

Thematic Analysis of Complaints (2020-2022)



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Land Acknowledgement

The Nova Scotia College of Social Workers (NSCSW) is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq, whose inherent rights were recognized in the Peace and Friendship Treaties that were signed from 1725 to 1779. This series of treaties did not surrender Indigenous land, resources, or sovereignty to the British Empire, but instead, established rules for an ongoing relationship between nations. The treaties were later reaffirmed by Canada in Section 35 of the Constitution Act, 1982, and remain in place to this day. NSCSW joins our members and our communities in the labour of reconciliation, and we are grateful to live and work together as treaty people in Mi'kma'ki.

Reparations

The College firmly recognizes that reparations are both a moral and material obligation to atone for the deep-rooted history of anti-black racism within Nova Scotia and the broader Canadian context, which has led to human rights violations and crimes committed against people of African descent. We are unequivocally committed to engaging with our members in proactive efforts toward reparations for the historical enslavement of peoples of African descent and addressing the systemic disenfranchisement faced by African Nova Scotian communities.

Reparations transcend mere monetary redress. They embody a comprehensive approach to healing and justice, addressing crucial areas of injury through five forms of reparation: ¹

1. **Restitution:** We advocate for measures that aim to restore lost rights and statuses, reversing the injuries endured by African Nova Scotians and their ancestors.
2. **Compensation:** We support economic recompense to address damages experienced due to employment discrimination, healthcare disparities, and other quantifiable losses.
3. **Rehabilitation:** Beyond financial compensation, we champion the restoration of land, and the acknowledgment of stolen intellectual properties, and providing services that foster healing and recovery.
4. **Satisfaction:** Our commitment includes the cessation of harms through public apologies, commemorations, and tributes to the victims and survivors of historical injustices, recognizing their enduring impact on families and communities.
5. **Guarantees of non-repetition:** We pledge to work towards preventing future human rights violations by advocating for civilian control of military forces, adherence to ethical codes of conduct, and promoting awareness and education on these issues.

The history of people of African descent in Nova Scotia is marked by resilience, contribution, and profound influence on the province's social fabric. From the Black Loyalists and the Maroons to the

¹ Adapted United Nations Human Rights <https://www.ohchr.org/en/transitional-justice/reparations>

Southern American Black Refugees, the legacies of these communities have indelibly shaped Nova Scotia's cultural landscape. Their stories, marked by perseverance in the face of adversity, are central to our shared history and necessitate both recognition and restitution.

In committing to these principles of reparations, The College aims to honour the significant contributions of African Nova Scotians and ensure a future where equity, justice, and respect for human rights are not just ideals but realities for all. We stand dedicated to transforming this commitment into tangible actions that contribute to the healing, empowerment, and upliftment of African Nova Scotian communities, laying the groundwork for a more equitable and inclusive society.

Background

This report has been formulated based on a thematic analysis of complaints processed over the past three years (2020-2022). The volume of complaints during this period was significantly high and was projected to remain so for subsequent years. This trend should be of interest to all practicing social workers in Nova Scotia, whether they are newcomers or returning to the profession, as well as to employers, mentors, supervisors, and those who have made complaints.

Social workers must consistently uphold their professional Standards of Practice and Code of Ethics, as well as comply with relevant Canadian and Nova Scotian laws. Straying from these guidelines can lead to serious consequences, including potential harm to service users, the filing of a complaint, and possible actions for remediation. This might involve accusations of professional misconduct, conduct unbecoming of a professional, incompetence, or violations of the Code of Ethics.

The Latin root of the word "discipline" means "to learn," which aligns with the NSCSW's goal of acting in the public's interest and ensuring ethical practices for service users. This report aims to offer insights into recurring themes from past complaints, and help our social worker community learn from one another. It is intended to prompt critical reflection from social workers on one's own practice, build confidence in ethical decision making, and highlight areas to strengthen services to the public. Reflecting on these responsibilities highlights the critical importance of maintaining ethical and professional integrity in social work practice. Reflecting on the historical context of our processes and their implications is crucial. The overarching goal is to underscore our collective and individual professional accountability to our service users and each other.

