



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 COMMITTEE OF THE
ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS**

Indexed as: Ontario College of Social Workers and Social Service Workers v Dee Scott,
2020 ONCSWSSW 5

Decision date: 20200721

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

DEE SCOTT

PANEL: Amanda Bettencourt Chair, Professional Member
Sanjay Govindaraj Professional Member
Andy Kusi-Appiah Public Member

Appearances: Lara Kinkartz and Alyssa Armstrong, counsel for the College
Thomasina Dumonceau, counsel for the Member
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: June 23, 2020

DECISION AND REASONS FOR DECISION

[1] This matter came on for a hearing by video conference on June 23, 2020, before a panel of the Discipline Committee (the “**Panel**”) of the Ontario College of Social Workers and Social Service Workers (the “**College**”).

The Allegations

[2] In the Notice of Hearing dated September 9, 2019, the Member is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act*, 1998, S.O. 1998, c. 31 (the “**Act**”) in that she is alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the “**Professional Misconduct Regulation**”), Schedule “A” to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the “**Code of Ethics**”), and Schedule “B” to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the “**Handbook**”).

[3] The allegations set out in the Notice of Hearing and the particulars of those allegations are as follows:

I. The following are particulars of the said allegations:

1. At all relevant times, you were registered as a social worker with the Ontario College of Social Workers and Social Service Workers (the “**College**”) and were self-employed as a social worker in private practice.
2. Between in or about April 2017 and August 2017, you provided professional services to Clients X and Y (the “**Clients**”).
3. During that time period, the professional services you provided to the Clients included couples counselling services. You provided a series of joint sessions to the Clients, as well as one individual counselling session with X.
4. During that time period, you failed to properly screen for and/ or recognize and/or respond to signs of domestic abuse and/or domestic violence in that you:
 - (a) Failed to recognize that X felt she was under threat of violence from Y;
 - (b) Failed to recognize signs that Y’s behaviour may involve emotional, psychological, and/or physical abuse of X;
 - (c) Failed to recognize that X was frightened by Y’s behaviour;
 - (d) Failed to conduct a proper screening regarding issues of possible domestic abuse and/or domestic violence, and/or failed to adequately assess the power dynamics between X and Y;
 - (e) Failed to ask follow-up questions, meet separately with X, or otherwise inquire about domestic abuse and/or domestic violence when you were informed that the Clients’ previous

counsellor had indicated that Y was “abusive” and/or “abusive bordering on criminal”; when X discussed Y’s “rage”, and/or when Y acknowledged having an “anger problem” and/or engaging in behaviour that could be seen as controlling;

- (f) Failed to ensure that X had a safety plan in place with respect to Y; and
- (g) Blamed X for Y’s behavior by asking what she was doing to “trigger” and/or “escalate” conflict with Y.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Act*:

- (a) In that you violated **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 you by X.
- (b) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.1)** with respect to client X by failing to be aware of the extent and parameters of your competence and your professional scope of practice and limit your practice accordingly; failing to inform a client of the option to be referred to another professional if a client’s needs fall outside the your usual area of practice; failing, if the client wishes to continue the professional relationship, to ensure that (1) the services you provide are competently provided by seeking additional supervision, consultation, and/or education, and (2) that the services are not beyond your professional scope of practice; and/or failing to be guided by the client’s interest in making recommendations for particular services, referrals to other professionals, or a continuation of the professional relationship.
- (c) In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.2)** by failing to remain current with emerging social work or social service work knowledge and practice relevant to your areas of professional practice with respect to domestic abuse and/or domestic violence issues;
- (d) In that you violated **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 your areas of practice with respect to domestic abuse and/or domestic violence issues.

- (e) In that you violated **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 you provide are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge with respect to domestic abuse and/or domestic violence issues.
- (f) In that you violated **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 engage in the process of self-review and evaluation of your practice and failing to seek consultation when appropriate with respect to X and Y, as part of maintaining competence and acquiring skills in social work practice.
- (g) In that you violated **Sections 2.2 and 2.36 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8)** 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, and/or by failing to avoid conduct in the practice of social work that could reasonably be perceived as reflecting negatively on the profession of social work.
- (h) In that you violated **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/or reasonable manner, with respect to X.
- (i) In that you violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the *Act*, regulations or by-laws.

