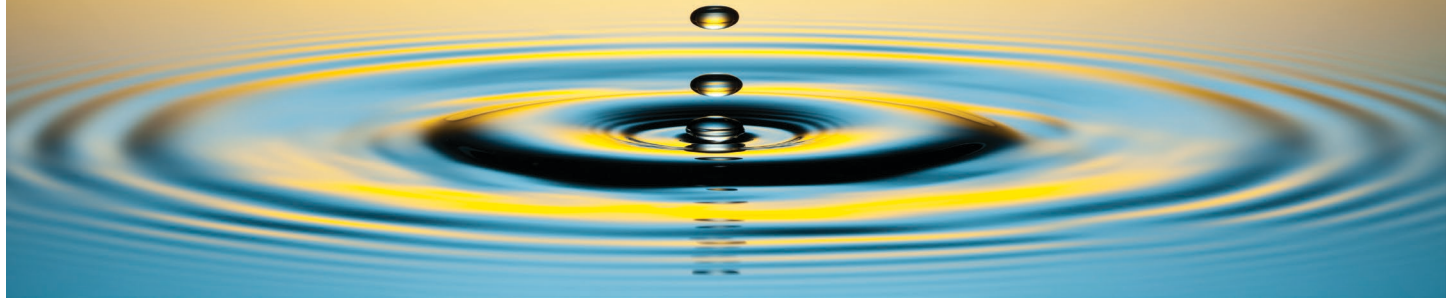


Practice Matters



Practice Matters was created as an educational resource for social workers in Newfoundland and Labrador. It is intended that this resource will generate ethical dialogue and enhance critical thinking on issues that impact social work practice. Practice Matters is provided for general information.

Promoting Professionalism: Right-Touch Regulation and Quality in Social Work Practice

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The term regulation can evoke negative responses and conjure up thoughts of control and pressure to conform to rules and regulations. Social work by its very nature is “risky business” and encompasses many fields of practice that demand high levels of knowledge, skills and competence. In spite of the educational qualifications necessary to become a professional social worker and the faith placed in the regulatory body to ensure competent social work practice and protection of the public, there are occasions where regulatory processes have to be engaged which can create angst for those involved in the process. This article will consider how the NLCSW, when concerned with the conduct or behavior of individual registrants, seeks to engage right-touch regulation to anticipate, prevent and address problems and promote professionalism.

What Does it Mean to be a Member of a Regulated Profession?

There is a difference between being professional and being a professional. Many individuals who are not members of a regulated profession would say they ascribe to professional attitudes and values. The key difference is the existence of a professional regulatory body and a professional's acceptance of the authority of that regulatory body. Regulated professionals accept that their regulatory body can establish standards of qualification, ethics, competence, and professional practice; take action to

ensure that such standards are maintained; and hold its members accountable for upholding these professional standards.

“Professionalization has been described as the process by which the members of an occupation collectively strive to achieve the recognition and status that is accorded to the established professions by emulating or adopting the defining characteristics of the established professions” (Balthazard, 2015, p 9). Because the actions of a social worker can positively or negatively affect clients and the profession, they must be subject to regulation in the public interest. Social work regulation grants title protection, it defines a scope of practice for social workers, and protects clients by providing them with avenues for recourse whereby the licensed professional can be held accountable for their conduct and behavior. Licensure is a requisite for entry to practice and the privilege to practice and be a self-regulated profession is something that is earned.

Social Work Practice – Achieving the Balance

Social work addresses some of the most complex and intractable human and social problems including but certainly not limited to poverty, mental illness, addiction, homelessness, child abuse and social injustice. Social workers are recognized both through legislation and by their licensing bodies as professionals and with that comes a responsibility to members of the public and to the profession. Although social work practice provides opportunities for lifelong learning, challenge, along with personal and professional growth and development, being a professional brings with its expectations from both the profession and the public. It can be a bit like walking a tightrope at times as you are required to balance the needs of clients along with organizational needs and professional responsibilities, all the while ensuring you have the knowledge, skills and values to practice competently and ethically. When you walk out on the edge of the world and balance yourself for a while and realize this is what you signed on for, you cannot lose sight of your professional responsibility and privilege to practice, even when things get a bit unsteady.

Social workers are only human and for a multitude of reasons can find themselves struggling in their personal and professional lives and in a dubious position asking, “how did I get into this mess and where am I going.” Always in the middle between clients, communities and organizations, this existential introspection happens to most social workers at different points in their careers and is considered normal given the complexities and demands of social work practice. It becomes concerning however, when things tip over to the point where practice is being affected and on a level that could negatively impact clients. Fortunately, on most occasions, social workers can regain their balance and move in a positive direction. There may be times however, when social workers, for any number of reasons, make mistakes, struggle to meet the needs of clients, the organization, their own professional responsibilities, or make choices that are not in keeping with the ethics and standards of the profession. These generally fall into three categories:

Human Error: an inadvertent action; inadvertently doing other than what should have done; slip, lapse, mistake. Human error is a product of current system design and the exercise of personal choices. **At-Risk Behavior:** a behavioral choice that increases risk where risk is not recognized or is mistakenly believed to be justified. At-risk behavior is a conscious choice by an individual where risk is believed to be insignificant or justified. This kind of choice may, of course, be influenced by the culture or context in which the individual works if, for example, risky behavior is tolerated, accepted or even celebrated. and **Reckless Behavior:** a behavioral choice to consciously disregard a substantial and unjustifiable risk. Again, this behavior may be influenced by culture or context, but it reflects a conscious disregard of a substantial and unjustifiable risk. (Griffith, 2011).

