceding the date of the application and a minimum of five years within the seven years preceding the date of the application. Supporting documentation from the applicant's employer(s) was required to confirm the role of the applicant, as well as the currency and length of his or her experience. Additionally, the applicant signed an undertaking to complete additional training in ethics and standards of practice in social work or social service work, depending on his or her category of certificate of registration, within three years after the day that the College notifies the applicant of the additional training.

The opportunity to apply for a provisional certificate of registration expired on November 21, 2002. The College received approximately 860 applications for provisional certificates of registration. To date, 450 provisional certificates of registration in social work have been issued and 100 provisional certificates of registration in social service work have been issued.

Section 18.(1)(b)(ii) of the *Social Work and Social Service Work Act* states that the Registrar shall issue a certificate of registration for social work to an applicant if the applicant, in addition to the other requirements set out in the regulations,



<sup>1</sup> This article is an overview of certain sections of the *Social Work and Social Service Work Act*, the registration regulation and policies. If there is a conflict between the information in this article, on the one hand, and the Act, registration regulation or policies, on the other hand, the Act, regulation and policies will prevail.

# Registration Requirements – Equivalency Criteria

GLEND A MCDONALD, M.S.W., RSW, REGISTRAR

produces documentation satisfactory to the Registrar that shows that the applicant has a combination of academic qualifications and practical experience that is substantially equivalent to the qualifications required for a degree in social work, as prescribed by the regulations. Section 7.(1)1.iii. of the Registration Regulation provides that the applicant must produce documentation satisfactory to the Registrar that shows that the applicant has a combination of academic qualifications and practical experience that the Registrar determines is substantially equivalent to the qualifications required for a degree in social work from a social work program accredited by the Canadian Association of Schools of Social Work (CASSW).

Similarly, Section 18.(2)(ii) of the Act states that the Registrar shall issue a certificate of registration for social service work to an applicant if the applicant, in addition to the other requirements set out in the regulations, produces documentation satisfactory to the Registrar that shows that the applicant has a combination of academic qualifications and practical experience that is substantially equivalent to the requirements for a diploma in social service work, as prescribed in the regulations. Section 8.(1)1.iv. of the Registration Regulation provides that the applicant must produce documentation satisfactory to the Registrar that shows that the applicant has a combination of academic qualifications and practical experience that the Registrar determines is substantially equivalent to the qualifications required for a diploma in social service work from a social service work program offered in Ontario at a College of Applied Arts and Technology (CAAT).

Council has approved registration policies setting out criteria to assist the Registrar in making the determinations referred to above. Council was assisted in the development of the policy respecting the issuance of a certificate of registration in social work, by the accreditation standards of CASSW. Similarly, Council was assisted in the development of the policy respecting the issuance of a certificate of registration in social service work, by the Social Services Worker Program Standards, 1996, approved by the Ministry of Training, Colleges and Universities.

The policies describe the specific course content and practical experience (including supervised practice) to be demonstrated by an applicant. The policies assist the Registrar in determining whether the applicant's academic qualifications and practical experience are substantially equivalent to the qualifications required for a degree in social work from a social

work program accredited by the CASSW or a diploma in social service work from a social service work program offered in Ontario at a CAAT, as the case may be.

The documentation that an applicant must provide for the Registrar's consideration includes:

1. A course-by-course description of his or her academic degree(s), or diploma which describes the content of the courses, and provides evidence of the course content described in the policies, referred to above. The College must also receive a detailed transcript from the applicant's university or college, as evidence that the applicant successfully completed the courses described and obtained a minimum of an honours baccalaureate degree, in the case of social work, or a minimum of a diploma from a two-year diploma program, in the case of social service work.
2. Supporting documentation from an employer, which provides evidence that the applicant has performed the role of a social worker for a minimum of 1 year, that the position held by the applicant meets the definition of the "role of a social worker" and that the applicant had direct responsibility for providing social work services. In the case of social service work, the applicant must provide supporting documentation from an employer as evidence that the applicant has performed the role of a social service worker for a minimum of 900 hours, that the position held by the applicant meets the definition of the "role of a social service worker" and that the applicant had direct responsibility for providing social service work services.
3. In the case of social work, the College must receive supporting documentation which provides evidence that a social worker supervised a minimum of 700 hours of the applicant's social work practice. In the case of social service work, the College must receive supporting documentation which provides evidence that 900 hours of the applicant's social service work practice were supervised by a social worker or social service worker.

# Registration Requirements – Equivalency Criteria

GLEND A McDONALD, M.S.W., RSW, REGISTRAR

The Council of the College has taken very seriously the requirement that the applicant demonstrate that they do have a combination of academic qualifications and practical experience that is substantially equivalent to the qualifications required for a degree in social work from a social work program accredited by the CASSW or a diploma in social service work from a social service work program offered in Ontario at a CAAT. The Council used the accreditation standards of CASSW, in the case of social work, and the Program Standards for Social Service Worker Programs in Ontario, in the case of social service work, to inform the registration policies that set out the criteria which assist the Registrar in making this determination. The “bar” is a high one, in consideration of the standards set out in the Act and the regulation and in keeping with the College’s duty to serve and protect the public interest.

