



Ontario College of
Social Workers and
Social Service Workers

Ordre des travailleurs
sociaux et des techniciens
en travail social de l'Ontario

250 Bloor Street E.
Suite 1000
Toronto, ON M4W 1E6

Phone: 416-972-9882
Fax: 416-972-1512
www.ocswssw.org

Discipline Decision Summary

This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's penalty order.

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 of the College's discipline process

Raymond Carere

Member # 521174

Agreed Statement of Fact

The College and the Member submitted a written statement to the Discipline Committee in which the following facts were agreed:

1. Now and at all times relevant to the allegations, Raymond Carere (the "Member") was a registered social work member of the Ontario College of Social Workers and Social Service Workers (the "College").
2. From 1992 to 2000, the Member worked as a social worker with [Health Centre], [Hospital A], and [Hospital B].
3. In or around August 2000, the Member was hired with the [School Board] as an itinerant social worker. In this role, the Member provided social work services to students at various elementary and secondary schools. If the Member were to testify, he would say that in this role he reported abuse and neglect of students to Family and Children's Services.
4. In the fall of 2013, the Member first conducted a counselling session with a student (the "Student"), who was then a fourteen-year-old student in grade nine at [High School].

5. If the Member were to testify, he would say that he mistakenly believed that the Student was fifteen years old in the fall of 2013. However, he did not confirm the age of the Student directly with her, with [High School] or otherwise.
6. The Member continued to provide counselling to the Student during her grade nine year, and during the first semester of her grade 10 year. During the course of the Member's professional duties, the Student made a disclosure to the Member whereby she intimated that there had been an incident involving her father when she was ten years old.
7. If the Member were to testify, he would say that the Student did not disclose further details of what had actually happened, but he proceeded on the basis that the Student had disclosed sexual abuse. As a result of his belief that the Student was sixteen years old at the time of the disclosure, he would say that while he provided the Student with options to deal with the issue, he did not report the disclosure to any of [High School], [School Board], Family and Children's Services, or the police.
8. If the Member were to testify, he would say that he did not report because he mistakenly believed that the Student was sixteen years old at the time of the disclosure.
9. At all relevant times, the Student was a child under the age of sixteen years, having been born in June 1999.
10. At all relevant times, the Student was a child, as defined in sections 3(1), 15(3)(a), and 37 of the *Child and Family Services Act*, R.S.O. 1990, c. C.11.
11. Contrary to section 72 of the *Child and Family Services Act*, R.S.O. 1990, c. C.11, the Member failed to report that he had reasonable grounds to suspect that the Student had been sexually molested by a person having charge of her or by another person where the person having charge of her knew or should have known of the possibility of sexual molestation and failed to protect the child.
12. The Member failed to follow the [School Board] Protocol for Youth Worker/Social Worker Services, the [School Board's] Child Abuse and Protection Policy, and the Board Regulation under the Child Abuse and Protection Policy.
13. The sexual abuse of the Student was not reported to Family and Children's Services until in or around January 2015, when the Student disclosed additional information to other adults. The Student indicated at that time that she had made disclosure to the Member in or around January 2014. If the Member were to testify, he would say that she had first made disclosure to him in October 2014.
14. Effective on or about January 15, 2015, the Member was suspended from his duties as a social worker at [School Board], as a result of his failure to report the Student's disclosure to either Family and Children's Services or the police.

15. If the Member were to testify, he would say that he only learned during the investigation in January 2015 that the Student was then 15 ½ years old.
16. The Member acknowledged to [School Board] that he made a mistake in not verifying the student's age in order to determine if reporting was required by law.
17. Effective on or about February 9, 2015, the Member resigned from his employment with [School Board].

Decision

The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding that the Member committed acts of professional misconduct, and in particular, that the Member's conduct violated:

1. Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.2) by failing to observe, clarify and inquire about information presented to the Member by his client;
2. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.3) by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in the Member's areas of practice;
3. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.4) by failing to ensure that any professional recommendations or opinions the Member provides are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge;
4. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.5) by failing to, as part of maintaining competence and acquiring skills in social work practice, engage in the process of self-review and evaluation of the Member's practice and seek consultation when appropriate;
5. Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.2) by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner;
6. Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on in Interpretation 4.4.1) by failing to disclose information from the record to third parties without the client's consent only if disclosure is required or allowed by law;
7. Section 2.2 of the Professional Misconduct Regulation and Principle V of the Handbook (as commented on in Interpretation 5.2) by failing to acquire and maintain a thorough understanding of the organization policies and practices relating to the management of client information;

8. Section 2.28 of the Professional Misconduct Regulation by contravening the Act, regulations, or by-laws;
9. Section 2.29 of the Professional Misconduct Regulation by contravening a federal, provincial or territorial law or a municipal by-law in circumstances in which the purpose of the law or by-law is to protect public health and/or the contravention is relevant to the Member's suitability to practise; and
10. Section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Penalty Order

The Panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the terms of the Joint Submission as to Penalty. The Discipline Committee made an order:

