

# Social Worker Regulations

*Made under Section [20] of the Social Workers Act*



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## Citation

These Regulations may be cited as the Social Workers Regulations.

### *Definitions for Act and Regulations*

In these Regulations,

"Act" means the Social Workers Act;

"College" means the Nova Scotia College of Social Workers;

"competence assessment" means a process approved by the Board of Examiners for assessing competencies;

"competencies" means the specific knowledge, skills and judgment required for a social worker to be considered competent in a designated role and practice setting;

"competent" means the ability to integrate and apply the knowledge, skills and judgment required to practice safely and ethically in a designated role and practice setting;

"conduct unbecoming" means conduct outside the practice of social work that tends to bring discredit upon the social work profession;

"incompetence" means the display of lack of knowledge, skill or judgement in the respondent's delivery of social work services that, having regard to all the circumstances, rendered the respondent unsafe to practice at the time of such delivery of social work services or that renders the respondent unsafe to continue in practice without remedial assistance;

"registration sanction" means:

- i. the imposition of conditions or restrictions on a respondent's right to practice by the Complaints Committee or the Discipline Committee or their equivalent from another jurisdiction,
- ii. a consent reprimand ordered by the Complaints Committee or its equivalent from another jurisdiction,
- iii. a reprimand issued by the Discipline Committee or its equivalent from another jurisdiction,
- iv. the suspension of a respondent's right to practice by the Complaints Committee or the Discipline Committee or their equivalent from another jurisdiction, and
- v. a revocation of registration by the Discipline Committee or its equivalent from another jurisdiction;

"professional misconduct" includes such conduct or acts relevant to the profession that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional which, without limiting the generality of the foregoing, may include:

- i. contravening the Act, Regulation or By-laws;
- ii. failing to maintain the standards of practice of social work;
- iii. failing to uphold the Code of Ethics adopted by the College;
- iv. abusing a person verbally, physically, emotionally, financially or sexually;
- v. misappropriating personal property or other property belonging to a client or a member's employer;
- vi. failing to exercise appropriate discretion in respect to the disclosure of confidential information;
- vii. falsifying records;
- viii. inappropriately using the professional status of social worker for personal gain;
- ix. publishing, or causing to be published, any advertisement that is false, fraudulent, deceptive or misleading;
- x. engaging or assisting in fraud, misrepresentation, deception or concealment of a material fact when applying for or securing registration to practice social work or taking any examination provided for in this Act, including using fraudulently procured credentials;
- xi. failing to comply with an order of the Complaints Committee or the Discipline Committee;
- xii. failing to carry out an agreement or arrangement entered into with the College;
- xiii. failing to apply appropriately or within a reasonable time to a written inquiry made by the College; and
- xiv. failing to cooperate with an investigation by the College;

"respondent" means the person who is the subject of a complaint.

## Registration

### *Competence assessment*

1. (1) The competence assessments are subject to such terms as approved by the Board of Examiners.
  - a. The following shall be deemed proof for purposes of evaluating the education, character, and experience of an applicant for registration with the College;
    - i. has obtained a degree in social work from a social work program accredited by the Canadian Association for Social Work Education;
    - ii. has obtained a degree from a social work program or an equivalent program offered outside Canada and approved by Council as equivalent

to a social work program accredited by the Canadian Association for Social Work Education; certificates of persons who have had professional supervision over the applicant to the effect that the applicant is a person suitable for registration and stating the number of years of experience the applicant has had in the field of social service under direct supervision;

- iii. a certificate of an officer of an approved College to the effect that the applicant is a member in good standing thereof;
- iv. a letter from an employer of the applicant attesting to the nature of the work undertaken by the applicant;

- b. such other things as may be deemed acceptable by the Board of Examiners. Where a difference of opinion exists between any person providing information under section 1(1) and the Board of Examiners, the opinion of the Board of Examiners shall prevail.

### *Information in Registry*

2. (1) All Registered Social Workers, Social Worker Candidates and Registered Social Workers (Provisional) are required to provide the Board of Examiners with:

- a. a current address;
- b. telephone number;
- c. place of employment;

(2) If a member should move or change employment during the year after paying the registration fee, the member shall notify the Board of Examiners as soon as possible of any such changes.

### *Examinations*

3. (1) Where it is necessary to conduct examinations in order to establish an applicant's eligibility for registration, the Board of Examiners shall conduct such examinations.
- a. Examinations for applicants seeking registration as social workers shall be held at such places and times, which the Board of Examiners directs, but examinations shall only be held after applicants have been given at least one month's notice.
  - b. The subjects for examination shall be similar to those of a Bachelor program in social work, and may include:
    - i. social work principles and values;
    - ii. knowledge of social work theory and practice with individuals, small groups, families, organizations and communities;
    - iii. the Code of Ethics;

- iv. knowledge of social policy and research; and
- v. demonstration of social work skills.