As members can see, the Act and Registration Regulation require that the College consider applicants, for registration in the College, who have a combination of academic qualifications and practical experience that is substantially equivalent to the qualifications required for a degree in social work from a social work program accredited by the CASSW or that is substantially equivalent to the qualifications required for a diploma in social service work from a social service work program offered in Ontario at a CAAT. Like all members of the College, these members are required to act in accordance with the Code of Ethics and Standards of Practice, approved by Council, for the professions of social work and social service work.

Should members wish further information regarding these matters or wish to obtain a copy of the policies described above, please contact the College.



# Practice Notes: Confidentiality and Disclosure of Client Information Without Client Consent

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

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

## Recurring Issue: Disclosure of client information without client consent

“Can I breach confidentiality?” is a question frequently posed by members in the throes of a practice dilemma. A cornerstone of social work and social service work practice is the confidentiality of client information and this is stated clearly in the standards of practice, Principle V, Confidentiality:

“College members respect the privacy of clients by holding in strict confidence all information about clients. College members disclose such information only when required or allowed by law to do so or when clients have consented to disclosure.”

Confidentiality and disclosure of information is a vast topic. This article is not intended as an exhaustive review of all issues or reporting obligations for OCSWSSW members. In addition, this article is not intended to address the obligations that certain members may have under privacy legislation such as the *Personal Information Protection and Electronic Documents Act* (PIPEDA) and the *Personal Health Information Protection Act* (PHIPA). Rather, this article describes a number of practice scenarios that have come to the attention of the College and highlights the standards which guide a member of the OCSWSSW in understanding his or her professional obligations.

It is of course preferable, in most circumstances, to obtain a client’s consent prior to disclosing information to a third party. However, situations can and do arise that obstruct this. For example, disclosing the information may put the client in a negative light as in the case of a mandatory report of child abuse, or if the information of concern pertains to the actions of another person in relation to the client.

As a first step in determining the parameters of disclosing confidential client information without a client’s consent, members should review the standards of practice, Principle V, Confidentiality. Interpretation 5.1.6 is particularly pertinent:

“College members in clinical practice do not disclose the identity of and/or information about a person who has consulted

or retained them unless the nature of the matter requires it. Unauthorized disclosure is justified if the disclosure is obligated legally or allowed by law, or if the member believes, on reasonable grounds, that the disclosure is essential to the prevention of physical injury to self or others.”

Social workers and social service workers should be familiar with the reporting obligations imposed under the *Child and Family Services Act* (CFSA). This Act requires any “person”, “including a person who performs professional or official duties with respect to children”, to report to a children’s aid society “forthwith” if he or she has reasonable grounds to suspect that a child has suffered or is at risk of suffering certain types of harm defined in the CFSA, including physical harm, emotional harm, sexual molestation or sexual exploitation. This obligation overrides any other obligations, including those under PHIPA, since the CFSA reporting obligation is stated to apply “despite the provisions of any other Act” and specifically despite anything in PHIPA. The reporting obligation applies with respect to certain suspected harm or risks of harm (as defined in the CFSA) regarding children under the age of 16, by a “parent” or “person having charge of the child.” For a complete description of reporting obligations under the CFSA, members are urged to review the legislation at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

Members seem to be less clear about their professional responsibilities with practice issues that do not involve the abuse of children. Consider the following scenario:

A member who works in an addictions facility sees a new client who is a regulated health professional. The client discloses that she has a history of substance abuse and her employment at a hospital outside Ontario was terminated. She has since moved to Ontario and is not currently working in order to address her addiction problems. The member is unsure what action, if any, to take.

# Practice Notes: Confidentiality and Disclosure of Client Information Without Client Consent

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With Interpretation 5.1.6 as a guideline, the member determined that the situation did not meet any of the circumstances which would justify disclosure without consent. That is, there is no legislation requiring her to report, there is no warrant or court order that obligates or allows her to disclose information and there is no imminent risk of the client harming herself or others. The member was encouraged however, to contact the client's health regulatory body without disclosing identifying information for a consultation about what additional resources might be available to assist the client. She was also encouraged to monitor any changes which could have an impact on whether disclosure without the client's consent was justified. For example, if the client's substance use led to her neglecting children in her care, the member would then be required to make a report to a children's aid society.

