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Dear Ms. Kokolakis

As I have been trying desperately to bring accountability to my issues involving unregistered social workers I have been learning the laws/acts on my quest for justice. I feel that while I was gaining knowledge I was confused about several issues and that I may not have been clear in my position. I do apologize for any confusion as I received minimal assistance from the OCSWSSW and was left to figure things out for myself. I believe that I have an excellent understanding now and wish to clarify my statements and requests.

To date, I have complained to the college on two separate occasions about being affected by unregistered social workers. I complained on Mr. William Sweet who is not now, nor has he ever been registered to the OCSWSSW. The college has completed that complaint investigation and has informed me that no action can be taken as Mr. Sweet is not a member of the college. The college is not protecting public interest nor are they regulating the practice of social work as mandated with their decision.

The second complaint was against Ms. Melanie Regan. I believed that I had submitted quite enough information for the OCSWSSW to start an investigation, however, I received correspondence from the OCSWSSW stating that I had not met the requirements of a formal complaint by not doing completing confusing and lengthy written questions by the OCSWSSW while inundated with several medical issues. As the OCSWSSW has made this complaint process confusing, I wish to cancel my former complaint against Ms. Regan. Please find this new complaint on Ms. Melanie Regan attached along with new complaints for the consideration of the OCSWSSW.

The OCSWSSW provided me with a book called the "Code of Ethics and Standards of Practice Handbook" and on page 1 the "scope of practice of the profession of social work" is defined as:

"The scope of practice of the profession of social work means the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal problems through the use of social work knowledge, skills, interventions and strategies, to assist individuals, dyads, families, groups, organizations and communities to achieve optimum psychosocial and social

functioning.” The document then lists the important classifications of a social worker from SW1-SW10.

There is a huge difference between “child protection” and “child welfare.” This is reflected in the Ontario Child and Family Services Act where it defines a “Child Protection Worker”:

*PART III
CHILD PROTECTION*

Interpretation

37. (1) In this Part,

“child” does not include a child as defined in subsection 3 (1) who is actually or apparently sixteen years of age or older, unless the child is the subject of an order under this Part;

*“**CHILD PROTECTION WORKER**” means a Director, a local director or a person authorized by a Director or local director for the purposes of section 40 (commencing child protection proceedings);*

“parent”, when used in reference to a child, means each of,

(a) the child’s mother,

(b) an individual described in one of paragraphs 1 to 6 of subsection 8 (1) of the Children’s Law Reform Act, unless it is proved on a balance of probabilities that he is not the child’s natural father,

(c) the individual having lawful custody of the child,

(d) an individual who, during the twelve months before intervention under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child’s support,

(e) an individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child, and

(f) an individual who has acknowledged parentage of the child in writing under section 12 of the Children’s Law Reform Act,

but does not include a foster parent;

“place of safety” means a foster home, a hospital, a person’s home that satisfies the requirements of subsection (5) or a place or one of a class of places designated as a place of safety by a Director or local director under section 18, but does not include,

(a) a place of secure custody as defined in Part IV, or

(b) a place of secure temporary detention as defined in Part IV. R.S.O. 1990, c. C.11, s. 37 (1); 2006, c. 19, Sched. D, s. 2 (5); 2006, c. 5, s. 6 (1, 2).

Section 37.1 of the CFSA as stated above states that a “child protection worker” is authorized for the purpose of section 40, thereby defining the duties of a “child protection worker”:

Commencing Child Protection Proceedings

Warrants, orders, apprehension, etc.

Application

40. (1) A society may apply to the court to determine whether a child is in need of protection. R.S.O. 1990, c. C.11, s. 40 (1).

Warrant to apprehend child

(2) A justice of the peace may issue a warrant authorizing a child protection worker to bring a child to a place of safety if the justice of the peace is satisfied on the basis of a child protection worker’s sworn information that there are reasonable and probable grounds to believe that,

(a) the child is in need of protection; and

(b) a less restrictive course of action is not available or will not protect the child adequately.

R.S.O. 1990, c. C.11, s. 40 (2). Idem

(3) A justice of the peace shall not refuse to issue a warrant under subsection (2) by reason only that the child protection worker may bring the child to a place of safety under subsection (7). R.S.O. 1990, c. C.11, s. 40 (3); 1993, c. 27, Sched.

Order to produce or apprehend child

(4) Where the court is satisfied, on a person's application upon notice to a society, that there are reasonable and probable grounds to believe that,

(a) a child is in need of protection, the matter has been reported to the society, the society has not made an application under subsection (1), and no child protection worker has sought a warrant under subsection (2) or apprehended the child under subsection (7); and

(b) the child cannot be protected adequately otherwise than by being brought before the court, the court may order,

(c) that the person having charge of the child produce him or her before the court at the time and place named in the order for a hearing under subsection 47 (1) to determine whether he or she is in need of protection; or

(d) where the court is satisfied that an order under clause (c) would not protect the child adequately, that a child protection worker employed by the society bring the child to a place of safety. R.S.O. 1990, c. C.11, s. 40 (4); 1993, c. 27, Sched.

