

Newfoundland & Labrador Association of
Social Workers

Guiding Framework for Social Workers Concerned About the
Professional Practice of a Colleague (*Updated*)

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Newfoundland and Labrador Association of Social Workers (NLASW)

The Newfoundland and Labrador Association of Social workers (NLASW) is the regulatory body and professional association for the profession of social work in Newfoundland and Labrador. NLASW is responsible for regulating the practice of social work under provincial legislation titled *An Act Respecting the Practice of Social Work* (2010). The vision is *Excellence in Social Work*.

Context

Social work is a regulated profession with a high degree of legal and ethical accountability. Social workers are employed in a diverse range of public and private practice settings and are committed to ensuring high quality service delivery.

There are situations when a social worker may be concerned about the professional practice of a colleague. For the purposes of this document, a colleague may be another social worker, another regulated health professional, or an employee of an agency. Issues of concern may include practice that is impacted by impairment including physical or mental illness, addictions or relationship issues, or a potential breach of legislation, code of ethics or professional standards. These situations tend to be complex and have many ethical considerations as the concern may center not only on the well-being of the colleague, but on clients who are receiving the service.

When social workers are faced with attempting to address issues where there is concern about the professional practice of a colleague, this often presents them with their own ethical and practice dilemmas. In these situations, many social workers consult colleagues, a manager, organizational policies, applicable legislation, the Newfoundland and Labrador Association of Social Workers (NLASW) and other professional regulatory bodies for direction and guidance.

This document is intended to assist social workers when there is concern about the professional practice of a colleague. It outlines a decision-making model which is informed by the Social Workers Act (2010), the Canadian Association of Social Workers (CASW) (2005) Code of Ethics, CASW (2005) Guidelines for Ethical Practice, NLASW (2018) Standards of Practice for Social Workers in NL, relevant social work literature, and established best practices.

Professional Obligation

The CASW (2005) Code of Ethics outlines the values and principles that guide social work practice and include:

- 1) Respect for the Inherent Dignity and Worth of Persons
- 2) Pursuit of Social Justice

- 3) Service to Humanity
- 4) Integrity of Professional Practice
- 5) Confidentiality in Professional Practice, and
- 6) Competence in Professional Practice

One of the fundamental principles guiding social work practice is that “social workers uphold the right of clients to be offered the highest quality service possible” (CASW Code of Ethics, p. 8). As outlined in Section 7.2 of the CASW (2005) Guidelines for Ethical Practice, social workers have an ethical obligation to address concerns about the professional practice or behavior of a colleague that impacts on service delivery and client care.

