



Ontario College of
Social Workers and
Social Service Workers

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

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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.

PROFESSIONAL MISCONDUCT

Susan DiFrancesco, RSW

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. The Member worked at a correctional institution (the "Institution") as a part-time clinician and discharge planner for nine months, until her resignation. Her principal duties were to provide assistance and support to offenders about to be released from prison back into the community. The Member also carried a small clinical case load to treat offenders with anger management problems, anxiety, depression and stress.
2. For approximately eight months, the Member provided social work services to an offender (the "Client"), an inmate who was incarcerated at the Institution after being convicted of aggravated sexual assault. In particular, the Member provided the Client with counseling and/or psychotherapy to assist the client with managing anger and frustration and to deal with depression, anxiety, childhood victimization and shame/guilt over the offense for which the Client was incarcerated. There was also some discharge planning work, as the Client was applying for conditional release.
3. During her counseling relationship with the Client, the frequency and length of the sessions increased and sessions were held outside her office. This came to the attention of other staff and inmates in the Institution, who expressed concern about the situation to her supervisor.

4. Her supervisor notified the Member of these concerns and discussed with her (at two meetings) strategies for maintaining appropriate boundaries and dealing with transference and counter transference issues. The Member also received training and orientation through the Institution which addressed boundary issues.
5. Despite this supervision and training, the Member continued to engage in a series of boundary crossings, boundary violations and sexual misconduct while providing counseling and/or psychotherapy to the Client. In particular, the Member:
 - (a) engaged in an inappropriate sexual and romantic relationship with the Client (which included kissing and touching of a sexual nature);
 - (b) engaged in inappropriate personal phone conversations with the Client;
 - (c) shared details of her personal and sexual life with the Client;
 - (d) allowed the Client access to confidential inmate records;
 - (e) provided the Client with confidential information concerning other Institution employees;
 - (f) allowed the Client to read internal memos and work emails;
 - (g) extended therapy sessions with the Client and spent excessive time with the Client, both in person and over the phone;
 - (h) made arrangements to (and did) contact the Client by phone in a manner that avoided detection by staff at the Institution;
 - (i) focused sessions with the Client on her 'relationship' with the client, rather than on the Client's therapeutic needs; and
 - (j) provided mixed music CDs to the Client.
6. During her employment at the Institution the Member also had frequent and ongoing contact with former clients from her previous employment at a child and family services agency, including two named clients. The Member sometimes met with these former clients for lunches. The Member provided these former clients with rides, helped one client move and acted as a trustee for that client's benefits under the Ontario Disability Support Program.
7. After her supervisor met with the Member again to discuss concerns about boundary issues involving the Member and the Client, the Member resigned from her employment with the Institution.

8. The Member subsequently commenced employment as a social worker at a health care services agency (the “Agency”).
9. After leaving her employment at the Institution, the Member continued to maintain a personal, romantic and/or sexual relationship with the Client. In particular, she:
 - (a) obtained visitor status at the Institution, repeatedly visited the Client there, and kissed, embraced and touched the Client in a sexual manner during visits;
 - (b) provided the Client with photographs of her vacations, home, cottage, children and current offices at the Agency;
 - (c) made arrangements to (and did) contact the Client by phone in a manner that avoided detection by staff at the Institution;
 - (d) shared details of her personal and sexual life with the Client;
 - (e) bought clothing for the Client;
 - (f) gave money to the Client;
 - (g) fostered a relationship with the Client’s mother and involved the Client’s mother in her relationship problems;
 - (h) shared the substance of the initial mandatory report received by the College with the Client and told the Client that they ‘had to get [their] stories straight’; and
 - (i) disclosed to the Client detailed information regarding sessions she was conducting with clients at her current place of work, including two named clients and a man whose daughter had recently died.
10. The Member’s conduct had a negative impact on the Client in that it confused and compromised the Client’s understanding of (and ability to deal with) the Client’s dependency and attachment issues, caused or contributed to the Client’s emotional crises and suicidal ideation during the late winter and spring following the Member resignation from the Institution (which culminated in the Client being placed on suicide watch and transferred to an outside facility for treatment), and led to the Client being distrustful of and refusing counseling and therapy through the Institution’s Psychological Services.
11. In the Summer following her resignation from the Institution the Member provided a letter in support of the Client’s release plan and application for parole, which application was later denied. In that letter, she:

- (a) disclosed that she had established a relationship with the Client after leaving her employment at the Institution, but had discontinued the relationship because it became a source of anxiety for the Client;
- (b) described an incident in which the Client had an “anxiety attack” after unsuccessfully attempting to contact the Member at her new workplace, causing her colleagues to report the incident to the police;
- (c) offered to provide the Client with transportation and a place to stay if the Client was released from the Institution and to assist the Client in learning problem solving skills.