Member's Position

[4] The Member admitted the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

The Evidence

[5] The evidence was tendered by way of an Agreed Statement of Facts, which provided in relevant part as follows.

1. Dee Scott (the “**Member**”) received a Master’s Degree in Social Work degree in 1968, and became a member of the Ontario College of Social Workers and Social Service Workers (the “**College**”) in 2000.
2. At all material times, Ms. Scott was a member of the College and was self-employed. At all material times, her practice included the provision of individual and couples counselling to clients.
3. The allegations in this matter arose out of a complaint by Ms. X. to the College in August 2018 regarding the Member’s conduct during couples counselling sessions with Ms. X and her partner, Mr. Y, between May and August 2017. In particular, Ms. X’s complaint related to the Member’s failure to recognize and appropriately respond to signs of potential intimate partner abuse.
4. The Member was previously cautioned by the Complaints Committee in 2013 in respect of a complaint alleging she failed to address issues of intimate partner abuse during couples counselling sessions.

THE COUPLES COUNSELLING SESSIONS WITH MS. X AND MR. Y

5. The Member met with Ms. X and Mr. Y for seven couples counselling sessions between May 19 and August 15, 2017. The Member also conducted one individual session with Ms. X on August 21, 2017.
6. Ms. X and Mr. Y sought couples’ counselling to deal with conflict in their relationship, as well as communication issues.
7. In the course of their couples counselling sessions, Ms. X told the Member that Mr. Y’s anger felt like rage, that he said hurtful things, and that a previous counsellor had indicated that Mr. Y’s anger was abusive. Mr. Y also acknowledged that his anger could be “over the top”, that he had a problem with anger, that he became angry if he did not get his way, and that he engaged in behaviour that could be seen as controlling. Issues with Mr. Y’s anger were raised on at least two occasions during their couples counselling sessions.
8. In addition, Ms. X informed the Member that she felt pressured to do things Mr. Y’s way, and to “smile and be happy even if she felt his behaviour was not responding to her needs and feelings.”
9. The Member did not conduct an adequate screening for signs of intimate partner abuse, and failed to recognize that there were signs of potential intimate partner abuse towards Ms. X. As a result, the Member did not

adequately assess the power dynamics between the couple or respond appropriately to the information the clients provided her.

10. In particular, the Member did not ask follow-up questions when Ms. X informed her that the couple's previous counsellor had described Mr. Y's anger as abusive, and did not adequately explore the concerns Ms. X expressed about Mr. Y's behaviour. Instead, the Member focused on Ms. X and Mr. Y's roles in triggering one another and escalating conflict, including what Ms. X could do to avoid triggering or escalating Mr. Y's anger.
11. If the Member were to testify, she would state that it was never her intention to suggest or imply that Ms. X was responsible for triggering or escalating Mr. Y's anger, but rather her intention was to reinforce the need for both Ms. X and Mr. Y to be mindful in the moment of their own responsibility not to be triggered, not to trigger the other, and not to participate in escalation. However, she recognizes that in situations of potential intimate partner abuse, such an approach may not be appropriate and may have the effect of suggesting that the victim is responsible for the abuse.
12. If she were to testify, Ms. X would state that she provided the following details to the Member:
 - (a) that she faced constant threats of physical violence from Mr. Y;
 - (b) that she was frightened by Mr. Y's rage;
 - (c) that Mr. Y forced her to perform humiliating acts;
 - (d) that Mr. Y would shout at her for hours, with his fists clenched;
 - (e) that Mr. Y would call her names;
 - (f) that Mr. Y would shout at her in public to embarrass her;
 - (g) that Mr. Y told her what she could and could not wear;
 - (h) that Mr. Y had been abusive in a previous relationship;
 - (i) that Mr. Y had threatened to kill her cats;
 - (j) that Mr. Y had isolated her by moving her out into the country; and
 - (k) that Mr. Y demanded that she perform physical labour in preparation for a move, which caused her excruciating pain because she was suffering from a broken and torn right shoulder.
13. If she were to testify, the Member would state that Ms. X did not disclose the details referred to in paragraph 12 above. However, the Member acknowledges that she was provided the information referred to in paragraphs 7 and 8 above. She recognizes that the information referred to in paragraphs

7 and 8 above should have prompted her to make further inquiries about potential intimate partner abuse.