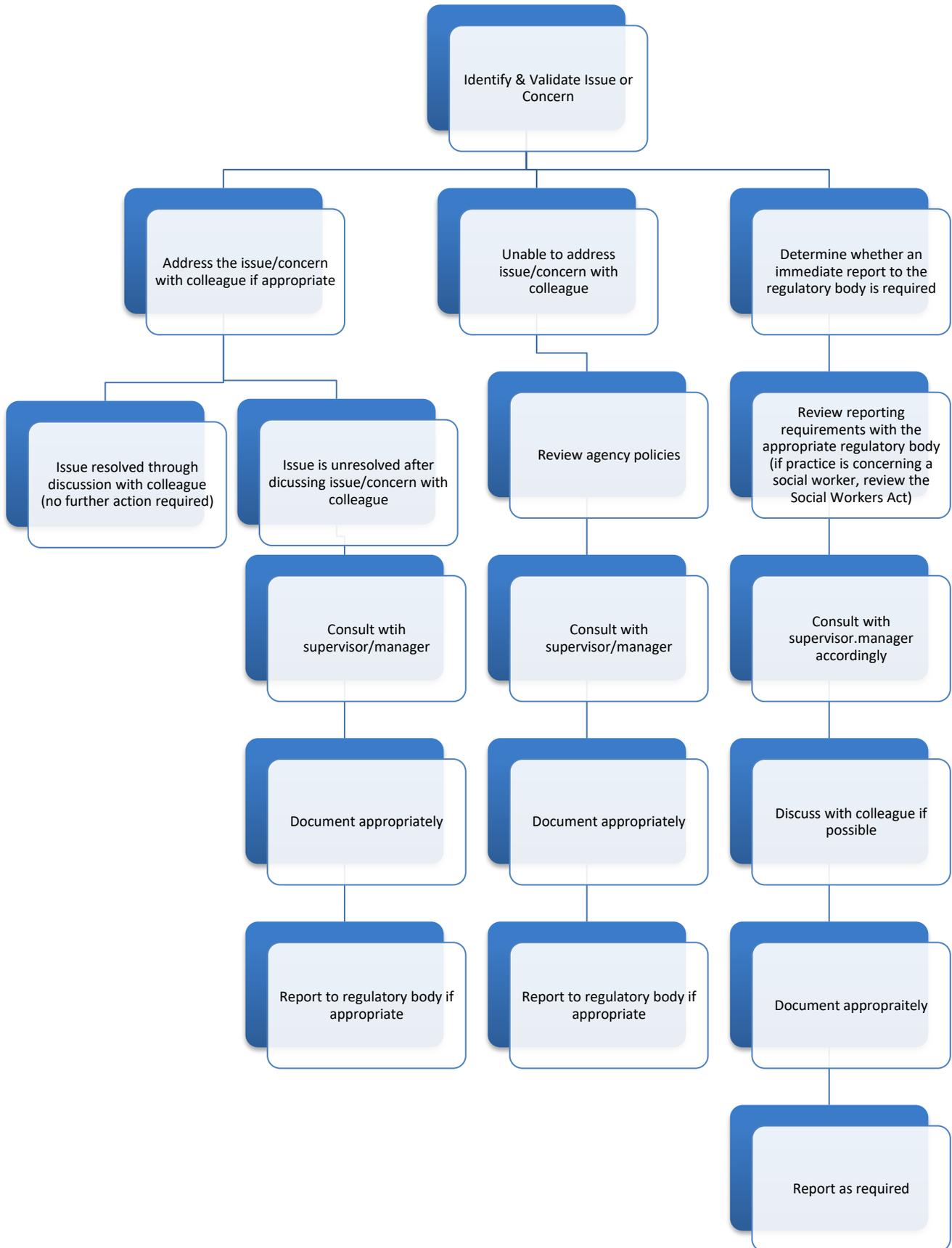
The NLASW (2018) Standards of Practice for Social Workers in NL states: Social workers concerned about the professional practice of a colleague shall take reasonable steps to address the issue. This may include talking directly with the social worker, consulting with one’s supervisor, and/or informing the regulatory body (p.18).

The legislation governing professions including social work often have mandatory reporting provisions for serious concern regarding professional conduct. (See Section 39.7 of the Social Workers Act as an example).

Framework for Resolving Concerns about the Professional Practice of a Colleague

While it is recognized that addressing the professional practice concerns or behavior of a colleague can be challenging, social workers may use the following framework as a guide. Given that these types of situations are always complex, consultation throughout the decision-making process is recommended.

Diagram 1 (Decision-Making Framework)



Identify Professional Practice Concerns and Behaviours

When a social worker is concerned about the professional practice or behaviour of a colleague, one of the first steps is to clearly identify the issue(s) of concern. This will depend on the social workers' knowledge of the situation through direct observation or objective evidence. Social workers are advised to review the Social Workers Act (2010), the CASW (2005) Code of Ethics, the CASW (2005) Guidelines for Ethical Practice, the NLASW (2018) Standards of Practice for Social Workers in NL, and relevant organizational policies. Consultation with a colleague, supervisor or manager may also be helpful.

