

Regulation of child protection workers by Ontario College of Social Workers and Social Service Workers: CUPE responds

Please send or adapt any of the following letters to the Executive Director of your CAS.

DRAFT Letter 1 – Oversight

I have worked as a child protection worker with [CAS] for [xx] years. I love my job and I do it to the best of my ability because I care deeply about keeping children and families safe.

I am aware that OACAS, the organization that represents my employer, is planning to make it mandatory for me to register with the Ontario College of Social Workers and Social Service Workers in order for me to do my job.

One of the reasons given for introducing this requirement is that it will provide more oversight Children's Aid Societies and child protection workers. Regulation through the College is entirely appropriate for social workers who are in private practice and whose work is not overseen by an employer. But I would like to remind [CAS] that my colleagues and I already answer to more than enough people, processes, and outside bodies in the course of our work, as the following list shows:

- CAS in-house management structure, including supervisors, managers, lawyers, and case conferences;
- a society's internal standards, policies, procedures and protocols, some of which are governed by the Children and Family Services Act;
- a society's internal disciplinary and complaints procedures;
- Office of the Provincial Advocate for Children and Youth, which has new powers to investigate CAS workers;
- ministry audits in almost every area of service, including Crown Ward Reviews and Licensing;
- Child and Family Services Review Board, which conducts reviews and hearings of complaints against a CAS worker;
- family courts;
- Ontario's human rights tribunal;
- the provincial auditor general;
- child death reviews, including the Paediatric Death Review and internal reviews;
- coroner's inquests.

How could anyone look at this list and possibly think that child protection workers need more oversight? Asking for more ways to regulate and oversee the work of child protection workers is clearly unnecessary and leads me to think there is another agenda at work in this exercise.

I'm calling OACAS out on this spurious attempt to bring more oversight to our sector. Regulation will not make children safer; instead, it is distracting attention from what's really needed to improve safety for children and youth and I hope that [CAS] will back me up on that.

Sincerely,

DRAFT Letter 2 – Professionalism

I understand that there are plans in the works to force anyone who works in child protection to register with the Ontario College of Social Workers and Social Service Workers.

One of the reasons given for this change is that regulation will result in higher quality services and bring greater professionalism to the field and that this will improve the standard of child protection work in Ontario.

I would like to point out that a failure to meet standards of care in child protection work is very rarely the result of professional misconduct, incompetence or incapacity on the part of individual child protection workers.

The stated purpose of the College is to protect the public from unqualified, incompetent or unfit practitioners.

But children's aid societies already set those standards and ensure their adherence: they determine the job qualifications. They deal with employees they deem to be unqualified or incompetent. And CASs decide whether child protection work in their area can be performed by someone who holds a Bachelor's degree and has child welfare experience.

I may not hold a BSW or MSW degree, enjoy membership in the College or be subject to its regulation. But I am a professional practitioner in the child protection sector and, as such, I cannot countenance this move toward the regulation of the child protection workforce. I am resolved to fight it at every step of the way and instead campaign for the measures that will bring real benefits to at-risk youth, children and families.

Sincerely,

DRAFT Letter 3a – CPIN #1

In 2015, the board of the Ontario Association of Children's Aid Societies (OACAS) endorsed the report of the Professional Regulation Working Group's final report. As you know, the report recommended that OACAS undertake a process to move the child welfare sector towards professional regulation by the Ontario College of Social Workers and Social Service Workers.

I'd like to make a recommendation of my own, one that would go even further toward improving child protection services in Ontario: **fix CPIN.**

CPIN is a flawed computer system. It is unreliable, produces bad data, and is simply not in any kind of shape to provide the foundation for child protection services in Ontario.

Despite this knowledge, children's aid societies across Ontario are cooperating with the Ministry of Children and Youth Services to roll out this system province-wide.

My colleagues and I have been providing feedback for months on the problems that we experience daily and very little has improved. Late last year, Ontario's Auditor General recommended that the Ministry "ensure that all critical functionality gaps are identified and resolved before the remaining societies implement CPIN."

CPIN presents far more pressing and serious problems than any of the hypothetical ones that presumably would be solved by regulating child protection workers through a professional college.