1. Requiring that the Member be reprimanded by the Discipline Committee and the fact of the reprimand be recorded on the register.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of three (3) months, the first two (2) months of which shall be served commencing on the date of the Discipline Committee's Order herein. Upon completion of those first two (2) months of the suspension, the remaining one (1) month of the suspension shall be suspended for a period of six (6) months from the date of the Discipline Committee's Order herein. The remaining one (1) month of the suspension shall be remitted on the expiry of that six (6) month period if the Member has provided evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3(a) below. If the Member fails to comply with those terms and conditions, the Member shall serve the remaining one (1) month of the suspension, commencing on the date that is six (6) months after the date of the Discipline Committee's Order herein. For greater clarity, the terms and conditions imposed under paragraph 3 below will be binding on the Member regardless of the length of suspension served, and the Member may not elect to serve the full suspension in place of performing those terms and conditions. If the Member fails to comply with the terms and conditions, the Registrar may report the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring allegations of professional misconduct to the Discipline Committee arising from any failure to comply with the terms and conditions.
3. Directing the Registrar to impose the following terms, conditions or limitations on the Member's certificate of registration:
 - a. Prior to returning to or commencing any activities that fall within the scope of practice of social work, and in any event no later than six (6) months following the date of the Discipline Committee's Order herein, the Member shall review with a representative of the Ontario Secondary School Teacher's Federation ("OSSTF") the reporting requirements pursuant to the *Child and Family Services Act*, including but not limited to review of the following documents: [School Board] Protocol for Youth

Worker/Social Worker Services; [School Board] Child Abuse and Protection Policy; the Board Regulation under the Child Abuse and Protection Policy; and “The Duty to Report Under the *Child and Family Services Act*” published by the Ontario College of Social Workers and Social Service Workers. The Member shall, following such review and within thirty (30) days thereof, provide to the Registrar a letter obtained by the Member from the OSSTF representative, verifying the date on which such review took place and confirming the Member’s acknowledgment of his understanding of these reporting requirements; and

- b. For a period of eight (8) months following the date upon which the Member returns to or commences any activities that fall within the scope of practice of social work, the Member shall:
 - i. in advance of returning to or commencing any activities that fall within the scope of practice of social work, advise the Registrar, in writing, of the nature and particulars of the employment or professional practice in which the Member proposes to engage, including but not limited to the name, address and telephone number of his practice and his employer, if any, the position or other capacity in which he will be working, and the proposed start date;
 - ii. require supervision of his social work practice, whether in private practice or in the context of employment, and shall advise the Registrar of the name of the person who will be providing supervision of his social work practice, who shall be approved in advance by the Registrar, which approval shall not be unreasonably denied, and who shall make a written report to the Registrar at such frequency as the Registrar may request, with any fees associated with the Member’s supervision being paid at the expense of the Member;
 - iii. provide his approved supervisor with a copy of the Discipline Committee’s Order herein, the Notice of Hearing, Agreed Statement of Facts, Joint Submission as to Penalty, and the Decision and Reasons of the Discipline Committee, if available, and provide confirmation in writing signed by the supervisor to the Registrar that the supervisor has received a copy of these documents, within fourteen (14) days of the commencement of his employment or practice;
 - iv. if the Member’s employment ends, or the Member changes employers and/or supervisors, he shall forthwith advise the Registrar of the termination of or change in his employment and/or the name of his proposed new supervisor and shall provide confirmation in writing signed by the supervisor to the Registrar that the supervisor has received a copy of the documents listed in the previous paragraph within fourteen (14) days of the approval of any new supervisor; and
 - v. in the event that the Member operates a private practice, the Member shall seek consent from prospective clients to share personal health information with his supervisor in order to allow the supervisor to review client files and engage in supervision.
4. Directing that the finding and the order of the Discipline Committee be published, in detail or in summary, with the name of the Member, in the official publication of the College, on the College’s website, and on the College’s public register.

5. Directing that the Member pay costs to the College in the amount of two thousand dollars (\$2,000.00), payable in ten (10) equal instalments of two hundred dollars (\$200.00) each, payable on the first day of the month for ten (10) consecutive months, beginning with the first instalment on the first day of the next month after the month in which the Member returns to work as a social worker pursuant to paragraph 3(b) above.

The Discipline Committee Concluded that:

- The penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public.
- The incident involved a child and that the child communicated information to the Member that was serious in nature. The Member's failure to report and put important safeguards in place for a vulnerable member of society, are of special concern.
- Consideration should be given to the fact that the Member co-operated with the College, has agreed to the proposed penalty, and has no prior complaints during his long professional social work career. By agreeing to the facts and proposed penalty, the Member has accepted responsibility for his actions.
- The elements of the jointly proposed penalty achieve both specific deterrence and general deterrence, deterring the Member as well as other members of the profession from engaging in similar conduct. The proposed penalty is reasonable in the light of the goals and principles of maintaining high professional standards, preserving public confidence in the College's ability to regulate its members and above all, protecting the public.