



## **Discipline Decision Summary**

This summary of the Discipline Committee's Decisions and Reasons for Decision is published pursuant to the Discipline Committee's penalty order dated September 1, 2011.

By publishing this summary, the College endeavours to:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding to the College's discipline process.

### **PROFESSIONAL MISCONDUCT**

**Woolie (Albert) Madden**

**(Former Member #326918)**

#### **Allegations**

The College's allegations relate to the Former Member's conduct or actions, in regard to the children of five families, while he was employed in the role of a Child Protection Worker in the period during which he was registered as a social work member of the College.

#### **Plea**

As the Former Member was neither present nor represented at the hearing (although notified of the allegations and the hearing), he was deemed to have denied the allegations.

## Evidence

The Discipline Committee found that the evidence indicated that the Former Member,

- i) failed to follow-up on a broken leg suffered by a child;
- ii) failed to follow up on multiple reports from a daycare about one family's children, concerning aggressive and sexually inappropriate behaviour; disclosures that an adult sibling was sleeping in one child's bed, possible domestic violence, a parent's threat to throw a child off a balcony; a parent's non-cooperation with the daycare and failure

to properly administer the children's medications; a parent's use of non-prescription drugs; a parent attending the daycare while intoxicated; and one child's two week absence from school;

- iii) misrepresented to his supervisor that the daycare had noted no concerns about the children;
- iv) failed to refer a child for assessment or paediatric consult in regard to a report of the child's sexually inappropriate behaviour and exposure to pornography;
- v) failed to appropriately investigate, interview children, follow up on or accurately report to his supervisor concerns relating to possible abuse or inappropriate discipline of children, including his observation that a child had red marks over one eye, and reports that:
  - a parent hits the children and that marks have been observed on the children;
  - a parent was drinking in the home and hitting the children;
  - a parent had grabbed a defiant child and had then been physically violent with that child and another child;
  - a parent's former partner had attacked a child, and a related police report indicating that the partner had threatened to kill the parent and the child.
- vi) failed to appropriately document when and how information was gathered and the source of that information, and failed to consistently record case identifying data and to properly maintain notes in chronological order;
- vii) failed to provide sufficient information or explanation concerning matters recorded in the formal assessment/reporting documentation. For example, the Former Member:
  - recorded that a parent had a "history" of alcohol abuse, but indicated that there was no evidence of alcohol abuse by the parent during the review period and failed to mention other reported concerns including issues of sexualized behaviour by the parent's children;
  - failed to record information about a child's broken leg and to sufficiently explain his recorded comment that there "had been physical punishment by the [parent]";
  - referred to reports of a parent's lack of cooperation with a daycare and to subsequent reports relating to an intoxicated relative in a caregiving role to the children, violent behaviour towards a child and scratches on one child, but stated that "none of the allegations have been founded." The Former Member failed to

record evidence that these concerns were investigated or explanations of how his conclusions were reached.

- viii) failed to make a referral concerning a report of domestic violence and threats by a parent's partner, or to contact the partner's children from a previous relationship or those children's other parent (of whom the Former Member was aware), in order to assess the risk to all other children connected with the partner. As a result, there was no risk assessment and no safety plan developed for those children;
- ix) in regard to one family, failed to follow-up on: a physical safety issue in the home; on a parent's medication compliance; necessary medical care for bruises on a child's face due to a fall; a verbal dispute between the children's parents in front of the children; and a report that a parent came to pick up a child at daycare while under the influence;
- x) in regard to another family, and after verifying that a parent's partner had sexually abused the parent's child, the Former Member delayed interviewing the partner's other children or their other parent for two months, when one of those children disclosed an incident of sexual abuse by the partner.
- xi) in regard to another family, the Former Member failed to follow-up with a parent regarding repeated reports of the parent's substance abuse, including failing to request a hair sample for drug testing, as directed by the Former Members' supervisor. When drug tests were conducted, and the parent tested positive for substance use, the Former Member failed to discuss with the parent the implications of the test results for the parenting of the children;
- xii) in regard to another family, the Former Member conducted only 5 visits in a ten month period, failed to follow-up on a parent's comment that an existing crib was unsafe; failed to discuss concerns about the parent's post-partum depression, to direct the parent to follow-up medically or to contact the parent's physician himself;
- xiii) In the case of one pregnant client, and although the Former Member raised his view with the client and her parent that the client would require CAS involvement upon the birth of her child, the Former Member failed to pursue confirmation of the client's due date and to develop clear steps for management of the client's case after the birth of the baby.