Following are some examples of practices that may negatively impact client care and therefore are of high concern to social workers:

- Possible boundary violations (i.e., intimate relationships with a client, viewing a client record without a professional duty)
- Dual relationships with clients that may be harmful to the client (i.e., financial/business transactions)
- Unresolved mental health issues that are negatively impacting on client care or effective service delivery
- Colleague who is suspected to be under the influence of drugs and/or alcohol in the workplace
- Competency issues that impact on service delivery (i.e., practicing outside the scope of education and training or not practicing competently)
- Potential breach of confidentiality
- Falsifying information (client records, agency forms, etc.)
- Failure to report as required by law (i.e., not reporting a child protection concern)

Take Appropriate Action

Social workers are not expected to carry out informal investigations on a colleague when there are professional practice/ethical concerns. However, if the social worker has direct and sufficient information about the situation, and possible impact on client care, action is necessary. As outlined in the CASW (2005) Guidelines for Ethical Practice, "social workers who have direct knowledge of a social work colleague's incompetence or impairment in professional practice consult with colleagues about their concerns and when feasible assist colleagues in taking remedial action" (p. 23).

Encouraging the colleague to seek assistance to address the issue and offering recommendations for resolving the issue may be appropriate initial actions. The decision to

discuss professional practice concerns with a colleague may depend on several factors such as immediacy of risk, the social worker's own comfort level in addressing the issue, the social worker's relationship with the colleague, and policies of the organization. Consultation may be helpful at this point.

Means of resolving the concern may include changes in supervision practices and/or involvement in rehabilitation services. It would be the responsibility of the colleague to take the necessary steps in resolving the issue within an appropriate time frame. If the concern is resolved, and there has been no client harm, it *may* not be necessary to take further action. However, the colleagues' manager/supervisor *may* need to be advised and involved in the process for on-going monitoring.

If a social worker believes that a colleague has not taken adequate steps to address the issue(s) and client care is being impacted, there is an ethical responsibility for the social worker to take additional action. This would include bringing the issue to the attention of a manager or supervisor. When possible, it is important to be transparent and inform the colleague of the intention to pursue the matter further through the appropriate channels as determined by the agency or a professional regulatory body (7.2.3, CASW Guidelines for Ethical Practice 2005).

Social workers should not become involved in the professional relationship between a colleague and client unless requested by the client or if deemed necessary that such intervention is in the best interests and well-being of clients (7.2.4, CASW Guidelines for Ethical Practice 2005).

Make a Report

When making a verbal or written report, it is important for the appropriate chain of authority to be followed, starting with an immediate manager/supervisor. Should the employer have a professional practice consultant, this person may also be included at this point. It is important to consider client confidentiality and privacy and report the appropriate amount of information that is necessary to ensure that the issue is adequately identified and addressed. At some point, the organization may involve a client in the process.

A formal report to the professional regulatory body may be required in consultation with the manager/supervisor. It is also important to be mindful of reporting requirements under federal and provincial legislation which may apply.

Documentation

It is important that social workers document concerns regarding the practice of a colleague in the appropriate manner and in keeping with the policy of the organization, the CASW (2005) Code of Ethics and the NLASW (2018) Standards of Practice. All relevant information, including correspondence with the colleague, actions taken, and consultations should be recorded. Professional practice concerns of a colleague should not be documented in a client file (Reamer, 2005). If the situation or concern has directly impacted on client care and/or service delivery, the social worker should follow the organizational policy for reporting adverse events.

Reporting to a Professional Regulatory Body

Protection of the public is central to addressing concerns respecting the professional practice or behaviour of a social work colleague. While the steps outlined in this document provide a guiding framework, there may be situations when there is a requirement to make a formal allegation against a social worker's practice to the regulatory body, particularly when there is imminent risk to the public or obvious, egregious conduct or behaviour on the part of the social worker that would constitute conduct deserving of sanction.

Reporting to the professional regulatory body may also be required where there are multiple employers or when someone is self-employed.