Fixing CPIN will yield actual positive results that will improve child protection services by freeing up workers' time, by making sure that no vital data "disappears" or slips through the cracks, and fulfilling the promise of a province-wide system of sharing information.

This fix alone will do more to keep children and youth safer than imposing mandatory regulation of child protection workers.

Sincerely,

DRAFT Letter 3b – CPIN #2

I understand that, in the name of greater “professionalism,” my colleagues and I in [CAS] will be required to register with the Ontario College of Social Workers and Social Service Workers so that we can practise child protection work.

Can you tell me how CPIN fits into this scenario?

The people who are responsible for CPIN have caused havoc in our workplace. Rolling it out in its current state has put children and youth at risk.

And yet MY professionalism is the problem?

I'll suggest that the powers that be, both in [CAS] and at the ministry, sort out the CPIN mess before they consider College registration and regulation for me and my colleagues.

Fix CPIN's problems with disappearing data, system down time, endless time spent filling out tickets; then we can talk about how regulation by a professional college won't improve child protection standards one iota.

Sincerely,

DRAFT Letter 4 – Accountability

I would like to take this opportunity to share with [CAS] concerns about the proposals to require child protection workers to be registered and regulated by the Ontario College of Social Workers and Social Service Workers.

It seems that regulation is presented as a panacea for much that's wrong in Children's Aid Societies in Ontario.

The OACAS working group states that unless societies move forward together on regulation, "the goals of enhancing public confidence, raising the threshold of quality services and accountability will be eroded."

But from my perspective as a child protection worker, the proposed move toward regulation of child protection workers by the College is an attempt to shift responsibility for system failings to individual workers like me.

As a member regulated by the College, I will bear the consequences for complaints and infractions and I will be subject to sanction and punishment; in fact, a self-regulating college is **designed** to focus on perceptions of misconduct and place blame on an individual practitioner.

The College has no interest in the underlying or systemic causes of mistakes or discipline and no power to investigate them; if practice standards cannot be met because of systemic problems, it will be the one with the least amount of control over the system who will be held responsible.

Issues like heavy workloads, chronic understaffing, or flawed policies will go unaddressed and the problems created by crushing workloads, competing demands and insufficient budgets will become the problems of the child protection worker, not the system she or he works for.

Regulation by the College makes scapegoats of child protection workers, while permitting the Ministry, the government and children's aid societies themselves to avoid dealing with the real issues in the sector.

Mandatory registration and regulation by the College is not in the best interest of child protection workers and ultimately, not in the best interest of vulnerable children, youth and families.

Sincerely,

DRAFT Letter 5 - Bureaucracy

I am writing to share my concerns that introducing mandatory registration with the Ontario College of Social Workers and Social Service Workers will create an expensive bureaucratic nightmare for child protection workers at [CAS].

The more I investigate membership in the College, the more becomes plain that regulation and registration for child protection workers will only add another layer of bureaucracy, expense and administration to our jobs.

First, there are the fees:

- each application costs a non-refundable \$100
- if accepted, registration is \$280 annually
- annual fee for an inactive member is \$140
- any member who fails to pay is classed as suspended.

Another condition of College membership seems to disadvantage women in particular – a bizarre twist for a workforce that is predominantly female. The College demands that members have practised social work or social service work in the five years immediately before date of application, or submit to a gruelling documentation process. This has serious and unpleasant implications for women who have taken time out from their careers to raise their families, or who have taken two or three successive maternity leaves.

Employees released on extended union leave may find themselves similarly excluded.

There are also criteria around language fluency, residency, and academic qualifications that have little or nothing to do with child protection and would only seek to narrow the group from which child protection has traditionally drawn its workers.

These additional requirements will do absolutely nothing to increase the skill sets of child protection workers but will deter many from entering the field. We won't be better off and neither will the children, youth and families we serve.

Sincerely,

DRAFT Letter 6 – Privacy and discipline

The move toward a regulated child protection workforce in Ontario gives me cause for serious concern about my privacy as a child protection worker.

One of the rationalizations for registration and regulation with the College of Social Workers and Social Service Workers is the restoration of public confidence in Ontario's child protection system. But violating my rights to privacy and confidentiality will do nothing to achieve this goal.