The report is therefore intended to serve multiple purposes:

1. **Promote Best Practices:** It sets a high standard for professional conduct, guiding social workers to align their actions with the profession's expectations and service users' needs.
2. **Maintain Professional Accountability:** By supporting accountability, the report ensures that each social worker takes responsibility for their actions, adhering to ethical standards.
3. **Protect Public Interest:** It safeguards the public by preventing malpractice and ensuring quality service delivery.
4. **Facilitate Continuous Learning and Improvement:** By highlighting areas for improvement via historical data and thematic analysis, it acts as a tool for ongoing learning.



5. **Foster Mutual Respect and Cooperation:** The report aims to enhance mutual respect and cooperation among professionals, stressing the importance of accountability to both service users and colleagues.
6. **Social Change:** It continues the call for widespread social change to ensure greater equity and justice.

Historical Analysis

Methods

The thematic analysis did not include complaints that were withdrawn by the complainant, or complaints made in error about individuals who were found not to be social workers. Final decisions issued by the complaints committee were the primary source for analysis; however, in some cases the original complaints and responses were reviewed for clarity, or in the more complex cases the investigative report was also reviewed.

For context, written final decisions include the following:

- Any immediate practice restrictions
- Key considerations reported by both the complainant and the respondent
- A summary of the allegations
- The areas for consideration in determining if professional misconduct, a breach of the code of ethics and/or conduct unbecoming occurred
- What social work values and/or standards are being considered
- Notes from the committee's deliberations
- The committee's decision
- The outcome, which may be either a dismissal or remediation, such as a letter of counsel, practice restrictions, or referral to discipline

This exploratory analysis is based in reflective thematic analysis by Braun and Clarke (2022) and used both semantic and latent coding while evaluating the historical complaints. Thematic analysis is a way of analyzing qualitative data to identify emerging themes (Braun and Clarke, 2022). By familiarizing yourself with the data, you begin to be able to code text and keywords that repeatedly show up, eventually leading to the identification of patterns. By analyzing the patterns, you can begin to pull themes from the data. This allowed for an inductive approach which allowed themes to emerge with no prior exposure or agenda. This was completed before the Candidacy Mentorship Case Record Evaluation and completed by an evaluator who was not involved in the processing of included complaints and was completed by an evaluator who was not involved in the processing of included complaints.

The analysis included the registration status of the social worker receiving the complaint, the social work values and standards being considered, outcomes in terms of dismissal or remediation. Themes

were pulled from patterns found both within the substance of the complaints, and the guidance provided by The Complaints Committee within remediation. Often complaints contain multiple standards and values for consideration. This means multiple breaches of standards and/or ethics could be substantiated in a single complaint. For the purposes of this analysis, each standard was counted only once per complaint, even when several individual standards under the umbrella of, for example, standard three was breached.

The NSCSW thanks April Peckham, MSW, for her efforts in preparing the data for this analysis.

Limitations

The years included in this analysis overlap with the onset of COVID-19 which had wide-ranging effects on our profession including, but not limited to, quick transitions from in office to remote working, in person services to teleservices as well as increased stress within our professional and personal lives.

Latent coding of qualitative data can be considered subjective as it is meant to extract meaning of the data, and in this specific case if the effect can then be linked to the CMP (Braun & Clarke, 2022). The use of multiple evaluators can mitigate this in future analysis and/or research.

The two largest employers of social workers are the Government of Nova Scotia, and the Nova Scotia Health Authority (including addictions and mental health). These roles garner the highest rates of complaints, partly due to the volume of social workers in their employ, but also due to the nature of the roles and the failure across these systems to sufficiently meet the needs of Nova Scotians. These shortfalls often result in systemic harm and inequitable access, which have been compounded by intersecting crises within our social systems. This has not only increased the volume of people needing service but many of these systems are disempowering, lack accountability and ultimately leave service users feeling mistreated and dismissed by the system, not the individual worker.