### *Requirements for Registration*

4. (1) An application for registration with the College with a degree in a social work from an accredited school shall include the following information:
  - a. the applicant's full name;
  - b. post-secondary education and the institutions at which that education was received;
  - c. the social work education which the applicant has attained;
  - d. the professional experience of the applicant;
  - e. the names and completed forms from two persons that give reference as to character and competency of the applicant;
  - f. job description and/or an employer's letter describing the applicant's employment, where applicable;
  - g. a criminal records check; and
  - h. a child abuses registry check;
  - i. An application for registration with the College shall be accompanied by the application fee and the annual membership fee;
  - j. any proofs outlined in section 1(1);
  - k. a statement in which the applicant agrees to adhere to the Code of Ethics.
  - l. Any document otherwise satisfies the Board that they are competent to perform the role of a social worker.

### *Providing Evidence to Prove Registration Requirements*

5. (1) An application for registration pursuant to Section 24 of the Social Workers Act shall include either:
  - a. the applicant's transcripts from a doctoral, master or bachelor degree in social work or a graduate level diploma in social work; or
  - b. an assessment report from the Canadian Association of Social Workers verifying that academic credentials are the equivalent to a CASWE accredited social work program; or
  - c. written confirmation from an approved faculty of social work that the applicant has fulfilled all the requirements for a doctoral, master or bachelor degree in social

- work, or a graduate level diploma in social work and that the degree will be issued to the applicant at the next convocation of the approved faculty of social work;
- d. a copy of a criminal record check;
  - e. an original stamped letter from an authorized child abuse registry office stating that the applicant is in good standing.

### *Registration Restrictions*

- 6. (1) Notwithstanding any other provision of these Regulations, where the Executive Director/ Registrar or the Board of Examiners determine that it is in the interest of the public to issue registration with conditions or restrictions, such conditions or restrictions shall be noted on the registration.
  - a. Where a person disagrees with restrictions or conditions imposed by the Executive Director/ Registrar or the Board of Examiners, the person may appeal the imposition of the conditions or restrictions to the Registration Appeal Committee in accordance with these Regulations.
  - b. A person who holds registration with conditions or restrictions is permitted to engage in the same activities as a member with Registration not subject to conditions or restrictions, subject only to the conditions or restrictions that have been imposed.
  - c. The Executive Director/ Registrar must remove the name of a member from the Register who does not renew their registration in accordance with section 6(2) of the Social Workers Act, the day after their registration expires, and the member remains non-active until their name is restored.

### *Waived Criteria for Registration*

- 7. (1) The Executive Director/ Registrar, the Board of Examiners or the Registration Appeal Committee may waive any of the criteria for registration required by these Regulations where any of the following apply:
  - a. it is required under the Canadian Free Trade Agreement;
  - b. it is otherwise required by law;
  - c. it is consistent with the objects and purpose of the College and the Executive Director/ Registrar, the Board of Examiners or the Registration Appeal Committee consider it appropriate.

## Candidacy

- 8. (1) The Board of Examiners determines when an applicant is a Social Worker Candidate. A candidate is a person who has fulfilled the formal educational requirement as set out in

Section 24 of the Social Workers Act but has not fulfilled some or all of the other requirements set out in the Social Workers Act, or these Regulations.

- a. A Social Worker Candidate with a BSW must complete three years of experience that, in the opinion of the Board, demonstrates competence in the field of social work (Social Workers Act Section 22(2)(b)(i)).
  - i. Three years' experience is determined to be a culmination of the requirements of completing a CASWE accredited Bachelor of Social Work degree or equivalent and an additional 2500 hours of practice experience post-graduation that falls within the scope of practice (Social Worker Act Section 5(a)).
- b. A Social Worker Candidate with an MSW or doctorate degree must complete 2 years of experience that, in the opinion of the Board, demonstrates competence in the field of social work (Social Workers Act Section 22(2)(a)(i)).
  - i. Two years' experience is determined to be a culmination of the requirements of completing a CASWE accredited Master of Social Work degree or equivalent and an additional 2500 hours of practice experience post-graduation that falls within the scope of practice (Social Worker Act Section 5(a)).
- c. Social Worker Candidates can complete 500 of the total 2500 hours in a volunteer role that falls within the scope of practice (Social Worker Act Section 5(a)).
- d. Social Worker Candidates must typically complete the 2500 hours within 5- years of becoming registered as a Social Worker Candidate.