Currently, workplace disciplines, complaints and other personnel matters at [CAS] are treated confidentially. But if child protection workers become subject to regulation by the College, previously confidential workplace matters will become matters of public record.

My membership in the College would mean that anyone can see information about my status or complaints made against me – and under the College's rules, there is no time limit in which to make a complaint. Disciplinary hearings are open to the public and once a complaint is made, it is on file forever. There is no process for appeal.

Employers must also file a written report with the College if one of its registered members is terminated. This requirement conflicts with an employee's right to grieve a termination under the collective agreement or appeal it through arbitration, where a termination may be overturned.

I also have concerns for my personal safety and that of my family, since college registration is open to public scrutiny and provides no protection from potentially violent clients.

None of the ways that the College deals with personal information, complaints, and discipline allow for a fair or safe process for child protection workers.

There are any number of measures that can be and ought to be taken to restore public confidence in child protection and keep at-risk children and youth safer. Regulation by the college is not one of them.

Sincerely,

DRAFT Letter 7 – Eligibility

Evers since OACAS endorsed regulation for child protection workers, I have been looking into what membership in Ontario's College of Social Workers and Social Service Workers would mean for me and my colleagues.

I wanted to share some facts and figures that I have learned along the way; I think they point to significant problems for the sector and for [CAS] in particular:

- There are over 5,000 child protection workers in Ontario
- The College regulates about 17,000 social workers and social service workers
- In Ontario, only 7% of College-registered social workers are employed by a CAS
- Only 4% of members of the Ontario Association of Social Workers work for a CAS
- Between 30% and 50% of Ontario's child welfare workers do NOT hold a BSW
- 63% of direct service staff in CASs have a BSW or MSW (in 2012, it was 57%)
- 78% of direct service supervisors have a BSW or MSW (in 2012, it was 75.5%)
- The 2013 OACAS Human Resources survey estimates that 70% of relevant CAS job classifications would qualify for registration with the College
- From 2002 to 2014, 41 child welfare employees who did not hold a BSW or MSW submitted equivalency applications to register as social workers; only 16 were successful and 25 were refused.

I am not a social worker; I don't want to be a social worker. Had I wanted to be a social worker, I would have trained as one. If regulation through the College of Social Work is introduced, what will happen to us child protection workers who don't have degrees in social work (a BSW or MSW) or a social service worker diploma? After all, we make up to 50% of the child protection workforce.

None of the options currently available to us is appealing: we can try to upgrade to the qualifications that will allow us to keep our jobs. We can move to a different job class. We can accept termination or layoff.

What doesn't seem to be an option is "grandfathering," something that would allow child protection workers already in post to keep doing their current jobs. The College is quite specific that grandfathering is not on the table.

These facts seem to present some insurmountable problems for the child protection sector and represent another compelling reason that regulation by the College is a bad move for the child protection sector and for child protection workers.

I hope I have the support [CAS] in calling on OACAS to abandon this proposal and instead focus on resolving the issues that prevent us from providing the highest quality child protection services.

Sincerely,

DRAFT Letter 8a – Recruitment/retention

I would like to raise with [CAS] a concern I have about the effect that regulation by the Ontario College of Social Workers and Social Service Workers will have on the ability of Children's Aid Societies to recruit and retain qualified people in our sector.

Like most of my colleagues, I became a child protection worker because I wanted to play an effective role in the system that keeps vulnerable children and families safe in their communities.

I don't have to tell you that this is a difficult job, despite its rewards. The demands are sometimes overwhelming and they take a high personal toll on me and my fellow practitioners. I therefore believe that it is extremely short-sighted of OACAS to add unnecessary obstacles, such as regulation by the College, to a career path that is already filled with impediments.

Early career burnout is a serious problem in our sector; regulation by the College and its focus on individual over systemic responsibility can only exacerbate the stress and tension that already characterize our workforce.

Children's aid societies outside Ontario's urban centres have long had difficulties in recruiting and retaining child protection workers. Agencies in northern Ontario, remote and rural regions, and aboriginal nations face ongoing challenges around adequate staffing for their child protection services. Restricting them to recruiting and hiring only College-registered employees can only increase severe staff shortages and under-representation by equity seeking groups.