The following practice dilemma was raised by a social worker employed in the emergency room of a hospital:

A female client discloses to her that she has been having a sexual relationship with her physician in the community. The client reports that when she pressured the physician to leave his wife, he angrily rebuffed her, sending her into a crisis and ultimately precipitating her visit to the emergency room. The social worker is unsure if she has an obligation to report this matter to the College of Physicians and Surgeons of Ontario, the regulatory body for physicians.

In Ontario, more than 20 health professions are regulated under the *Regulated Health Professions Act, 1991* (RHPA), while social workers and social service workers are regulated under the *Social Work and Social Service Work Act, 1998* (SWSSWA). All health professionals regulated under the RHPA must report to the appropriate regulatory body when they have reasonable grounds (obtained in the course of practising their profession), to believe that another professional regulated under the RHPA has sexually abused a client. This obligation exists even when the reporter is a member of a different health profession from the alleged abuser. By contrast, under the SWSSWA, members of the OCSWSSW are required to report to the OCSWSSW if, in the course of their

practice, they obtain reasonable grounds to believe that a registered social worker or social service worker has sexually abused a client. Members of OCSWSSW do not have a mandatory reporting obligation in regard to health professionals regulated under the RHPA.

Although in the example given, the social worker did not have an obligation to report to the College of Physicians and Surgeons of Ontario, the social worker was a member of a team which included health professionals regulated under the RHPA, who would need to review their own reporting obligations. Typically, social workers who work in the

emergency room of a hospital are members of a multidisciplinary team, and routinely share information with other team members. Members who practise in this way are reminded of Interpretation 5.2 found in the standards or practice:

“College members inform clients early in their relationship of the limits of confidentiality of information. In clinical practice, for example, when social work service or social service work service is delivered in the context of supervision or multi-disciplinary professional teams, College members explain to clients the need for sharing pertinent information with supervisors, allied professionals and para professionals, administrative co-workers, social work or social service work students, volunteers, and appropriate accreditation bodies.”

However, in this situation the member would also need to take into account the right of a patient to “lock” personal health information under *PHIPA*. For more information on the lockbox provision, please see Section 3.10 of the College's *PHIPA Toolkit*.

Although social workers, social service workers and regulated health professionals have mandatory reporting responsibilities regarding fellow professionals, under both the RHPA and the SWSSWA, the name of the client who was allegedly abused may not be reported unless that person provides his or her written consent. For complete information about reporting obligations under the RHPA and the SWSSWA, members are strongly encouraged to review both pieces of legislation at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). Members may also refer to the “Mandatory Reports” section found on the College's website [www.ocswssw.org](http://www.ocswssw.org) for further information about reporting obligations for members of the OCSWSSW and/or their employers.



# Practice Notes: Confidentiality and Disclosure of Client Information Without Client Consent

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

There may be times when a member has grave concerns about information received from a client, but does not have consent to disclose the information and the situation does not meet the criteria set out in the College's Standards of Practice for disclosure without the client's consent. Contemplate the following:

A member is seeing a client in weekly counselling sessions to work on her anger problems and a past history of abuse. The client, who lives alone and is socially isolated, discloses that she periodically hurts her pet cat. While she feels remorseful after her cruelty, she also feels unable to control her behaviour. The member is very troubled by this information and unsure what to do.

As already stated, the College's Standards of Practice permit disclosure of client information without the client's consent where, among other things, the member believes, on reasonable grounds, that the disclosure is essential to the prevention of physical injury to self or others.

Accordingly, the member's focus in this scenario needs to be on whether there is such a risk of physical injury to "self or others". In addition, the member may need to obtain legal advice regarding whether any other legal obligations may exist in relation to this information, since the mistreatment of animals is the subject of certain provisions in both provincial legislation and the Criminal Code.

Such situations also call for clinical judgement and skill. The member planned to continue to work with the client, to among other things, examine what triggers her anger and alternative ways of expressing it. The member was also encouraged to seek consultation to assist her with her strong emotional reactions to the client's behaviour, so that she could continue an effective working relationship with her.

At times members call the College with urgent requests for guidance about how to respond to a demand from the police or a lawyer to disclose information. Often the position of authority or the force with which the request is made can be intimidating for a member and lead to confusion about his or her obligations and responsibilities. Members are again reminded to review whether their client or clients have provided permission to disclose information, and if not, whether the situation meets the circumstances under which disclosure without the client's consent may take place. In the event of receiving a court order,

warrant or subpoena, a member should have this reviewed by legal counsel to determine whether and to what extent the member may be required to disclose information. A subpoena can be issued on anyone's request. It does not provide legal authority to disclose information. It just requires attendance with the documents, if any, referred to in the subpoena. Members may also wish to obtain a legal opinion about whether there are any reporting requirements under federal or provincial legislation which may apply.

This article discusses the issue of confidentiality and when it is permissible to disclose confidential information without the consent of the client. This article is intended to highlight situations which may arise and how a member might go about making a sound and ethical decision. It is not intended as an all encompassing review of the multitude of issues about an immense and complex topic. Members are encouraged to review the standards of practice and the legislation that will affect them in their professional roles and to consult when needed.