### *Application for Candidacy*

(2) In addition to providing the information and proofs specified in section 5(1) of these Regulations, a Social Worker Candidate must provide the Executive Director/Registrar with the following:

- a. A description of the position(s) in which the Social Worker Candidate intends to be employed or volunteer.
- b. The date the Social Worker Candidate intends to start the candidacy program:
  - i. Social Worker Candidates must typically start the candidacy program within 6 months of becoming registered as a social worker candidate.
- c. The name of a Registered Social Worker who will mentor the Social Worker Candidate in accordance with Section 8(6) of these regulations.
  - i. The candidate mentor shall have at least two years of full time experience as a registered social worker acceptable by the Executive Director/Registrar and be registered as a:

- Registered Social Worker
  - Registered Social Worker (Associate)
- ii. The mentor should be able to support the candidate in developing a framework for practice that is aligned with the candidate's scope of practice.

(3) The Executive Director/Registrar upon receipt of a completed application will advise the Social Worker Candidate if the position in which the Social Worker Candidate is to be employed or volunteer with offers the potential for the Social Worker Candidate to acquire experience that demonstrates competence in the practice of social work in accordance with the Social Workers Act Section 5(a).

- a. If the position or nature of the position of the Social Worker Candidate changes the Social Worker Candidate shall provide notice of the proposed change to the Executive Director/Registrar for consideration of suitability of position for social work experience.

(4) A learning agreement jointly developed by the Social Worker Candidate and mentor that reflects the unique learning needs and styles of the candidate and that addresses the overall objectives of the Candidacy Mentorship Program in accordance with section of the regulations.

### *Candidacy Mentor Requirements*

(5) The Social Worker Candidate and mentor must engage in activities related to the social worker candidates learning agreement once per month throughout the duration of the candidacy program.

- a. Mentors can guide group activities but must ensure that they align with the unique learning agreements of each social worker candidate involved.

(6) Candidates and mentors are responsible for submitting two reports to the Executive Director/Registrar.

- a. The first report must be completed after the first 1250 hours.
- b. The final report must be submitted upon completion of the 2500 hours.

(7) If a Social Worker Candidate is unable to meet the requirements set out in Section 8(1) of the Regulations, the Social Worker Candidate may request a waiver of some or all of those requirements which the Board of Examiners in its discretion may allow.

### *Examinations of Candidates.*

(8) The Executive Director/ Registrar shall examine the Social Worker Candidate reports to assess if a Social Worker Candidate has completed the required practice hours, mentorship activities and to ensure that the Social Worker Candidate has:

- a. Demonstrated an understanding and application of the NSCSW Standards of Practice 2017, and the Canadian Association of Social Workers Code of Ethics as amended for the NSCSW, 2008.
- b. Integrated the content and spirit of both documents into their day to day social work practice/theory.

(9) Based on the examination of the reported hours and activities the Executive Director/Registrar will make a recommendation to the Board of Examiners to approve the Social Worker Candidate as a Registered Social Worker.

### *Appealing Recommendation of the Executive Director/Registrar*

(10) Where the Executive Director/ Registrar denies a recommendation for approval as a Registered Social Worker, the member may apply to the Board of Examiners within thirty days of the date of notification of the denial, for a review of the decision, by providing to the Board of Examiners a notice in writing indicating the grounds for the review.

## Temporary Registration

### *Unregistered Applicants*

9. (1) The Executive Director/ Registrar can issue temporary registration to;
  - a. an applicant who is not currently registered to practice social work in another jurisdiction, who is seeking to be a Registered Social Worker, Social Worker Candidate, or Registered Social Worker (Provisional) for a period of one month;
  - b. temporary registration can be issued by the Executive Director/Registrar, after processing the appropriate documentation and meeting all of the requirements from section 4(1) (including payment of fees).

### *Inter-jurisdictional Registration*

10. (1) An individual currently registered and in good standing to practice social work in another jurisdiction may, upon prior written application to and approval by the Executive Director/ Registrar, practice social work in Nova Scotia within the scope of practice designated by such Registration no more than 30 days per year without applying for Registration.
  - a. Practice privileges under this paragraph shall apply only if the requirements for a Registration in such other jurisdiction are substantially similar to the requirements for Registration in Nova Scotia. The 30-day period shall commence on the date of approval by the Executive Director/ Registrar of the written application.
  - b. The social worker who provides services under this Section 10(1) shall be deemed to have submitted to the Nova Scotia College of Social Workers and be bound by the requirements of the Social Workers Act.

