

# Practice Note

## Professional Declaration Questions

Registered Social Workers are required to respond to specific professional declaration questions upon initial application for registration and when submitting annual renewal applications.

The Manitoba College of Social Worker's registration process, including the professional declaration questions, are guided by legislation titled *The Social Work Profession Act* and the Social Work Profession Regulation M.R. 256/2014. Legislation refers to written laws, often referred to as Acts or statutes, which are enacted by Parliament, the legislative arm of government. Regulations are a form of law which define the application and enforcement of legislation.

### What should Social Workers declare?

- ✓ Employment disciplinary action, such as a verbal reprimand or warning, letters of direction or discipline, suspensions, administrative leaves, and/or termination
- ✓ A complaint or investigation about professional conduct or suitability
- ✓ Criminal investigations and/or outstanding Criminal Code charges, convictions or plea bargains, respondent of a protection order, driving related suspensions (other than a minor traffic violation)
- ✓ Emotional, physical or mental health or addiction issues that may impact or impair professional practice
- ✓ Any personal or professional condition that may create a risk to the public

**The examples above are not an exhaustive list**

### When should a declaration be made?

Declarations are made upon initial application and when submitting annual renewal applications. Social Workers are also expected to notify the College in writing immediately of any changes to information provided during their application and/or renewal process.

Members are encouraged to consult with the College if they have questions about the need to make a declaration.

### What happens after the declaration is made?

When a declaration is made, College staff will follow up directly with the Member to gather details and assess the circumstances on a case-by-case basis.

It is important to know that making a declaration does not necessarily impact the Member's Certificate of Practice.

### What happens if the College determines that the declaration is a concern?

The College is required to regulate Social Work practice to ensure Social Workers are practicing **safely, competently, and ethically**. Part of this process includes assessing professional declarations. The outcome of this assessment is determined on a on a case-by-case basis, through evaluation with the Member, College Staff, and the Registrar.

If it is determined that a declaration impacts a Registered Social Worker's ability to practice the College most often attempts to develop a remedial plan with the Member to support their practice. Some examples are:

- ✓ Enter into an agreement with the Member, such as to obtain remedial training, additional supervision.
- ✓ Obtain additional documentation from an Employer.
- ✓ Obtain additional assessment from a health care provider.

False or misleading statements, representations or declarations relating to an application for registration and/or renewal are cause for denial or revocation of registration with the Manitoba College of Social Workers.

### Resources:

#### ***The Social Work Profession Act states that***

#### **Part 4 – Registration**

#### **Entry in the register of social workers**

**9(2)** An entry in the register of social workers under clause (1)(a) must include...

- (c) the restrictions, limitations or conditions to which the social worker is subject
- (d) a notation of every cancellation or suspension of his or her certificate of registration
- (e) the result of every disciplinary proceeding in which a panel has made a finding under section 51 in respect of the social worker
- (f) any other information that the regulations require to be kept in the register.

#### **Registration may be cancelled if member convicted**

**16(2)** The board may direct the registrar to cancel the registration of a person who has been convicted of an offence that is relevant to his or her suitability to practise, but it must first notify the person that it intends to do so and give the member an opportunity to make representations.

### **Social Work Profession Regulation states that**

#### **Part 2 – Registration**

## **APPLICATION TO REGISTER — ALL APPLICANTS**

### **Content of application**

**4(1)** An individual who is applying for registration must submit the following to the registrar in a manner acceptable to the registrar:

7. Information as to whether the applicant
  - (a) is the subject of a current investigation or proceeding relating to the applicant's suitability to practise social work in Canada or elsewhere;
  - (b) is or has been the subject of a finding of conduct unbecoming or professional misconduct or incompetence related to the practice of social work in Canada or elsewhere;
  - (c) has been denied registration to practice social work in Canada or elsewhere; or
  - (d) has outstanding charges in respect of an offence that is relevant to the person's suitability to practise social work.

### **Additional requirements**

**4(2)** An applicant for registration as a member must also

- (a) satisfy the registrar that his or her past and present conduct affords reasonable grounds to believe that the applicant will engage in professional practice safely, competently and ethically.

## **GENERAL REQUIREMENTS FOR REGISTRATION**

### **Other requirements**

**10** In addition to the registration requirements set out in sections 4 to 9, an applicant for registration under those sections

- (b) must fully disclose in his or her application any personal or professional conditions that may create a risk to the public.

### **Changes to be reported**

**11** If there is a change in the information that a member has provided under sections 4 to 9, the member must submit the new information to the registrar as soon as possible.

*Government of Canada, Legislation and Guidelines, [Legislation and Guidelines - Canada.ca](https://www.canada.ca/en/legislation-and-guidelines/)*

*Practice Notes* provide support and information for Manitoba social workers, employers, and members of the public regarding social work practice issues. These notes offer general guidance only and are not a substitution for legal advice. College members with specific inquiries are invited to consult the College.

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