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

## **In determining when to disclose confidential information without a client's consent, members are encouraged to:**

- Review the Standards of Practice, in particular Principle V, Confidentiality and Principle IV, 4.3 Access and Disclosure
- Review obligations under legislation, e.g. *Social Work and Social Service Work Act, Child and Family Services Act, Personal Health Information Protection Act, Criminal Code, Coroners Act etc.*
- Identify other legislation relevant to one's practice and review obligations under that legislation, e.g. *Mental Health Act, Nursing Homes Act, Workplace Safety and Insurance Act.*
- Seek supervision or consultation to assist in understanding obligations, organizational policies and dealing with troubling information.
- Seek legal consultation when obligations are unclear or when served with a court order, warrant or subpoena
- Document the decision and how it was arrived at.

## Standards of Practice & Continuing Competence Update



As you know, over the past several months, the Standards of Practice Committee has been reviewing and updating the College's standards of practice in order to ensure ongoing relevance to practice and consistency with legislation. In addition, new guidelines have been developed to address issues arising in specific practice areas. The finalized standards will form the basis of the self-assessment tool used in the Continuing Competence Program the College is mandated to carry out. The proposed changes, which resulted from extensive consultation, have been consolidated and a new draft has been created which must now be reviewed prior to approval by Council. The revised standards and new guidelines will also be sent to a number of key stakeholders for their review and comments.

The College is currently recruiting volunteers to assist with the further review of the revised standards and new guidelines, particularly those members involved in the following areas of practice: children and youth, capacity assessments, medication practices and custody and access assessments. A cross-section of volunteers involved in both direct and indirect practice is needed for this phase of the review. If you are interested in assisting the Standards of Practice Committee in this regard, please fill out the form found on the home page of the College's website [www.ocswssw.org](http://www.ocswssw.org) and fax it to (416) 972-1512. Although the

College will make every effort to ensure all applicants will be chosen, this may not be possible depending on the number of individuals interested.

The Standards of Practice Committee is also continuing its work on the College's Continuing Competence Program which will, upon completion, be aligned with the revised and approved standards of practice. As you know, the program underwent pilot testing in 2005 and based on the findings of the testing, the committee is currently making significant changes including revising the self-assessment tool and changing the way the materials are organized. These changes will make the program more user-friendly and consistent with the revised standards of practice. Once both the standards and the Continuing Competence Program have been approved by Council, the College will communicate with members regarding the requirements of the Program.

*If you have any questions regarding the standards of practice or the Continuing Competence Program, 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@ocswssw.org](mailto:pblake@ocswssw.org).*

# What's New For Members?

## Practice Notes Articles

Following a number of requests from members for copies of the Practice Notes articles from past issues of *Perspective*, the College has printed the stand-alone articles which are now available upon request. The articles, featuring titles such as *Work Stoppage*; *Self-Employment: Look Before You Leap*; *Boundary Violations*; and *Dual Relationships: Approach With Caution*, are also available for members to download from the College's website. All future Practice Notes articles will be made available to members and are intended to provide useful information on specific matters relating to the practice of social work and social service work.

## New College Brochures

The College recently produced several information brochures for current members, prospective members, employers and the public. The brochures are available for members and the public in both official languages in hard copy and in downloadable format.

The ***Information for Professionals*** brochure answers a number of frequently asked questions regarding the College, the *Social Work and Social Service Act* and the benefits of registering with the College.

The ***Information for the Public*** brochure details information on the social work and social service work professions, the College's public register and the College's complaints process.

The ***College Complaints Process*** brochure is a detailed pamphlet explaining the College's responsibilities under the *Social Work and Social Service Work Act*; what a complaint is; how to make a complaint; and who makes decisions concerning complaints.

***Mandatory Reports to the College*** explains the five circumstances under which a report must be made to the College by an employer, former employer or member of the College.

For social work and social service work students, the new FAQ brochure provides information for those currently enrolled in College or University programs and are looking for information on the College, its mandate and the registration process.

## E-Bulletin Sign Up

Do you have a current e-mail address? Are you interested in receiving information from the College via e-mail? If so, you may be interested in receiving the E-Bulletin, a communications tool used to send important information to members and stakeholders in a timely manner. To date, the E-Bulletin has not been used on a regular basis, however, in an effort to improve communication with members and to remain fiscally responsible, the College will be using this vehicle regularly beginning in early 2006. Mailings can be quite costly, however, by using electronic communications tools, the College can continue to disseminate important information without incurring the mailing costs. If you have not already done so, please sign up to receive the E-Bulletin by visiting the home page of the College's website at [www.ocswssw.org](http://www.ocswssw.org). Please be sure to include your first and last name as well as an active e-mail address.