Child's name, location not required

(5) It is not necessary, in an application under subsection (1), a warrant under subsection (2) or an order made under subsection (4), to describe the child by name or to specify the premises where the child is located. R.S.O. 1990, c. C.11, s. 40 (5).

Authority to enter, etc.

(6) A child protection worker authorized to bring a child to a place of safety by a warrant issued under subsection (2) or an order made under clause (4) (d) may at any time enter any premises specified in the warrant or order, by force if necessary, and may search for and remove the child. R.S.O. 1990, c. C.11, s. 40 (6).

Apprehension without warrant

(7) A child protection worker who believes on reasonable and probable grounds that,

(a) a child is in need of protection; and

(b) there would be a substantial risk to the child's health or safety during the time necessary to bring the matter on for a hearing under subsection 47 (1) or obtain a warrant under subsection (2),

may without a warrant bring the child to a place of safety. R.S.O. 1990, c. C.11, s. 40 (7).

Police assistance

(8) A child protection worker acting under this section may call for the assistance of a peace officer. R.S.O. 1990, c. C.11, s. 40 (8).

Consent to examine child

(9) A child protection worker acting under subsection (7) or under a warrant issued under subsection (2) or an order made under clause (4) (d) may authorize the child's medical examination where a parent's consent would otherwise be required. R.S.O. 1990, c. C.11, s. 40 (9).

Place of open temporary detention

(10) Where a child protection worker who brings a child to a place of safety under this section believes on reasonable and probable grounds that no less restrictive course of action is feasible, the child may be detained in a place of safety that is a place of open temporary detention as defined in Part IV (Youth Justice). R.S.O. 1990, c. C.11, s. 40 (10); 2006, c. 19, Sched. D, s. 2 (6).

Right of entry, etc.

(11) A child protection worker who believes on reasonable and probable grounds that a child referred to in subsection (7) is on any premises may without a warrant enter the premises, by force, if necessary, and search for and remove the child. R.S.O. 1990, c. C.11, s. 40 (11).

Regulations re power of entry

(12) A child protection worker authorized to enter premises under subsection (6) or (11) shall exercise the power of entry in accordance with the regulations. R.S.O. 1990, c. C.11, s. 40 (12).

Peace officer has powers of child protection worker

(13) Subsections (2), (6), (7), (10), (11) and (12) apply to a peace officer as if the peace officer were a child protection worker. R.S.O. 1990, c. C.11, s. 40 (13).

Protection from personal liability

(14) No action shall be instituted against a peace officer or child protection worker for any act done in good faith in the execution or intended execution of that person's duty under this section or for an alleged neglect or default in the execution in good faith of that duty. R.S.O. 1990, c. C.11, s. 40 (14).

A "Child Protection Worker" under the law is authorized to apprehend a child(ren) and/or take the child(ren) to a place of safety. A police officer is also authorized to do the same. The duties of a police officer and/or "Child Protection Worker" end when the specific duty of apprehension or the taking of the child(ren) to a place of safety is completed. Therefore, a "Child Protection Worker" who provides a service contrary to the apprehension of a child(ren) and/or taking the child(ren) to a place of safety is acting outside of Section 40 of the CFSA act and unlawfully providing social work services by not being a registered member of the OCSWSSW. When a police officer apprehends a child he/she most certainly does not continue to provide 'child welfare' services, they rightfully hand that task over to the "Children's Aid Society." The child has been "protected" at this point and services now convert to "Child Welfare."

It is clear that after a child(ren) has been apprehended and brought to a place of safety that the situation needs to be a)assessed, B)diagnosed, C) treated and D) evaluated. A plan needs to be developed by a skilled and registered social worker in the best interest of the child(ren) that would include A)life skills instruction, B) relationship building C) tangible support, D) information E) referrals F) delivery of human service programs.

The OCSWSSW is failing its own mandate at fundamental levels by allowing unskilled and unaccountable "Child Protection Workers" to provide very intense and imperative social work services to society's most vulnerable clients, our children!

When a "child protection worker" employed at a Children's Aid Society and performs the tasks of a "social worker" they are obviously implying that they are a social worker! When a person claims to be qualified to perform assessments or to make diagnose a situation such as all "child protection workers" do (at the very least), I think it is fair to say that it is a direct implication that they are a social worker. When I asked about my own "worker's" qualifications, I was told that she obtained her "social work" degree at Trent University and that she graduated in the year 2000. That implies to me that she is a social worker. Another instance is the Executive Director at the Prince Edward County, Bill Sweet whom I've complained about to the OCSWSSW who prints MSW on his letterhead. Again, this is an implication that he is a social worker. My latest worker stated on audio recording that he was not a registered member of the OCSWSSW because he won't "pay them the god*mned money." Besides these obvious implications and/or flat out admissions, it is further safe to say that child welfare agencies obviously provide social work services especially since a social work degree is a fundamental employment qualification to work within these agencies. As stated in the SWSSW act:

PART IX

MISCELLANEOUS

Use of title, social worker

social service worker. 1998, c. 31, s. 47 (1).