By requiring CASs to hire only College-registered employees, some agencies will be set up for future crisis in recruitment and retention of staff and those who will suffer most will be the vulnerable children, youth and families that societies are meant to help.

Sincerely,

DRAFT Letter 8b – Recruitment/retention

I would like to raise with [CAS] a concern I have about the effect that regulation by the Ontario College of Social Workers and Social Service Workers will have on the ability of Children's Aid Societies to recruit and retain qualified people in our sector.

It should be the goal of every CAS to ensure a workforce that is culturally and linguistically representative of the community it serves. But registration with the college and its accompanying requirements and burdens will only increase recruitment difficulties from equity-seeking groups.

We want to be part of a child protection sector that provides high-quality, appropriate and equitable services. Adding an obstacle like regulation by the College to a sector that already has difficulties in recruiting staff for underrepresented communities.

Sincerely,

DRAFT Letter 9 - Varied backgrounds

I wish to express my strong opposition to the planned introduction of mandatory registration with the Ontario College of Social Workers and Social Service Workers.

I object to the move on several grounds, but I perceive one of the greatest dangers for the future of the sector to lie in restricting child protection work to those who hold only BSW or MSW degrees.

I have worked for [##] years in this sector. In that time, I have personally witnessed the benefits of having colleagues who come to the sector from a variety of backgrounds and bring a wide breadth of experience to the job.

Multidisciplinary child protection teams are a strength. Working alongside child protection workers whose education is in psychology, sociology or mental health enriches the services they provide to children, youth and families, as well as the working environment we all share. Similarly, those colleagues with backgrounds in such areas as children and youth justice offer insight and knowledge that would not normally form part of BSW or MSW. Sometimes a colleague has gained qualifications outside the country and brings unique cultural or community perspectives to our work.

The variety of approaches, connections and methods in child protection enhances our work in countless ways.

This type of practice, and the accompanying opportunities for exchange and learnings, will be lost in a sector that narrows its potential source of employees to include only College-registered recruits who hold BSWs and MSWs. Agencies will lose the breadth of experience these workers bring to child protection work and the varied backgrounds that inform new and different approaches in child protection work.

I do not believe this is good practice for child protection work in the 21st century. We should be looking at ways of expanding our approach to our work, not restricting it to fit the strictures of the Ontario College of Social Workers and Social Service Workers.

Sincerely,

DRAFT Letter 10 – Labour

Labour representatives in child welfare have spoken out against professional regulation since the Social Work and Social Service Work Act was passed in 1998.

It should therefore come as no surprise that, as a representative of CUPE Local [XXXX] at [CAS], we maintain our strong objections to moving the child welfare sector towards professional regulation by the Ontario College of Social Workers and Social Service Workers, based on the following grounds:

- Regulation with the Ontario College of Social Workers and Social Service Workers is entirely inappropriate for workers subject to employer oversight
- CAS employees are already subject to adequate oversight at several levels
- Without degrees in social work (BSWs or MSWs), many CAS child protection workers aren't eligible to join the College
- College requirements for members are unfriendly to workers who take breaks from the field, especially women workers
- College discipline procedures require mandatory reporting by employers of an employee's termination, regardless of whether the termination will be the subject of a grievance or arbitration
- Workers' safety and privacy is at risk, since a college registration is open to the public
- Regulation shifts responsibility for system failures to individual workers.

However, as a member of my Local's executive board, I am greatly concerned that College regulation overrides arbitration and collective agreement protections and reduces both management's and labour's control over the workforce.

Currently, at least seven CUPE collective agreements (CAs) contain articles that prohibit professional regulation as a job requirement, unless such regulation is legislated. These seven CAs represent over half of the full time equivalents (FTEs) in the sector. [This CAS] is a signatory to one of these agreements.

We will fight hard to keep these hard-won entitlements, especially because they offer protection from many of the problems identified above.

Professional registration is a red herring that ignores the real issues in the child protection sector. In order to improve the consistency and quality of child protection, the OACAS and Ministry of Children's and Youth Services should focus on funding restraints, workload, violence in the workplace and the current insufficient investment in workers' training.

Sincerely,