### *In Response to a Disaster or Emergency*

11. (1) In response to a disaster or emergency declared by the Province of Nova Scotia or the Government of Canada, an individual currently registered and in good standing to practice social work in another jurisdiction who is providing social work services within the scope of practice designated by Social Workers Act section 5(A)1 and 5(A)2 and whose professional registration in all other disciplines are current and in good standing may, upon prior written notice to the Executive Director/ Registrar and without otherwise applying for registration, provide such services in this jurisdiction for the time said emergency or disaster declaration is in effect.
- a. Individuals exercising rights under section 11(1) of the NSCSW regulations shall be deemed to have submitted themselves to the jurisdiction of Nova Scotia College of Social Workers and to be bound by the Social Workers Act.
  - b. Individuals who have at any time surrendered any professional registration under threat of administrative disciplinary sanction or in response to administrative investigation, or have any professional registration currently under suspension, revocation, or agency order restricting or limiting practice privilege, with the exception of expired or lapsed registration due to voluntary non-renewal of such registration, are ineligible to practice under this section 11(1) of these Regulations.
  - c. In addition, temporary practice in the case of a declared disaster is not limited to prior written application but upon written notice to the Executive Director/ Registrar.
  - d. Furthermore, the time period for temporary practice under a declared disaster is limited to the time that the emergency or disaster declaration is in effect.
  - e. This temporary practice approach provides the Board of Examiners with valuable information as to who is practicing within the jurisdiction in the event of a reported complaint or wrongdoing.

### *Electronic Social Work Practice*

12. (1) The practice of social work defined by the Social Workers Act sections 5(A)1 and 5(A)2 in Nova Scotia through electronic social work services or other means, regardless of the location of the practitioner, shall constitute the practice of social work and shall be subject to Regulations under the Act.
- a. Social workers providing electronic social work services shall take all necessary measures to ensure compliance with relevant practice standards.

## Registration Appeal Process

### *Registration Appeal Committee*

13. (1) Where the Act authorizes an appeal under section 25(3) of the Social Workers Act from a decision of the Board of Examiners, the appeal shall be conducted by the Registration Appeal Committee.
- a. The Registration Appeal Committee shall be appointed by the Chair of the Board of Examiners.
  - b. It shall be made up of at least one public member and no less than two registered social workers who are in good standing and who were not part of the registration review process.

### *Registration Appeal Committee Review Process*

14. (1) Where an application for registration is denied, or where an applicant disagrees with terms and conditions of registration, or where an application for the renewal of a registration is denied, the applicant may submit a written request for review by a Registration Appeal Committee.
- a. The applicant may apply to the Board of Examiners within thirty days from the date of written receipt of the refusal, for a review of its decision, by providing to the Registrar a notice in writing indicating the grounds for the review.
  - b. The Registrar will directly forward the applicant's request for review to the Registration Appeal Committee.
- (2) Following receipt of the written notice of appeal, within 60 days the Registration Appeal Committee shall determine the manner in which the review shall be conducted, which may include:
- a. hearing of the matter, where both parties have the opportunity to present evidence and to make oral submission;
  - b. review of the written record together with written or oral submissions from the parties, as determined by the Registration Appeal Committee;
  - c. such other procedure as the Registration Appeal Committee may determine.
- (3) In a review before the Registration Appeal Committee, the parties are the applicant and the College (through a representative appointed by the Executive Director/ Registrar).
- (4) The Registration Appeal Committee may determine its own procedure and may:
- a. adjourn or postpone a proceeding from time to time;
  - b. amend or permit the amendment of any document filed in connection with the proceedings;

- c. where a hearing is held:
  - i. order pre-hearing procedures, including pre-hearing conferences that are held in private, and direct the times, dates and places of the hearing for those procedures;
  - ii. order that a hearing, parts of a hearing or pre-hearing conference be conducted using a means of telecommunication that permits the parties and the committee to communicate simultaneously;
  - iii. administer oaths and affirmations;
  - iv. receive and accept such evidence and information on oath, affidavit or otherwise as the Registration Appeal Committee in its discretion sees fit, whether admissible in a court of law or not.

## *Evidence*

15. (1) The following evidence is not admissible at a Registration Appeal Committee review process unless the opposing party has been given at least 10 days' notice before the review:

- a. in the case of written or documentary evidence, an opportunity to examine the evidence;
- b. in the case of evidence of an expert, a copy of the expert's written report or if there is no written report, a written summary of the evidence and the qualifications of the expert; or
- c. where the Registration Appeal Committee authorizes the attendance of witnesses, the identity of the witnesses.

(2) Notwithstanding Section 15(1), the Registration Appeal Committee may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible and may make directions it considers necessary to ensure that the party is not prejudiced.

(3) Where the Registration Appeal Committee has determined to hold a hearing, and the applicant fails to attend the hearing, the Registration Appeal Committee may proceed with the review in any event.

(4) At the conclusion of the review process, the Registration Appeal Committee shall make its decision within a reasonable time and shall render a written decision with its reasons within a reasonable time.

(5) The decision of the Registration Appeal Committee is final.