Same

(2) No person except a registered social service worker shall represent or hold out expressly or by implication that he or she is a social service worker or a registered social service worker.

1998, c. 31, s. 47 (2).

46. (1) No person except a registered social worker shall use the English title "social worker" or "registered social worker" or the French title "travailleur social" or "travailleur social inscrit" or an abbreviation of any of those titles to represent expressly or by implication that he or she is a social worker or registered social worker. 1998, c. 31, s. 46 (1).

Same

(2) No person except a registered social worker shall represent or hold out expressly or by implication that he or she is a social worker or a registered social worker. 1998, c. 31, s. 46 (2).

Use of title, social service worker

47. (1) No person except a registered social service worker shall use the English title "social service worker" or "registered social service worker" or the French title "technicien en travail social" or "technicien en travail social inscrit" or an abbreviation of any of those titles to represent expressly or by implication that he or she is a social service worker or registered

Therefore, I believe there is far more action that the OCSWSSW can and should be taking in this regard. Any person who provides social work services is obviously representing themselves to be a social worker by implication as well as by direct action(s). The SWSSW act also states that there are penalties for this breach of the law:

Offences

Offence, use of title

55. (1) Every person who contravenes subsection 46 (1) or (2), 47 (1) or (2) or 47.1 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence and not more than \$10,000 for a subsequent offence. 1998, c. 31, s. 55 (1); 2001, c. 8, s. 238.

Surely the OCSWSSW recognizes the importance of their very own duties and objects as clearly stated in the Ontario SWSSW Act:

Duty to protect public interest

3. (1) In carrying out its objects, the College's primary duty is to serve and protect the public interest. 1998, c. 31, s. 3 (1).

Objects

(2) The College has the following objects:

1. To regulate the practice of social work and the practice of social service work and to govern its members.

2. To develop, establish and maintain qualifications for membership in the College.

3. To approve professional education programs offered by educational institutions for the purpose of applications for membership in the College.

4. To approve ongoing education programs for the purpose of continuing education for members of the College.

5. To provide for the ongoing education of members of the College.

6. To issue certificates of registration to members of the College and to renew, amend, suspend, cancel, revoke and reinstate those certificates.

7. To establish and enforce professional standards and ethical standards applicable to members of the College.

8. To receive and investigate complaints against members of the College and to deal with issues of discipline, professional misconduct, incompetency and incapacity.

9. To promote high standards and quality assurance with respect to social work and social service work and to communicate with the public on behalf of the members.

10. To perform the additional functions prescribed by the regulations. 1998, c. 31, s. 3 (2).

The duty of the OCSWSSW is to protect public interest. The object of the OCSWSSW is to “regulate the practice of social work AND to govern it’s members.” Therefore, when I report to the OCSWSSW that I am receiving forced social work practices by unregistered members of the OCSWSSW, the OCSWSSW is expected and obliged to protect my interest in the matter and to regulate the practice of social work.

When the OCSWSSW states that it cannot investigate a person unlawfully practicing social work because that person is not a member of the OCSWSSW then the OCSWSSW fails on yet another serious and fundamental level. It is absurd that the college admits to be so useless in the regulation of social work when Section 54 of the SWSSW act states:

Compliance order

54. If it appears to the College that a person does not comply with this Act or the regulations or the by-laws, despite the imposition of a penalty in respect of that non-compliance and in addition to any other rights it may have, the College may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and the judge may make the order or any other order the judge thinks fit. 1998, c. 31, s. 54; 2006, c. 19, Sched. C, s. 1 (1).

Section 54 gives the OCSWSSW all rights and powers required to REGULATE THE PRACTICE OF SOCIAL WORK AND TO PROTECT THE PUBLIC INTEREST. Why then is the OCSWSSW REFUSING to do just that while subsequently ALLOWING harm to be caused to individuals, children and families across the province every day and on detrimental calibres?

The Executive Director at the Prince Edward County Children’s Aid Society has ONE (1) registered social worker on his staff. I have verified this with the OCSWSSW. This is perhaps the reason that Prince Edward County is bracing itself for the third sexual assault trial to commence against a former foster father who allegedly abused a child in his care under the watch of this child welfare agency/corporation that employs only ONE (1) registered social worker out of the whole lot of employees. Registered members of the OCSWSSW must follow guidelines, embrace continuing education and be held accountable to the services they provide. If the OCSWSSW did not promote this kind of unaccountability by failing to enforce the law I verily believe that the high rate of child abuse occurring within the “system” would be significantly reduced to a minimal rate of occurrence.

The OCSWSSW has failed society and it’s most vulnerable citizens on a very sad and pathetic level!

I look forward to a reply and thank you for your attention to the matter.

Sincerely
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