*If you would like more information or to receive copies of the above publications, please contact Yvonne Doyle, Communications Coordinator at 416-972-9882 or 1-877-828-9380 ext. 220 or e-mail: [ydoyle@ocswssw.org](mailto:ydoyle@ocswssw.org).*



# Registration Update: The Registration Appeals Process

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

## Introduction

The Registration Appeals Committee is one of five statutory committees set out in the *Social Work and Social Service Work Act, 1998*, (the “Act”). The mandate of the committee is to review matters related to the registration of members in the College. The committee conducts paper reviews and is not required to hold a hearing before rendering a decision or giving direction to the Registrar.

The Act informs the composition of the committee. As with other statutory committees, the members are appointed by the nominating committee of the College. Currently the committee is comprised of two public Council members, appointed to Council by the Lieutenant Governor in Council, two elected social service work Council members, one elected social work Council member and one appointed non - Council social work member.

Typically, the committee as a whole convenes to review an applicant’s request for the review. However, from time to time, the committee chair appoints a panel from the committee members and authorizes the panel to conduct the review.

## Proposal of the Registrar

When the Registrar of the College proposes to refuse to issue a certificate of registration or proposes to issue a certificate of registration subject to terms, conditions or limitations to which the applicant did not consent, the applicant is given notice of the Registrar’s written proposal with reasons. At the same time, the applicant is informed that he or she has 60 days after the date of the Registrar’s proposal to request a review in writing by the Registration Appeals Committee. The committee has the authority to extend the time given to an applicant for requesting the review if there are apparent grounds for granting relief and there are reasonable grounds for applying for the extension.

## The Review Process

Each review is carefully considered and is informed by the Act, the Registration Regulation registration policies and by-laws of the College. The committee has the authority to refuse to conduct a review if, in the committee’s opinion, the request is frivolous, vexatious or an abuse of the process. Before embarking on the reviews, committee members examine the roster of applications, and as guided by College policy and the by-law on conflict of interest, ensure reviews are free from any conflict of interest.

The committee strives to meet monthly and has, at times, met more frequently in order to attend to the requests for review.

For applicants waiting for the committee’s decision, the process may seem long and unduly protracted. The length of time it takes from the applicant’s initial request to the final disposition is due in part to the unique circumstances of each review. All applicants however, are entitled to examine and make submissions on all documents that the committee intends to consider in the course of making its decision. The applicant is afforded a determined amount of time to review the documents and submit additional, written information to the committee.

From time to time the committee will begin a review and in the course of the review, determines that more information is required from the applicant or from a third party on behalf of the applicant. In these circumstances, the review is adjourned and the applicant is notified in writing. If information is received from a third party, once again, the applicant is entitled to examine the new documentation and make written submissions on the documents. This process further extends the length of the review process.

Other delays in the process have occurred for some applicants, when the committee identifies that the College may require a new registration policy. As only Council of the College can approve policy, in these circumstances, the Registration Appeals Committee prepares a brief with recommendations on the issue and forwards the documentation for the consideration of Council of the College.

For example, some applicants who received a proposal from the Registrar and subsequently requested a review by the Registration Appeals Committee had graduated from a Canadian social work program that was not accredited by the Canadian Association of Schools of Social Work (“CASSW”) at the time of the applicant’s graduation. Rather, the social work program from which the applicant graduated was in candidacy for accreditation by the CASSW. Council of the College, on January 25, 2002 approved a registration policy that stated that a social work program offered in Canada that was, at the time of the applicant’s graduation, a candidate for accreditation by the CASSW, and was subsequently successful in its being granted accreditation by CASSW, is equivalent to a social work program accredited by the CASSW. (This policy only applies to those social work programs offered in Canada that are listed in the CASSW Directory 2001 as an accredited social work program). Once the policy was approved by Council, the Registration

# Registration Update: The Registration Appeals Process

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

Appeals Committee was able to return to the review of these particular applications.

At other times, an applicant's file may be expedited because, in the course of waiting for the review by the Registration Appeals Committee, Council of the College approves a new registration policy which has a direct impact on the review. For example, a number of reviews were brought before the committee from applicants who obtained master's level social work degrees from programs in Canada which, at the time of the applicant's graduation, were not accredited by the CASSW. These applicants had graduated from Canadian master's level social work programs prior to the establishment of the CASSW. It appeared that some of these master's level social work programs were accredited by the American social work accrediting body, the Council on Social Work Education ("CSWE") at the time of the applicant's graduation. On May 17, 2001 Council of the College approved a registration policy that stated that during the unaccredited period, a social work program offered at a university in Canada that was first accredited by the CSWE as a master's level social work degree program and subsequently accredited by CASSW as a master's level social work program was deemed to be equivalent to a social work program accredited by the CASSW. Consequently, upon Council's approval of this policy, the Registration Appeals Committee was able to expedite the reviews for those applicants who graduated from master's level social work programs as defined by the new policy.