## Permitted Activities of Members Holding Registration

### *Active Membership*

16. (1) A member who holds registration is permitted to do all of the following:
- a. use the protected designations set out in Section 17 of the Act;
  - b. practice social work subject to the Act, Regulations and By-Laws;
  - c. if elected, hold office on the Council;
  - d. serve as an appointed member on any committee of the College;
  - e. receive all official College publications;
  - f. attend, participate and vote at Annual General Meetings of the College or special meeting as defined by the By-Laws

### *Associate Membership*

17. (1) In addition to the conditions set out in section 16(1) of the Regulations, the following conditions apply to a member who desires to become an associate member:
- a. the member may become an associate member if the member is not in default of any obligation to the College, including payment of fees, failure to report Professional Development credits, and is not the subject of any pending disciplinary proceeding;
  - b. the member does the following:
  - c. notifies the Executive Director/Registrar in writing of their intention to become an associate member by submitting a form approved by the College not less than 60 days before the member intends to become an associate member,
  - d. signs an undertaking to the College in which the member agrees not to engage in the practice of Social Work in Nova Scotia and to comply with the requirements of this Regulation,
  - e. pays any outstanding fees, including any annual fee owing for the current year, penalty or other amount owed to the College.
- (2) An associate member shall not use any of the titles or designations of Social Worker unless the title or designation is immediately followed by “associate” in English or “associier” in French.
- (3) If an associate member fails to comply with section 17(1)(b), the member is deemed to have resumed active membership and shall promptly pay,
- a. any outstanding fees or penalties in accordance with section 17(4);
  - b. a penalty for failure to give notice under Section (18)(1)(b).

- (4) An associate member may resume active membership, if they:
- a. notify the Executive Director/ Registrar in writing of their intention to become an active member by submitting a form approved by the College not less than 60 days before the member intends to become an active member, and
  - b. pay any outstanding fee, including the annual fee, penalty or other amount owed to the College.

### *Renewing Registration*

18. (1) Unless suspended or revoked, registration remains in effect until the end of the registration year in which it is issued.
- (2) The Executive Director/ Registrar must renew a registration where the registration holder does all of the following:
- a. completes the prescribed form for renewal;
  - b. submits a report of all professional development credits;
  - c. pays the applicable fee approved by the Council;
  - d. meets all remaining criteria for the issuing registration in accordance with section 2(1) and 2(2) of these Regulations.

## Reinstatement of Registration

### *Within a Year*

19. (1) A person who has been refused registration for non-payment of fees or failure to submit the required renewal forms may, up to the end of the calendar year in which the fees were due, apply for reinstatement. The person shall pay a reinstatement application fee as referred to in Schedule 1 of the By-Laws, and the fee for the full registration year.
- (2) The person shall submit the completed registration renewal forms, including proof of having completed the professional development requirements.
- (3) When the person who has been refused registration has paid the required fees and submitted the completed registration renewal forms, the Executive Director/ Registrar may reinstate the person.

### *Within two years*

20. (1) A person who has been refused registration for non-payment of fees or failure to submit the required renewal forms or has resigned from the College before the end of two calendar years may apply for reinstatement. The person shall pay a reinstatement application fee as referred to in Schedule 1 of the By-Laws, and the fee for the full registration year.
- a. The person shall submit;

- i. the completed registration renewal forms;
- ii. demonstrate that their skills have been maintained; evidenced by professional development activities;
- iii. an updated Criminal Record Check;
- iv. an updated Child Abuse Registry Check.

(2) Except if that person has continually practiced social work in another province under registration issued by the authority of such province,

b. The person shall submit:

- i. complete registration renewal forms;
- ii. a letter of good standing from that province;
- iii. pay application fee as referred to in Schedule 1 of the By-Laws, and the fee; for the full or pro-rated registration fee.

(3) When the person who has been refused registration or has resigned from the College has paid the required fees and submitted the completed registration renewal forms, the Executive Director/ Registrar may reinstate the person.

### *After two years*

21. (1) A person who has been refused registration for non-payment of fees or failure to submit the required renewal forms or who has resigned from the College after two calendar years must re-apply as an initial applicant for registration and complete one year of candidacy;

(2) Except if that person has continually practiced social work in another province under registration issued by the authority of such province,

a. The person shall submit:

- i. complete registration renewal forms;
- ii. a letter of good standing from that province;
- iii. pay application fee as referred to in Schedule 1 of the By-Laws, and the fee; for the full or pro-rated registration fee.

(3) When the person who has been refused registration or has resigned from the College has paid the required fees and submitted the completed registration renewal forms, the Executive Director/ Registrar may reinstate the person.

## Professional Development Standards

22. (1) All Registered Social Workers, Social Worker Candidates and Registered Social Workers (Provisional) shall ensure their skills are in keeping with current knowledge and practices in the field of social work through a minimum 40 hours of professional development annually.

(2) All Registered Social Workers, Social Worker Candidates and Registered Social Workers (Provisional) are required to report professional development activities.

- a. Reporting may include formal and informal activities outlined in the NSCSW professional development activities found on the NSCSW website.

### *Reporting Professional Development Credits*

23. (1) Registration renewal cannot be granted until the requirements for professional development established in the College's renewal and application policies have been supplied and met. If the professional development inventory does not meet the requirements, the renewal cannot be completed, and the member will not be a Registered Social Worker, Social Worker Candidate or Registered Social Workers (Provisional) for the upcoming year.