12. The Member admitted that by engaging in the above conduct, she breached provisions of the Professional Misconduct Regulation and Standards of Practice and is guilty of professional misconduct as alleged in the Notice of Hearing.

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:

- a) section 2.5 of the Professional Misconduct Regulation by abusing a client physically, sexually, verbally, psychologically or emotionally when she engaged in behaviour and/or remarks of a sexual nature towards the Client, to whom she provided counselling services and/or psychotherapy services and who remained incarcerated at and a client of her former employer, the Institution;
- b) section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.6 and 8.7) by engaging in physical sexual relations, touching of a sexual nature and/or behaviour or remarks of a sexual nature with the Client, to whom she provided counseling services and/or psychotherapy services and who remained incarcerated at and a client of her former employer, the Institution;
- c) section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.3, 8.4 and 8.4.1) by failing to seek consultation/ supervision and develop an appropriate plan when she developed sexual feelings toward the Client which she knew could put the Client at risk; failing to state clearly to the Client that behaviour of a sexual nature was inappropriate by virtue of the professional relationship and failing to consider terminating the therapeutic relationship when that behaviour became intrusive to the provision of professional services;
- d) section 2.6 of the Professional Misconduct Regulation by using information obtained during her professional relationship with the Client, or using her

professional position of authority to coerce, improperly influence, harass or exploit a client or former client, the Client, when she engaged in behaviour and/or remarks of a sexual nature towards, and/or established a romantic and sexual relationship with, the Client to whom she provided counseling services and/or psychotherapy services and who remained incarcerated at and a client of her former employer, the Institution;

- e) 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 the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when she engaged in behaviour and/or remarks of a sexual nature towards, and/or established a romantic and sexual relationship with the Client, to whom she provided counseling services and/or psychotherapy services and who remained incarcerated at and a client of her former employer, the Institution;
- f) section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7) by failing to regard the well-being of the Client, as her primary professional obligation when she established a romantic and sexual relationship with the Client. In doing so she failed to distinguish her own needs from those of her client, failed to appreciate how her needs might impact on her professional relationship with the Client, placed her own needs before those of her client, failed to ensure that the Client's interests were paramount and failed to maintain an awareness and consideration of the purpose, mandate and function of her employer (the Institution) and how those impact on and limit professional relationships with clients.
- g) section 2.2 of the Professional Misconduct Regulation and Principle II (2.2) of the Handbook (commented on in Interpretations 2.2.1, 2.2.2, 2.2.3 and 2.2.8) by failing to maintain clear and appropriate boundaries in her professional relationship with the Client and another former client, and placed herself in a conflict of interest situation in which she ought reasonably to have known that the these clients would be at risk and (or in the alternative) used her professional position of authority to abuse or exploit a client or former client;
- h) section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.5) by failing to engage in self-review and evaluation of her practice; and failing to seek consultation where appropriate when she established a romantic and sexual relationship with the Client, to whom she provided counseling services and/or psychotherapy services, and who remained incarcerated at and a client of her former employer, the Institution;
- i) section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.7) by engaging in a personal and sexual relationship with the Client, to whom she provided counseling services

and/or psychotherapy services, without demonstrating that the Client had not been exploited, coerced or manipulated, intentionally or unintentionally;

- j) section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.5) by failing to conduct herself in a manner which demonstrates respect for the complainant and the College when she shared the substance of the original mandatory report in this matter with the Client, and told the Client that they “had to get [their] stories straight”; and
- k) section 2.2 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretations 5.1, 5.3 and 5.6) by failing to comply with applicable privacy and other legislation, failing to obtain the necessary consent to the use or disclosure of client information, improperly disclosing information concerning or received from clients and improperly permitting third party observation of clients’ activities without the clients’ consent when she:
 - i. allowed the Client to listen in on sessions she was conducting with clients at the Agency;
 - ii. allowed the Client access to confidential inmate records;
 - iii. provided the Client with confidential information concerning other Institution employees; and/or
 - iv. allowed the Client to read internal memos and work emails.