## The Decision of the Registration Appeals Committee

Upon review of the applicant's application, as well as the applicant's request for a review and the written documentation submitted, the Registration Appeals Committee renders a decision on the request for the review. The Act gives the Registration Appeals Committee the authority to direct the Registrar to:

- Issue a certificate of registration to the applicant
- Issue a certificate of registration subject to specified terms, conditions or limitations
- Vary specified terms, conditions or limitations in the Registrar's proposal
- Refuse to issue a certificate of registration to the applicant.

The written decision of the committee with reasons is forwarded to the Registrar and a copy served on the applicant within 60 days after considering the request for the review. The written decisions are detailed and lengthy and each decision addresses all areas that the committee considered, the applicant's request, all the documents reviewed, and the reasons for each decision. Clarity and transparency in the written documentation to the Registrar and to the applicant are central tenets of the written decision.

Up to now, no requests for review have been received regarding the Registrar's proposal to issue a certificate of registration with terms, conditions or limitations to which the applicant did not consent. Similarly, to date, no applicant has appealed the decision to Ontario Divisional Court. It may be important to note, that when the committee directs the Registrar to issue a certificate of registration to an applicant, the committee must be satisfied that the applicant has met all the conditions and requirements of the Act, the registration regulation, registration policies and College by-laws.

To date, the committee has received approximately 120 requests for review under both the initial registration regulation (579/99) and the current registration regulation (383/00). The nature of the requests have come from applicants who received proposals from the Registrar to refuse to issue provisional certificates of registration (the grand parenting provision of the Act) as well as from applicants who received proposals from the Registrar to refuse to issue general certificates of registration.

*For more information about registration policies or questions regarding application for membership in the College, contact Mindy Coplevitch M.S.W., RSW, Director of Registration at 416-972-9882 or toll free 1-877-828-9380 ext. 203 or e-mail: [mcoplevitch@ocswsw.org](mailto:mcoplevitch@ocswsw.org).*

*If you are a member of the College and have questions regarding your membership, please contact Lynda Belouin, Membership Coordinator, at 416-972-9982 or 1-877-828-9380 ext. 212 or e-mail: [lbelouin@ocswsw.org](mailto:lbelouin@ocswsw.org).*

# HPRAC Psychotherapy Review

On May 5, 2005 the College received a request for feedback from the Chair of the Health Professions Regulatory Advisory Council (HPRAC), Ms. Barbara Sullivan, regarding whether psychotherapy should be regulated. In her letter, Ms. Sullivan states that the Minister of Health and Long-Term Care, in a letter of referral, asked HPRAC to consider:

- 1) Whether psychotherapy should be an additional controlled act under the *Regulated Health Professions Act, 1991*, (“RHPA”) and if so, which regulated professions should have psychotherapy in their scopes of practice and how should standards be set and measured.
- 2) Whether psychotherapists should be regulated under the RHPA as a profession, what their scopes of practice should be and what controlled acts they should be authorized to perform, as well as any protected titles, and whether it is appropriate that psychotherapists be regulated under an existing profession specific act.

The College was asked to respond to a questionnaire by June 15, 2005 which would contribute to the development of a discussion paper. Due to the limited time in which to respond, the College’s response was based on a consultation with a select group of members who practise psychotherapy, input from members of Council and research carried out by OCSWSSW staff members.

In addition, Glenda McDonald, Registrar and Pamela Blake, Director of Professional Practice and Education, attended a two-day facilitated workshop in July to further delineate the issues that should be considered in order to form the final discussion paper, which was released on the HPRAC’s website on September 12, 2005.

The paper included a further 22 discussion questions to be considered regarding the potential regulation of psychotherapy. The College prepared a response to the discussion paper that was discussed at the Council meeting in October 2005 and submitted to the Ministry prior to the October 21, 2005

deadline. A copy of the College’s submission can be found on the website [www.ocswssw.org](http://www.ocswssw.org).

Following the release of the discussion paper, HPRAC also held a number of public consultations in various locations around the province in late September and early October. Based on the written submissions and the public consultations, HPRAC will make a final recommendation to the Minister of Health. Information and developments on this project will be posted on the College’s website [www.ocswssw.org](http://www.ocswssw.org) as it becomes available.