The Committee concluded that the Former Member:

1. Failed in his primary duty to keep children under his care and supervision safe;
2. Failed to follow-up (either at all or adequately) on information about clients presented to him;
3. Failed to confront parents and clients about possible child abuse concerns.
4. Allied himself with parents' needs and did not prioritize protecting children.
5. Failed to include relevant and up-to-date information about the families in his documentation, failed to seek information on which to base intervention plans for the

families, and failed to formulate interventions based on evidence, as his notes did not contain intervention plans linked to observations and assessments of family events.

6. Failed to report necessary and relevant information to his supervisor about events in those families.
7. Failed to interview children on a regular basis and gave preference to the comfort of parents over the protection of children and, therefore, did not understand that the children were his clients;
8. Failed to investigate child protection concerns adequately, or on a timely basis, thereby placing children at risk of harm.
9. Failed to arrange for service to his clients, in his absence from work, and
10. Created clinical records that were misleading, inaccurate and improper.

## **Findings**

The Committee found that the evidence was sufficient to prove all of the College's allegations of the Former Member's professional misconduct. The Committee found that the Former Member Violated section 2.2 of Ontario Regulation 384/00 (Professional Misconduct) made under the Act and the following Principles and Interpretations of the First Edition of the College's Standards of Practice:

1. Principle I (commented on in Interpretations 1.1 and 1.1.1) by failing to participate together with clients in setting and evaluating goals and identifying a purpose for the Former Member's professional relationship with the client, including the enhancement of client's functioning and the strengthening of the capacity of clients to adapt and make changes.
2. Principle I (commented on in Interpretation 1.2) by failing to observe, clarify and inquire about information presented to the Former Member by clients.
3. Principle I (commented on in Interpretations 1.5 and 1.6) by failing to be aware of the Former Member's values, attitudes and needs and how those impacted on the Former Member's professional relationships with clients and failing to distinguish the Former Member's needs and interests from those of the Former Member's clients to ensure that the clients' needs and interests remained paramount.
4. Principle I (commented upon in Interpretation 1.7) by failing to maintain an awareness and consideration of the purpose, mandate and function of the organization by which the Former Member was employed and how those impacted on and limited the Former Member's professional relationship with clients.

5. Principle II (commented on in Interpretations 2.1.4 and footnotes 1 and 2) in that the Former Member failed to ensure that his professional recommendations or opinions were appropriately substantiated by evidence and supported by a credible body of professional social work knowledge.

6. Principle II (commented on in Interpretation 2.1.5) by failing to engage in a process of self-review and evaluation of the Former Member's practice and seek consultation when appropriate, as part of maintaining competence and acquiring skills in the Former Member's social work practice.

7. Principle II (commented on in Interpretation 2.2.8) by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work.

8. Principle III (commented on in Interpretations 3.2 and 3.11) by failing to deliver client services and respond to client queries, concerns and/or complaints in a timely and reasonable manner and failing to notify clients promptly of an anticipated termination or interruption of service and arrange for the termination, transfer, referral or continuation of service in accordance with the client's needs and preferences.

9. Principle IV (commented on in Interpretations 4.1.1, 4.1.2, 4.1.4, 4.1.5, and footnote 3) by failing to keep systematic, dated and legible records for each client or client system served which reflected the service provided and the identity of the service provider, failed to record information when the event occurs or as soon as possible thereafter and failed to record information in a manner that conforms with accepted service or intervention standards and protocols, in a format that facilitates the monitoring and evaluation of the effects of the service or intervention and meets the minimum requirements for information to be contained in the social work record with respect to each client.

10. Principle IV (commented on in Interpretation 4.1.7) by making statements in the record, or in reports based on the record, or issuing or signing a certificate, report or other document in the course of practicing the profession that the Former Member knew or ought reasonably to have known were false, misleading, inaccurate or otherwise improper.

## **Penalty**

Prior to the hearing, the Former Member's certificate of registration as a social worker was cancelled, as a result of his resignation. Given these circumstances, the Discipline Committee ordered that:

1. the Former Member be reprimanded by the Committee in writing and that the reprimand be recorded on the register for an unlimited period of time.

2. the findings and order of the Committee be published (which may include the reasons for decision, or a summary thereof) with the name of the Former Member (but with identifying information concerning the Former Member's clients removed), in the College's newsletter, on the College website, and on the general newswire; and that the findings and order of the Committee be published in a manner to facilitate notification of the decision to regulators in other provinces.
3. the Former Member shall pay costs in the amount of \$5,000.00 to the College