The social climate and systemic harms throughout the years included in the analysis cannot be excluded as a contributing factor in the rates and context of processed complaints.

Data snapshots

COMPOSITION OF MEMBERSHIP

Member class	2020	2021	2022
Registered Social Workers (RSW)	1286	1353	1344
RSW (Telepractice) <i>(this class was created in 2022)</i>	n/a	n/a	155
Social Worker Candidates (SWC)	429	437	450
Private Practitioners (PP)	300	338	377

Member class	2020	2021	2022
Associates	118	129	119
Retired Associates	36	40	40
Students <i>(student members are not registered to practice)</i>	117	139	167
Total membership	2286	2436	2652

QUANTITY OF COMPLAINTS PROCESSED

	2020	2021	2022
New that year	24	21	28
Carried over from prior year	16	14	6
Total open complaint matters	41	35	34
Complaints closed	27	25	20

DOMAIN

Practice settings	2020	2021	2022
Child welfare	22	16	18
Healthcare	11	6	9
Private practice	4	1	3
Corrections	1		
Not-for-profit		1	4
Other/Third party	3		

SOURCE OF COMPLAINTS

Complainant	2020	2021	2022
Clients	32	19	22
Employers	5	5	6
Registrar	2		2
Third party	2	1	4

DECISIONS & OUTCOMES

Action	2020	2021	2022
Complaint dismissed	12	10	13
Letter of counsel	10	10	5
Referral to discipline	1		
Reprimand by consent	2	1	1
Revocation	1	1	
Withdrawn			1

INTERPRETING THE INCREASE IN COMPLAINTS

The College has experienced an upward trend in the total number of complaints, with 216 cases reported over 23 years from 1993 to 2016, compared to 246 cases in just six years from 2016 to 2022. This significant uptick in a much shorter timeframe underscores the growing challenges faced by the College in managing professional conduct, and highlights the need for enhanced oversight and support mechanisms.

Several factors contribute to this upward trend. The College has actively raised awareness about its regulatory role, making it easier for the public to file complaints. Additionally, years of austerity have impaired the functioning of crucial public systems, particularly in serving the most vulnerable populations. Consequently, trust in these systems has reached an all-time low, leading to a rise in complaints across various health professions.

However, it may be worth noting that over the three years included in this analysis, there has been a gradual decrease in the rate of complaints received by the College *when compared to the size of our membership*. In 2020, the complaints represented 1.7% of the membership, which dropped to 1.4% in 2021, and further decreased to 1.2% in 2022.

Although the proportion of complaints remains relatively low compared to the number of members we have, trends in complaints can still effectively serve indicators of areas to strengthen in the delivery of social work within our jurisdiction.

This context helps to shed light on the importance of addressing and mitigating the underlying issues that contribute to the increase in complaints, ultimately striving for a safer and more effective healthcare system.

In order to address these risks, regulators must collaborate with partners and stakeholders to identify areas that require strengthening and work towards reducing them. This analysis highlights the significance of this collaborative effort in ensuring public safety and well-being.



Findings

VALUES

Substantiated breaches of the Code of Ethics that required remediation across all three years are listed here in order of frequency:

- Value 4: Integrity of Professional Practice
- Value 1: Respect for the worth and inherent dignity of all persons
- Value 6: Competence in professional practice
- Value 5: Confidentiality

STANDARDS

Substantiated breaches of the Standards of Practice that required remediation across all three years are listed here in order of frequency:

- Standard 3: Professional Relationships
- Standard 2: Clients
- Standard 4: Colleagues & Workplace.
- Standard 1: Confidentiality, Self-determination, and informed consent

THEMES

Five major themes emerged as recurring patterns within the context of the complaints that resulted in remediation. These themes are listed here from most frequent to least, followed by further analysis.