- a. All members are required to submit evidence of **40 hours of social work related professional development** as part of their application for registration. This must include training and activities on specific topics required by the College's renewal and application policies. The hours must have been obtained in the most recent 12 months prior to application.
- b. Maintaining current professional development requirements is necessary in order to maintain 'Good Standing' status with the College.

(2) When renewing registration *for the first time only*, professional development requirements will be pro-rated, to reflect the portion of the year in which the member was registered.

- a. Registration granted in April 1 of that year will have to record 30 hours of professional development when renewing in December of that year.
- b. Registration granted in July 1, of that year will have to record 20 hours of professional development when renewing in December of that year.
- c. Registration granted in October 1, of that year, will have to record 10 hours of Professional Development in December of that year.

### *Associate Member Professional Development Requirements*

24. (1) All associate social workers must complete **20 hours of professional development**.

This must include training and activities on specific topics required by the College's renewal and application policies; all remaining hours may be from the discretionary informal professional development category. Membership renewal is conditional upon successful completion and documentation of these requirements.

## *Professional Development Audit*

25. (1) A member must keep a record of the professional development hours and verification of formal activities (Most formal activities will have credentials listed on their promotional material and certificates will be provided upon completion).
- a. Records should be kept for the previous 3 years.
  - b. The College may, at any time, conduct an audit of records kept under Section 20(1) to ensure quality assurance and the validity of data that is recorded on applications to the College respecting the professional development hours completed.

## Resignations

26. (1) A member may apply to resign from the College by giving written notice of their resignation to the Executive Director/ Registrar.
- a. The Executive Director/ Registrar shall determine whether it is consistent with the objects of the College to accept the resignation of a member.
  - b. Where the Executive Director/ Registrar denies the application for resignation, the member may apply to the Board of Examiners within thirty days of date of notification of the denial, for a review of the decision, by providing to the Executive Director/ Registrar a notice in writing indicating the grounds for the review.
- (2) The Board of Examiners shall consider the application for resignation and may:
- a. approve the application where it is in the public interest to do so; or
  - b. deny the application.
  - c. Where the Board of Examiner denies an application for resignation, that decision is final.
- (3) Where the Executive Director/ Registrar or the Board of Examiners approves an application for resignation, the resignation is effective on the date determined by the Executive Director/ Registrar or the Board of Examiners.

## Professional Conduct

### *Investigating a Complaint*

27. (1) The Complaints Committee may appoint an investigator or investigators, who may or may not be a member of the Complaints Committee, to investigate a complaint.
- (2) The investigator(s) may do 1 or more of the following:
- a. request additional written or oral explanations from the complainant, the respondent or a third party;

- b. request an interview with the complainant, the respondent or a third party;
- c. informally resolve the complaint in the interests of the respondent, the complainant, the public and the College.

(3) An investigator may investigate any matter relating to the respondent, in addition to the complaint, that arises in the course of the investigation that may constitute any of the following:

- a. professional misconduct;
- b. conduct unbecoming the profession;
- c. incompetence; or
- d. a breach of the Code of Ethics.

(4) A respondent may submit medical information and any other information relevant to the complaint to an investigator.

(5) When an investigation is finished, the investigator must prepare a report of the investigation and give a copy to the respondent and the Complaints Committee.

#### *Additional Information to the Complaints Committee*

28. (1) At any time, the Complaints Committee may direct an investigator(s) to conduct any investigation or further investigation the Complaints Committee considers necessary.

(2) At any time prior to rendering its decision, the Complaints Committee may receive information in addition to the report of the investigation if the information is relevant to the matters before it.

(3) If the Complaints Committee receives additional information under subsection (1) or (2), the respondent must be provided with the information and given sufficient opportunity to respond to the information.

#### *Powers of the Complaints Committee and Disposition of Complaint*

29. (1) For purposes of this Section, "counsel" by the Complaints Committee means a determination that a member could benefit from professional guidance from the Committee about the subject matter of the complaint, but the member's conduct does not constitute professional misconduct, conduct unbecoming the profession, incompetence, or a breach of the Code of Ethics, and a counsel is not considered to be a registration sanction.

(2) When a matter is referred to a Complaints Committee, it may, without full investigation, dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other person associated with the complaint, if the Complaints Committee decides that any of the following apply:

- a. the subject matter of the complaint is outside the jurisdiction of the College,

- b. the complaint is frivolous, vexatious or constitutes an abuse of process,
- c. the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming the profession, incompetence, a breach of the Code of Ethics, or would merit a counsel,
- d. the complaint cannot be substantiated;

(3) Where a Complaints Committee has not dismissed a complaint under section (2), it may require the respondent to do 1 or more of the following;

- a. submit to physical or mental examination by a qualified person or persons designated by the Complaints Committee, and authorize the reports from the examination to be given to the Complaints Committee;
- b. submit to a review of the respondent's practice by a qualified person or persons designated by the Complaints Committee and authorize a copy of the review to be given to the Complaints Committee;
- c. complete a competence assessment or other assessment or examination the Complaints Committee directs to determine whether the respondent is competent to practice social work, and authorize the assessment or the report of the examination to be given to the Complaints Committee;
- d. produce any records or documents kept at the respondent's practice.