On January 1, 2020 an amendment to the *Social Workers Act* to include Quality Assurance provisions and a duty to report came into effect. Social workers have a professional obligation to report knowledge of conduct deserving of a sanction as outlined in the Act (section 39.7):

- A social worker who has knowledge, from direct observation or objective evidence, of conduct deserving of a sanction of another social worker shall report the known facts to the registrar, and
- A person who terminates the employment of or dissolves a partnership with a social worker based on direct knowledge of the social worker's conduct deserving of sanction shall report the known facts to the registrar.

Consultation with the NLASW may be helpful during the decision-making process.

There also will be times when you may need to consult another professional regulatory body if the concern is for a colleague of another discipline. They can provide you with the information you will need as you consider submitting a formal allegation; including whether mandatory reporting is required under their governing legislation or regulations.

Conclusion

Social workers have a professional obligation to address concerns about the professional conduct of a colleague that places clients at risk of harm and could impact the integrity of the profession. This document outlines a decision-making framework to provide social workers with guidance and support. It is recognized that every situation is different and there will be unique factors to be considered. Therefore, as with any ethical decision, consultation with a colleague, manager, supervisor or professional regulatory body is highly recommended.

Appendix B - Questions & Answers

1. If I have knowledge or information about the professional practice of a colleague that could impact client care or the integrity of the social work profession and do not take any action, can this have an impact on my practice?

Ultimately, social workers are responsible for their own actions, behaviors, and decisions in practice. However, inaction on the part of the social worker with knowledge concerning the professional practice of a colleague may be called into question at some point by an employer or during a professional conduct review process. If the concern falls within the definition of conduct deserving of a sanction, you have a legislative responsibility to report this to the registrar of the NLASW. It is recommended that you review the steps outlined in this document and consult with a colleague, manager/supervisor, or the NLASW as you move through the decision-making process.

2. A colleague of mine has consulted with me about concerns regarding the professional practice of another one of our colleagues. My colleague informs me that she is not intending on addressing this issue or discussing this with our manager. Do I have an ethical obligation to bring this information forward?

One of the first steps would be for the social worker to encourage their colleague to address this issue with the colleague with whom they have concerns. If your colleague is a member of another professional discipline, you may want to encourage them to consult with their professional regulatory body. Many regulated health professions have mandatory reporting. Secondly, you must consider the knowledge and information that you have about this situation and consult if necessary. A review of the following questions may help with your decision-making process:

- Do I have direct and sufficient information about the situation to bring this forward?
- Am I clear about what ethical standards have possibly been breached?
- Have I discussed this action with my colleague?
- Is the situation having an impact on client care? Have there been clients who were already impacted?

3. I am concerned about the professional practice of one of my colleagues, but I am concerned about how my co-workers will react to my decision to address this issue within the workplace.

It is recognized that acting to address concerns with the professional practice of a colleague can be challenging and can have an impact on the practice and career of our colleague. However,

as outlined in this document, social workers have an ethical responsibility to address practice issues to ensure the public are protected, that clients receive the highest quality of care and the integrity of the social work profession is maintained. It may be helpful for social workers to take a proactive approach to raising these discussions within the organization so that everyone is aware of the process when such situations arise.

4. *What does the NLASW Professional Conduct Review Process entail?*

The NLASW has a process designed to professionally and objectively review allegations against professional social work practice. The purpose of this process is to ensure that clients of social workers have their right to skilled, ethical and professional service affirmed. Social work regulation provides clarity regarding professional obligations and responsibilities. An Act Respecting the Practice of Social Work (2010) is the legislation which guides the process for the review of allegations against practice. Information on the professional conduct review process can be accessed on the NLASW website (www.nlasw.ca).

The NLASW Professional Conduct Review Process is a separate process from an organizational/employer discipline process. However, issues being addressed organizationally can also be brought forward to the NLASW for review. For questions on submitting an allegation against professional social work practice, please contact the NLASW office.

References

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