COMMUNICATION

- Being mindful of having respectful and clear verbal and nonverbal communication with clients
- Being compassionate and empathetic and not dismissive
- Not communicating in a professional manner
- Nonjudgmental written and verbal communication
- Timely appropriate documentation.
- Upholding confidentiality in both written and verbal communication

One of the key principles in social work is to respect the inherent dignity and worth of individuals. In the context of professional social work services, it is important to consider the vulnerabilities and marginalization of complainants.

The need for empathetic communication was revealed as one of the most common issues underlying complaints included in the analysis. This included instances where speech and body language felt dismissive or condescending, showing bias or a lack of neutrality during assessments.

This trend can also be observed in written communication, as written documentation holds significant power and can greatly impact the lives of individuals involved. It is crucial for social workers to pay close attention to the language used in their assessments, written communications, and case notes. These should be presented objectively and impartially. Social workers should reflect on how to document information in an unbiased and accurate manner, considering that written records may be revealed to clients, disclosed during court proceedings, or reviewed by the relevant complaint's committees.

REGISTRATION STATUS

- SWCs were overrepresented in complaints
- SWCs not engaging in the Candidacy Mentorship Program (CMP) received more complaints than those who were actively engaged

The CMP is part of the NSCSW's mandate to protect the public. The program is designed to ensure that newly registered social workers have the skills, competence, and good character to practice social work in Nova Scotia.

The CMP provides newly registered social workers with a strategic, supportive, and educational professional development experience rooted in principles of adult learning. By linking new graduates and those re-entering practice (candidates) with experienced practitioners (mentors) the CMP provides new registrants with educational and supportive mentorship to integrate knowledge, apply skill, and action ethics in their first years of practice. Candidates gain valuable support throughout their 2500 hours of practice experience through regular, structured, and documented meetings with their mentor. They are supported as they develop a professional identity, grapple with ethical issues, explore professional concerns related to their practice experience, integrate theory and practice, develop self-awareness, and refine a unique practice framework).

The historical complaint analysis tracked both registration status and level of engagement with the CMP, and confirmed that SWCs are overrepresented in processed complaints. SWCs represent only 17% of total membership but 33% of all closed complaints over the three years included in this report. Out of 75 complaints, 25 of them were made against SWC, 19 (76%) of which were not actively engaged in the CMP at the time the complaint was received by the NSCSW.

The CMP has been shown to be an effective tool in preparing new practitioners for their professional roles and assessing professional suitability. While inexperience might naturally place these individuals at a higher risk for complaints, the data suggests that this doesn't entirely account for these results. Instead, the importance of engagement with mentorship programs like CMP is underscored, providing protection for both the public and the candidates themselves.

RELATIONSHIP MANAGEMENT

- Building therapeutic alliances and rapport.
- Being clear and consistent with professional boundaries and not starting personal relationships with service users

- Conflicts of interest, higher risk in smaller/rural communities
- Being client focused and supportive of client needs

Social work is a profession that underscores the significance of maintaining close yet professional relationships with clients. These relationships can greatly impact individuals' lives, influencing their overall well-being and quality of life. An analysis of complaints submitted to the College indicated instances where professional boundaries were not upheld by social workers.

Social workers are in positions of power and any blurring of professional lines can potentially harm others if this power is misused. Some complaints revealed that social workers were sometimes unaware of their positions of power and formed relationships that went beyond the professional client-social worker dynamic, veering into friendships or, in some extreme cases, sexual relationships.

The analysis further identified that in these complaints, social workers did not adequately:

- Clearly establish the nature of their professional relationship with clients
- Form intentional therapeutic alliances and build rapport with clients
- Ensure their actions and decisions were in the best interest of their clients
- Consider relevant contextual issues
- Protect the dignity, individuality, and rights of all persons
- Provide equal opportunities for all current and potential clients to access and benefit from their service
- Work within their scope of practice
- Refrain from physical contact and personal relationships with clients
- Avoid causing harm

Social workers often find themselves entrusted with highly personal information and feelings from their clients. It is imperative for them to remain conscious of their professional role and guard against forming inappropriate bonds with their clients, which could lead to personal, sexual, and/or financial boundary violations.