(4) After the complaints committee has considered all information before it, the committee must do one or more of the following;

- a. dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent, or any other person associated with the complaint;
- b. informally resolve the complaint;
- c. counsel the respondent;
- d. with the respondent's consent, order that the respondent receive a reprimand, or that the respondent be required to undergo such treatment or re-education as the Committee considers necessary;
- e. if a determination is made that the matter or matters before the complaints committee warrant a hearing, refer the matter or matters to the Discipline Committee.

(5) A reprimand issued under clause (4)(d) and conditions or restrictions placed on a respondent's registration under clause (4)(d) are registration sanctions against the respondent and must be dealt with in the same manner as a finding made under Section 34 of the Act.

### *Compliance with Requirements of Complaints Committee*

30. (1) If a respondent fails to comply with subsection 29(3), the Complaints Committee may suspend or restrict the respondent's registration until the suspension or restriction is lifted, superseded or annulled by the Complaints Committee or Discipline Committee.
- (2) The cost of meeting the requirements under subsection 29(3) shall be paid as determined by the Complaints Committee.

### *Consent Revocation*

31. (1) A respondent who does not contest the allegations or admits some or all of the allegations set out in a complaint or a notice of hearing may, with the consent of the Complaints Committee, ask the Discipline Committee to revoke the right of the respondent to practice social work.
- (2) The Discipline Committee may consent to the revocation of a respondent's right to practice social work in accordance with subsection (1) with or without conditions or may refuse consent.
- (3) A respondent whose right to practice social work is revoked under this section must, in all respects, be treated as though their registration has been revoked by the Discipline Committee.
- (4) Notification of a revocation under this Section must be given in accordance with Section 37 of the Act.

### *Notice of hearing*

32. (1) A notice of hearing must be served on the respondent at least 30 days prior to the hearing.
- (2) The notice will be deemed to be served if:
- a. the respondent or the respondent's counsel acknowledges receipt of the document;
  - b. a registered mail receipt is provided from Canada Post or another courier;
  - c. an affidavit of service on the respondent is provided; or
  - d. the College provides evidence satisfactory to the Discipline Committee that all reasonable efforts to effect service have been exhausted.
- (3) A notice of hearing sent by mail is deemed to have been served on the date it was posted.
- (4) A notice of hearing must state all of the following:
- a. the details of the charges;
  - b. the time and place of the hearing;

- c. that the respondent may be represented by legal counsel, a union representative or another representative.

### *Amendment of Notice of Hearing*

33. (1) At any time before or during a hearing, the Discipline Committee may, on its own motion or on the motion of a party to the hearing, amend or alter the notice of hearing for any of the following reasons;

- a. to correct an alleged defect in substance or form;
- b. to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice, or if the evidence discloses any of the following that is not alleged in the notice:
  - i. professional misconduct;
  - ii. conduct unbecoming the profession;
  - iii. incompetence; or
  - iv. a breach of the Code of Ethics.

(2) A respondent must be given an opportunity to prepare an answer to an amendment or alteration to a notice of hearing made by the Discipline Committee.

(3) After receiving the respondent's answer under subsection (2), the Discipline Committee may decide that an amendment or alteration to the notice of hearing should not be made, and if considered appropriate, may refer any new allegations to the Executive Director/ Registrar for processing.

### *Public Notice of Hearing*

34. (1) Subject to any publication bans, the College must give public notice of all of the following through its website or by any alternate means the College considers appropriate:

- a. the date, time and location of hearing;
- b. any application being made for an order under Section 33.

### *Attendance at a hearing.*

35. (1) Except as provided in subsections (2) and (3), a hearing is open to the public.

(2) At the request of a party, the Discipline Committee may order that the public, in whole or in part, be excluded from a hearing or any part of it, if the Discipline Committee is satisfied that any of the following criteria apply:

- a. personal, medical, financial or other matters that may be disclosed at the hearing are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that hearings be open to the public;

b. the safety of any person may be jeopardized by permitting public attendance.

(3) The Discipline Committee may make an order that the public be excluded from a part of a hearing that deals with an application for an order to exclude the public in whole or in part under subsection (2).

(4) The Discipline Committee may make any order it considers necessary, including orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in a hearing or in any part of a hearing.

(5) Subject to any order made under this Section, the Discipline Committee must state at a hearing its reasons for any order made under this Section.