*If you have any questions regarding the HPRAC Psychotherapy Review, 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@ocswssw.org](mailto:pblake@ocswssw.org) or visit [www.hprac.org](http://www.hprac.org).*

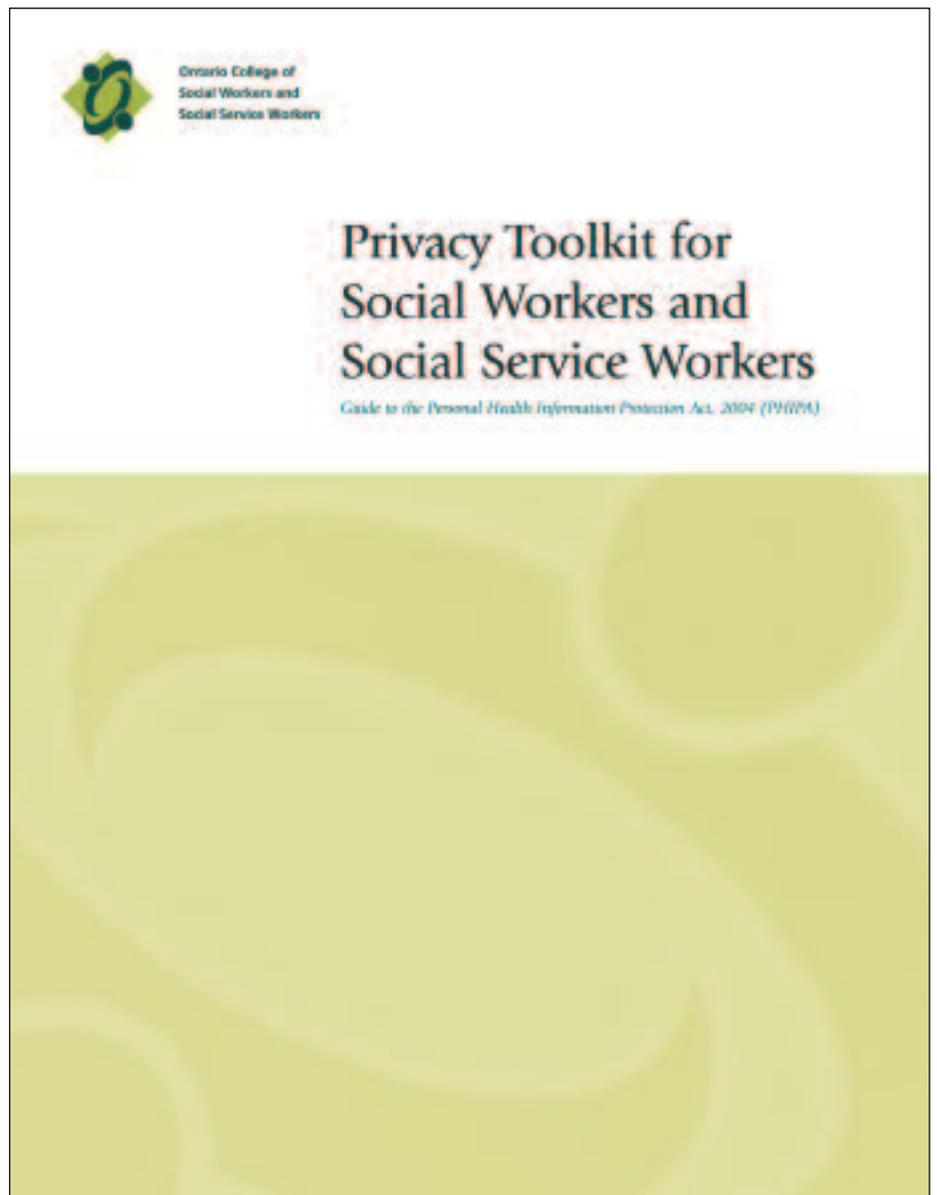


# PHIPA Toolkit

In October 2005, all members were sent a printed copy of the *Personal Health Information Protection Act, 2004 (PHIPA)* Toolkit created by the College to help you understand the legislation and how it affects you as a social worker or social service worker. The Toolkit is a valuable resource that explains the purposes of the PHIPA, provides important background information on the Act, and explains who is covered by the Act using a decision tree that helps members determine their responsibilities under the legislation. The Toolkit, which is also available to download from the College's website ([www.ocswssw.org](http://www.ocswssw.org)), was funded in part by the Health

Information Privacy Unit of the Ministry of Health and Long-Term Care. All new members who join the College will receive a copy of the PHIPA Toolkit so as to familiarize themselves with the Act and how it affects them. We ask that if you haven't done so already, please take some time to read through the Toolkit to determine if and how the Act applies to you.

*If you have any questions or would like more information on the PHIPA Toolkit, 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@ocswssw.org](mailto:pblake@ocswssw.org).*



## Q & A

Q & A is a new feature appearing in *Perspective* that will answer member's questions on various topics relating to the College and the practices 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](mailto:ydoyle@ocswssw.org). Although not all questions will be published in subsequent issues of *Perspective*, all will be answered.

**Q:** In my agency we have multi-disciplinary clinicians with a variety of diplomas and degrees (MSWs, SSWs, BSWs, MA Ed. Counselling etc.). Our clinical supervisory team is comprised of 2 MSWs who are College members and an OT who is a member of her College. Are there any limitations with regard to what disciplines may provide clinical supervision to SSWs and MSWs?

