

Manitoba College of Social Workers

Inquiry Committee

Terms of Reference

1. **Purpose:**

The Manitoba College of Social Workers (MCSW) Inquiry Committee has the legislative responsibility under *The Social Work Profession Act (the Act)*, *Social Work Profession Regulation* and the MCSW Bylaws to hold disciplinary hearings related to current and former members of MCSW.

2. **Functions:**

The evaluation of complaints is guided by *The Social Work Profession Act*, *Social Work Profession Regulation*, the MCSW Bylaw, MCSW administrative policies and all Codes of Ethics, Standards of Practice and/or guidelines for ethical practice adopted by the College.

The Inquiry Committee receives referrals from the MCSW Complaints Committee. After the Inquiry Committee receives a referral, it must appoint a panel, hold a hearing and make a decision in accordance with the *Act*.

The Inquiry Committee panel must determine whether the investigated member:

- Is guilty of professional misconduct;
- Has contravened the SWPA or the regulations, bylaws, MCSW administrative policies and all Codes of Ethics, Standards of Practice and/or guidelines for ethical practice adopted by the College;
- Has been found guilty of an offence that is relevant to the member's suitability to practice;
- Has displayed a lack of knowledge or lack of skill or judgement in the practice of social work;
- Has demonstrated an incapacity or unfitness to practice social work;
- Is suffering from an ailment that might, if the member continues to practice, constitute a danger to the public; or
- Is guilty of conduct unbecoming a member.

3. **Membership & Terms:**

The Inquiry Committee is appointed by the MCSW Board of Directors. The Inquiry Committee consists of:

- a MCSW Member who is to be the Chair of the Inquiry Committee;
- one or more other MCSW Members or former MCSW Members; and
- one or more public representatives

The committee is supported in its work by members of the MCSW staff, including the Registrar.

The Complaints Committee shall strive to ensure appropriate representation from indigenous peoples, which may include bringing in persons when needed on an ad hoc basis, particularly when dealing with a matter that predominately affects the interests of indigenous peoples.

Each member shall be appointed for a term of two (2) years and the term may be renewed once for a total period of four (4) years.

4. **Meetings and Hearings:**

Within 30 days after a matter is referred to the Inquiry Committee, the Chair must select a panel from among the members of the Inquiry Committee to hold a discipline hearing. A Panel must be composed of at least 3 members, one of whom must be a Public Representative. No person may be selected for a Panel who has taken part in the review of the Complaint.

A hearing must begin within 120 days after the date on which the matter is referred to the Inquiry Committee, unless the investigated member consents in writing to a later date. If a Hearing has begun and a member of the

Panel is unable to continue to sit as a member, the Panel may complete the hearing if at least three members remain and one of them is a Public Representative.

The Chair of the Inquiry Committee will convene any other meetings as determined to be necessary to conduct the business of the committee. The Chair shall issue a notice of the meeting to all members of the committee, at least seven (7) calendar days prior to the date of the meeting and shall include an agenda of the matters to come before the committee.

Minutes of all meetings shall be recorded by a designated person acting as Recording Secretary. A copy shall be provided to the MCSW Administrative Coordinator as soon as possible after each meeting of the committee.

5. *Quorum:*

Quorum for a meeting of the Committee shall be three (3) voting members.

6. *Reporting & Accountability:*

Members of the Inquiry Committee shall adhere to the MCSW Code of Conduct. The Inquiry Committee has direct accountability and reporting responsibility to the Board of Directors through the Chair of the committee.

7. *Confidentiality*

Inquiry Committee discipline hearings must be open to the public, unless the member or the College request that the hearing, or any part of it, be held in private. In those circumstances, the Inquiry Committee panel will decide whether the public will be excluded from the hearing. Discussion and decisions occurring in a meeting of the Inquiry Committee may be disclosed to the Board of Directors in a manner that respects confidentiality.

Approved by the MCSW Board on June 22, 2017