Boundary violations occur when the core intent of the professional-client relationship is breached, usually through the exploitation of the relationship and misuse of power by the professional. Here are some indicators that the professional relationship between a social worker and their client may lack appropriate professional boundaries:

- They refer to each other as friends
- They are giving or receiving gifts
- The client has the social worker's personal phone number or other significant personal information
- They socialize outside of the professional setting
- The social worker reveals excessive personal information to their client
- The social worker is granting favours to a client or receiving favours from their client
- They are communicating with or seeing each other outside of the professional relationship



- The social worker has their client on their personal social media platforms
- The social worker is treating a client as “special” and providing opportunities not available to everyone
- They end their professional relationship and start a personal relationship
- The social worker is attracted to a particular client, or not appropriately addressing the attraction expressed to them
- The social worker is keeping or asking a client to keep a secret, or is keeping a secret for the client

The skillful management of professional boundaries is a hallmark of our profession and enhances our integrity as professionals. It is a skill that needs to be developed and maintained throughout a social worker’s career.

SYSTEMIC ISSUES

- Complaints made more about the system’s policies than the individual social worker
- Overloaded caseloads
- Service delivery model
- Staff shortages/ high turnover/slow onboarding
- Lack of training
- Lack of resources and supports for clients
- High workplace conflict

The evidence in social work literature overwhelmingly points to the significant impact of neoliberalism, managerialism, and austerity measures on the quality of care being provided. The analysis of complaints also revealed how detrimental government policies, programs, and services can compromise social workers' ability to act in their clients' best interests.

Working within flawed systems can create an environment conducive to poor practices. While individual social workers alone cannot change these flawed systems, they are required to strive towards social justice. The analysis found that social workers often struggle to set the tone and context of their interactions with their clients, in the context of poor public policy. This struggle is often due to structural issues leading to a lack of understanding of human behaviour, including the impact of trauma, mental health, and the effects of structural factors such as patriarchy, colonialism, and anti-black racism on clients, communities, family structures, and dynamics.

The analysis also identified structural barriers like a lack of core training and mentorship support as reasons for social workers' struggles in applying theory to practice or developing the competencies needed to communicate in a way that upholds the inherent dignity and worth of all individuals.

NOT SEEKING APPROPRIATE SUPERVISION

- When there is a potential conflict of interest
- When the social worker requires guidance around ethics



- When the social worker has a question about professional boundaries and relationships
- When the social worker is unclear about a policy or procedure

In these cases, social workers failed to seek necessary guidance. This included instances where they needed support in dealing with potential conflicts of interest, ensuring psychological and physical safety, managing mental health or stress-related issues, resolving ethical dilemmas, or when client-professional relationships were no longer serving the client or maintaining professional boundaries.

The analysis also found that social workers often missed taking measures to manage the stresses they experience in their personal lives and find suitable outlets to resolve these issues, thereby preventing those challenges from influencing their professional practice.

Suggestions for future analysis

It is worth noting that social workers who self-identified as Indigenous, African Scotian or Black social workers navigate unique challenges specific to their race and culture. An evaluation using race base lens and analysis would be beneficial. This could include examination of challenges related to:

- navigating racist systems and policies that have caused their communities historical harm and trauma;
- experiencing discrimination and racism within their place of employment and when carrying out their employment duties; and
- navigating practice within small, racialized communities of which they are a member.

Reference

Braun, V., & Clarke, V. (2022). Conceptual and design thinking for thematic analysis. *Qualitative Psychology (Washington, D.C.)*, 9(1), 3–26. <https://doi.org/10.1037/qup0000196>