### *Hearing Procedures*

36. (1) A complainant cannot participate as a party at a hearing.

(2) The Discipline Committee may determine any additional rules of procedure for hearings not covered by the Act or these regulations.

(3) Witnesses at a hearing must testify under oath or affirmation.

(4) An oath or affirmation taken at a hearing may be administered by any member of the Discipline Committee or other person in attendance authorized by law to administer oaths or affirmations.

(5) The Discipline Committee may require a respondent to do 1 or more of the following during a hearing:

- a. submit to physical or mental examination by a qualified person or persons designated by the Discipline Committee, and authorize the reports from the examination to be given to the Discipline Committee;
- b. submit to a review of the respondent's practice by a qualified person or persons designated by the Discipline Committee and authorize a copy of the review to be given to the Discipline Committee;
- c. submit to a competence assessment, or other assessment or examination the Discipline Committee directs, to determine whether the respondent is competent to practice social work, and authorize the assessment or the examination reports to be given to the Discipline Committee;
- d. produce any records kept about the respondent's practice that the Discipline Committee considers appropriate.

### *Compliance with Requirement of Discipline Committee*

37. (1) If a respondent fails to comply with a requirement under section 36(5), the Discipline Committee may order that the respondent be suspended until the respondent complies.

(2) The costs of complying with the requirements described in section 36(5), must be initially borne by the College and may be awarded as costs against a respondent.

### *Respondent's Failure to Attend Hearing*

38. (1) After receiving proof of service of the notice of hearing in accordance with section 29, the Discipline Committee may proceed with a hearing in the respondent's absence and take any action authorized under the Act and these regulations without further notice to the respondent.

### *Subpoenaed Witness Fees*

39. (1) Witnesses who are present under subpoena at a hearing are entitled to the same allowances as witnesses attending a trial of an action in the Supreme Court of Nova Scotia.

### *Recording Evidence at Hearing*

40. (1) All evidence presented at a hearing must be recorded by a person authorized by the College.

(2) Evidence may be presented at a hearing in any manner that the Discipline Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

### *Preserving the Evidence*

41. (1) Evidence presented to the Discipline Committee and information obtained by the Complaints Committee or an investigator regarding a complaint that has not been dismissed by the Complaints Committee must be preserved for at least 5 years from the date the evidence is presented or information is obtained.

### *Written Decision of Discipline*

42. (1) The Discipline Committee must prepare a written report of its disposition of a matter including the reasons for the decision and must provide copies of its decision or information from its decision in accordance with section 40 or 41.

### *Disclosing and Publishing Decisions and Registration Sanctions Imposed Without Hearing*

43. (1) Except as prohibited by any publication bans and subject to section 38 of the Act, the Discipline Committee may disclose or publish a decision or part of a decision that dismissed a complaint in a manner determined by the Discipline Committee.

(2) Except as prohibited by any publication bans, the Executive Director/ Registrar must do all of the following for any registration sanction that is issued other than through a hearing:

- a. make the appropriate entries in the Register and the records of the College;
- b. publish a summary of the decision in accordance with subsection (3) in all of the

- i. the College website;
  - ii. any official publication determined by the Discipline Committee;
- c. notify all of the following of the registration sanction ordered, and include any other information requested:
  - i. registering bodies in other Canadian social work jurisdictions;
  - ii. registering bodies in a jurisdiction where the respondent was originally registered;
  - iii. registering bodies in other jurisdictions where the member is known to have practiced;
- d. give the respondent a copy of the decision;
- e. give some or all of the decision to the complainant, as permitted by the Discipline Committee or the Complaints Committee;
- f. give any of the following to any person or entity directed by the Committee making the decision:
  - i. notice of the decision;
  - ii. a summary of the decision;
  - iii. parts of the decision;
  - iv. a copy of the decision.

(3) The summary of a decision required by subsection (2) must be prepared by the College and must contain all of the following information:

- a. the member's name, city or town of residence and registration number;
- b. the provision of the Act or these regulations under which the registration sanction is issued;
- c. the date of the decision;
- d. the allegations that were upheld by the Discipline Committee or the Complaints Committee or for a consent revocation, the allegations that were either admitted by or not contested by the respondent;
- e. whether the allegations amounted to professional misconduct, conduct unbecoming the profession, incompetence or a breach of the Code of Ethics;
- f. the disposition ordered by the Complaints Committee or the Discipline Committee;
- g. a summary of the reasons for the decision;
- h. any information the College considers necessary to meet the objects of the College.

### *Disclosing and Publishing Decisions and Registration Sanctions Imposed Through a Hearing*

44. (1) Except as prohibited by any publication bans and subject to the direction of the Discipline Committee, the Registrar must take all of the actions set out subsection 43(2) for any registration sanction issued following a hearing, and in addition must provide some or all of the decisions, as determined by the Discipline Committee, to the relevant employer or employers.