**A:** The OCSWSSW does not set requirements for what disciplines may provide clinical supervision to SSWs and SWs. It would of course be helpful, if the supervisor is not a member of the OCSWSSW, that he/she is familiar with our Code of Ethics and Standards of Practice, and has the professional competency to provide the requested supervision.

**Q:** I am looking to find the scope of practice for both social work and social service work. It doesn't seem to be anywhere in the *Social Work and Social Service Work Act*. Can you please advise me as to where I could find the information?

**A:** The scope of practice statements for both professions can be found in the Code of Ethics and Standards of Practice Handbook, and the scope of practice statements and detailed information on social work and social service work is now available on the College's website at [www.ocswssw.org](http://www.ocswssw.org). Two new pages were recently added to the site which detail the scope of practices and settings in which social workers and social service workers are employed. Information is also available in the College's new *FAQ's Information for the Public* brochure which can be downloaded from the website.

**Q:** I'm a member of the OCSWSSW and am considering starting a private practice. It is unclear to me whether I am able to use a business name other than my own name. In doing searches of other social workers in private practice, I have come across those who use their own names as well as others who use names such as Wellbeing Counselling Services, for example. Could you please clarify this for me?

**A:** In regard to what name to use for a private practice/business, you should refer to the OCSWSSW Code of Ethics and Standards of Practice Handbook. Principle VII "Advertising" is most relevant to the questions you pose. Also, as a result of amendments to the Business Corporations Act (that allows for the incorporation of professionals), By-law 48 of the OCSWSSW amends the standards of practice effective June 1, 2003. All members were sent these changes to the standards in 2003.



# Bulletin Board

## 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](http://www.ocswssw.org), emailed to [info@ocswssw.org](mailto: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 Pat Lieberman at [plieberman@ocswssw.org](mailto:plieberman@ocswssw.org) to receive an application form. The College welcomes all applications, however, the number of available positions for non-Council members is limited by the statutory committee requirements in the *Social Work and Social Service Work Act* as well as by the by-laws and policies of the College.

## ELECTION TO COUNCIL DISTRICT No. 4 MAY 25, 2006

All College members who practice in electoral district no. 4 will be eligible to stand for election. There are two social work member positions and two social service work member positions. Council is responsible for governing and managing the affairs of the College and for developing policies that regulate the professions of social work and social service work. Council members play a leadership role in the regulation of members of these professions, reflecting the College's primary duty to serve and protect the public interest while promoting high

standards of practice for the profession. In late January the College will issue a call for nominations for these positions. We urge you to get involved. If you have questions, please contact Pat Lieberman at 416-972-9882 or 1-877-828-9380 ext. 207 or e-mail: [plieberman@ocswssw.org](mailto:plieberman@ocswssw.org).

## COUNCIL MEETINGS

College Council meetings are open to the public and are held at the College office in Toronto. Visitors attend as observers only. Seating at Council meetings is limited. To reserve a seat, please fax your request to the College at 416-972-1512 or contact Pat Lieberman at 416-972-9882 or 1-877-828-9380 ext. 207 or e-mail: [plieberman@ocswssw.org](mailto:plieberman@ocswssw.org).

Please visit the College's website for the dates and times of upcoming meetings.

## WE'VE MOVED

As of July 15, 2005 the College moved into its new premises located at 250 Bloor St. East, Suite 1000, Toronto, M4W 1E6. All members were sent an official moving notice in the mail and all correspondence has been updated to reflect the new address. The phone, fax and e-mail addresses remain unchanged.





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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Fax: 416-972-1512  
www.ocswssw.org

#### WHO TO CONTACT AT THE COLLEGE:

##### OFFICE OF THE REGISTRAR

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

**Trudy Langas**  
*Executive Assistant*  
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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**  
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esevdina@ocswssw.org

**Elaine Hall**  
*Registration Administrator*  
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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

**Gail Vormaworh**  
*Office Manager*  
Ext. 202 or e-mail:  
gvormaworh@ocswssw.org

**Lynda Belouin**  
*Membership Administrator (bilingual)*  
Ext. 212 or e-mail:  
lbelouin@ocswssw.org

**Catherine Painter**  
*Information Assistant*

**Nadira Singh**  
*Information Assistant*

**Contact Gail, Lynda, 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 Gail 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.**

##### 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

**Contact Pamela with professional practice questions.**

##### FINANCE

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

##### REMINDER:

If you change employers or move, advise the College in writing within 30 days. We are required to have the current business address of our members available to the public. Address change information can be e-mailed to info@ocswssw.org, faxed to 416-972-1512 or mailed to our office address. Changes of address must be made in writing and include your registration reference number, your old address and your new address information.