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 ordered that,

1. The Member shall be reprimanded in person by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register;
2. The Registrar is directed to suspend the Member's Certificate of Registration for a period of twelve (12) 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 ten (10) months of the suspension shall be suspended for a period of two (2) years, commencing on the date of the Discipline Committee's Order herein. The remaining ten (10) months of the suspension shall be remitted on the expiry of that two year period if (on or before the second anniversary of the Discipline Committee’s Order herein) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3 hereof. If the Member fails to comply with those terms and conditions, the Member shall serve the remaining ten (10) months of the suspension, commencing two (2) years from the date of the Discipline Committee's Order. For greater clarity, the terms and conditions imposed under paragraph 3 hereof 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 refer 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 to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms and conditions.

3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's Certificate of Registration, to be recorded on the Register, requiring the Member to:
 - (a) at her own expense, participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within two (2) years from the date of the Order of the Discipline Committee herein;
 - (b) at her own expense, engage in intensive insight-oriented psychotherapy with a regulated professional approved by the Registrar of the College for a period of two (2) years from the date of the Discipline Committee's Order, with quarterly written reports as to the substance of that psychotherapy and the progress of the Member to be provided to the Registrar of the College by the therapist. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the two year period, direct that the psychotherapy be discontinued;
 - (c) receive supervision of her social work practice within her place(s) of employment, from a regulated professional (or regulated professionals) approved in advance by the Registrar for a total of two (2) years from the date of the Order of the Discipline Committee herein, as follows:
 - (i) the Member shall advise the Registrar, forthwith, of the name and professional qualifications of her proposed social work supervisor(s) within her place(s) of employment and obtain the Registrar's prior approval of such supervisor(s). The Registrar shall provide the approved supervisor(s) with a copy of the decision of the Discipline Committee in respect of this matter;
 - (ii) the Member shall receive supervision of her social work practice within her place(s) of employment, from the approved supervisor(s), for a period of 2 years from the date of the Discipline Committee's Order herein;
 - (iii) if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment

and/or the name of her new supervisor, pending which the Member's 2-year supervision period shall be suspended. The procedure set out in subparagraphs 2(b)(i) and (ii) shall be followed in respect of any new employer(s) and/or supervisor(s), at which point the 2 year supervision period shall resume¹;

- (iv) the Member shall provide to the Registrar written confirmation from her supervisor(s), acceptable to the Registrar, of the satisfactory completion of a total of two (2) years supervision of her social work practice within her place(s) of employment.
 - (d) prohibiting the Member from applying under Section 29 of the Social Work and Social Service Work Act, 1998, S.O. 1998, Ch. 31, as amended, for the removal or modification of the terms, conditions or limitations imposed on her Certificate of Registration for a period of two (2) years from the date on which those terms, conditions and limitations are recorded on the Register, except with the prior written consent of the Registrar.
4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register.

The Discipline Committee concluded that:

- The penalty is reasonable and serves and protects the public interest;
- The Member co-operated with the College and by agreeing to the facts and the proposed penalty the Member has taken responsibility for her actions and has prevented a protracted hearing that would have placed the Client in the "regrettable" position of having to testify against the Member in an open hearing;
- The Member's behavior outlined in the Agreed Statement of Fact was "egregious and represented violations of the core social work values that the Member had sworn to uphold by becoming a professional member of the College";
- The Client was "very vulnerable and was significantly harmed" by the Member's actions and may suffer from lasting emotional damage;
- The reputation of the social work profession has been negatively affected and public trust in the profession's ability to work ethically, objectively and professionally has been eroded because of the Member's behavior;

¹ For greater clarity, the Member must receive a total of two years of workplace supervision, in compliance with the provisions of subparagraph 2(b). If the Member changes employers and/or supervisors, the supervision period will stop running when her previous employment/ supervision terminates and resume when her new employment/ supervision commences and after the member has supplied the required information to the Registrar concerning her new employer/ supervisor. The member cannot fulfill the supervision requirement by refraining from engaging in the practice of social work for a 2-year period.

- The penalty provides specific deterrence through the suspension of the Member's Certificate of Registration, the oral reprimand, and the requirement that the Member cover the costs of the rehabilitative measures;
- The penalty provides general deterrence through the publication of the Member's name, the details of her professional misconduct, and the details of the penalty, such that other College members will see that these and similar violations of the Code of Ethics and Standards of Practice are taken very seriously.
- To meet the goals of rehabilitation and remediation, the Member is also required to successfully complete a professional ethics and boundaries course, and to participate in insight-oriented psychotherapy.