Professional regulatory bodies are required in law to protect and promote the public interest by regulating the practice of the profession. The fundamental mission of professional regulatory bodies is to minimize and mitigate the risks to the public that may arise from the practice of the profession (Bayne, 2012). In response to allegations against social worker's practice and in consideration of the three categories above, the NLCSW engages "right-touch" regulation. This right-touch regulation which means looking at the level of risk to the public and identifying the most proportionate means to counter that risk or, the minimum regulatory force required to achieve the desired result has the foundational principles that it is proportionate, consistent, targeted, transparent accountable and agile (Professional Standards Authority UK, 2018). Right touch theory is consistent with the NLCSW vision of *Excellence in Social Work* and continuous quality improvement:

Right Touch Theory

The Harry Cayton CHRE Review of 2009 suggests the following: "Right touch regulation is based on a proper evaluation of risk, is proportionate and outcome focused; it creates a framework in which professionalism can flourish and organizations can be excellent. Excellence is the consistent performance of good practice combined with continuous improvement" (Adams & Pioro, 2018, p 2).

The more serious matters involving unprofessional conduct, professional misconduct, or conduct unbecoming of a social worker require review through the Professional Conduct Review (PCR) processes of the NLCSW. These matters could involve Alternative Dispute Resolution, a Counsel and Caution, or full-scale hearing and sanctions. Social workers are familiar with the CASW (2005) Code of Ethics and the NLASW (2018) Standards of Practice that guide professional practice. In January 2020, the Province of Newfoundland and Labrador enacted new Quality Assurance (QA) legislation under the *Social Workers Act (2010)*. The overarching QA program supports the NLCSW vision by promoting high standards of practice for social workers through professional development, continuing competence and quality improvement.

Matters of a less serious nature can be reviewed by the QA Committee which has the mandate to review Quality Assurance matters referred to it by either the Registrar or the Complaints Authorization Committee. This non-punitive, active approach provides an opportunity for prevention and possible remediation of issues before they escalate to full-scale problems. Utilizing the QA Committee provides another option when practice concerns have been identified that are not at a level of risk to engage the professional conduct review processes. Consider the following case scenarios:

Case Scenario 1

An employer in the community makes an allegation to the NLASW regarding issues with John, a relatively new social worker, who was consistently struggling with completing documentation and was having trouble communicating with clients and other team members regarding assessment, goals for intervention and treatment plans. The employer expressed concerns regarding entry level competencies and awareness of Ethics and Standards for social work practice.

The referral was reviewed by the Complaints Authorization Committee and a decision made to refer the matter to the Quality Assurance Committee (QA) as they did not believe it met the threshold for professional conduct review and the risk of harm to the public was low. The employer was advised of the same. The QA committee believed the John would benefit from having an Assessor appointed to review his work and make remedial recommendations that could help improve his practice. The assessment was completed at John's place of employment and the following recommendations included:

- increased weekly supervision that focussed on reflective practice,
- increased opportunities for peer consultation and evaluation,
- utilizing the NLCSW'S Continuing Competency Self-Assessment Tool, and
- completing two online ASWB courses focussed on social work ethics and documentation in professional practice.

John complied with the recommendations within established timelines, showed an improved level of insight and awareness regarding social work values and ethics, an improvement in his ability to communicate with clients and team members, and adherence to Standards regarding documentation. The employer's concerns were addressed satisfactorily, and the QA Committee was satisfied that the matter did not require further action.

Case Scenario 2

The NLCSW became aware in processing yearly registration that Mary, a worker in health care had not complied with the requirement to complete 40 CPE credits as per the NLCSW policy. Mary had also not completed the required credits the previous year and had at that time requested additional time to do so but never followed through. In conversation with Mary she indicated that demands in her personal life and a heavy workload in her professional life prevented her from taking the time to attend educational events. She also indicated that her employer did not offer many educational events and did not believe they were supportive regarding the same.

In conversations with the NLCSW, Mary stated that there was no way she could comply with the requirements for the CPE credits and really did not understand how they were linked to ensuring competence in professional practice, especially given that she had been working as a social worker for ten years.

The Registrar of the NLCSW referred the matter to the QA committee for review. The QA committee met and reviewed the referral. A decision was made to provide Mary with an opportunity via an agreement to complete the outstanding CPE credits over a specified period of time and to complete an education course on the importance of the value of life-long learning consistent with the Code of Ethics. Mary complied with the agreement and was able to complete the required education and develop a plan to access available educational events going forward.

These examples show how the QA committee of the NLCSW can be utilized as a non-punitive, preventative approach to address practice concerns when they are not at the threshold of professional conduct review. Had the social workers in the examples not complied with the recommendations/orders of the QA Committee the matter would then be referred to the Complaints Authorization committee for review as the matter was not remediated and the potential for risk would still exist.

Conclusion

The primary purpose behind all regulatory body activity should be to protect the public from incompetent or unethical practitioners and to ensure the effective provision and access to professional services. The NLCSW is committed to advancing and promoting professional social work practice in the public interest. The NLCSW QA Program's activities including continuing professional education, practice support and Legislative requirements enhance and promote optimal practice for social workers in Newfoundland and Labrador on a day to day basis. All social workers in the province have access to numerous practice resources for their professional practice tool kit including:

Embracing Excellence Educational Series, CASW educational events, Standards of Practice, explanatory documents, guideline documents and interpretive documents that provide information, direction, guidance and clarification for social workers across many fields of practice. Ethical consultation is also available from the Ethics Committee for feedback and clarification for members who may be struggling with ethical issues in their practice. As well, legislative requirements regarding adherence to the Code of Ethics, the Guidelines for Ethical Practice and the NLASW Standards of Practice and Duty to Report are in place to support, advance and promote ethical, social work practice and professionalism.

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