14. The Member acknowledges that she did not take the steps required under the Standards of Practice to recognize and appropriately respond to the signs of potential intimate partner abuse. In particular, the Member:
 - (a) did not ask sufficient follow-up questions or adequately explore the nature of Mr. Y's behaviour and Ms. X's concerns;
 - (b) did not hold individual sessions with Ms. X and Mr. Y to explore and assess the concerns about Mr. Y's behaviour with Ms. X, without Mr. Y present;
 - (c) did not discontinue couples counselling in light of the risk of intimate partner abuse;
 - (d) did not adequately assess the power dynamic between the couple;
 - (e) did not ensure Ms. X had an adequate safety plan in place; and
 - (f) may have unintentionally condoned and/or enabled Mr. Y's behaviour by discussing Ms. X's role in triggering or escalating Mr. Y's anger.
15. The Member's response to the information she was provided by Ms. X and Mr. Y was not consistent with current social work knowledge and practice related to issues of intimate partner abuse. In addition, the Member was required to seek out consultation or supervision where clients presented issues that she was not adequately equipped to deal with, and recognizes that she ought to have done so with respect to Ms. X and Mr. Y.

EVENTS AFTER THE MEMBER NO LONGER PROVIDED SERVICES TO MS. X AND MR. Y

16. After the couple stopped receiving services from the Member, the Complainant states that she ended her relationship with Mr. Y, sought police protection in the form of a restraining order, and four criminal charges were laid against Mr. Y. Ms. X further states that she has experienced serious psychological problems as a result of Mr. Y's abuse, and has obtained ongoing psychological treatment to help her cope with it.

SUBSEQUENT STEPS TAKEN BY THE MEMBER

17. After learning of Ms. X's complaint to the College, the Member took steps to update her professional knowledge on these issues, by:
 - (a) reviewing the College's *Code of Ethics and Standards of Practice Handbook*;
 - (b) reading articles on intimate partner abuse;

- (c) discussing her counselling of Ms. X and Mr. Y and the issues raised in the complaint with her former supervisor. As a result, the Member and her former supervisor took steps to develop a standard assessment protocol to be used with all couples coming in for couples counselling, which includes both a joint initial session and individual sessions. The Member and her former supervisor also developed a standard assessment tool to help the Member explore and assess whether there are signs of intimate partner abuse; and
- (d) completing the following courses:
 - (i) Responding to Domestic Violence in Clinical Settings E-Learning Program;
 - (ii) Gottman's Method Couples Therapy Level 1: Bridging the Couple Chasm; and
 - (iii) Gottman's Method Couples Therapy Level 2: Assessment, Intervention and Co-Morbidities.

ADMISSIONS OF PROFESSIONAL MISCONDUCT

18. The Member admits that by reason of engaging in the conduct outlined above, she is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act*:
- (a) In that she violated **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 her by Ms. X.
 - (b) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.1)** with respect to client Ms. X by failing to be aware of the extent and parameters of her competence and her professional scope of practice and limit her practice accordingly; failing to inform a client of the option to be referred to another professional if a client's needs fall outside her usual area of practice; failing, if the client wishes to continue the professional relationship, to ensure that (1) the services she provides are competently provided by seeking additional supervision, consultation, and/or education, and (2) that the services are not beyond her professional scope of practice; and/or failing to be guided by the client's interest in making recommendations for particular services, referrals to other professionals, or a continuation of the professional relationship.
 - (c) In that she violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.2)** by failing to remain current with emerging

social work or social service work knowledge and practice relevant to her areas of professional practice with respect to intimate partner abuse issues;

- (d) In that she violated **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 her areas of practice with respect to intimate partner abuse issues.
 - (e) In that she violated **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 she provides are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge with respect to intimate partner abuse issues.
 - (f) In that she violated **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 engage in the process of self-review and evaluation of her practice and failing to seek consultation when appropriate with respect to Ms. X and Mr. Y, as part of maintaining competence and acquiring skills in social work practice.
 - (g) In that she violated **Sections 2.2 and 2.36 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8)** 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, and/or by failing to avoid conduct in the practice of social work that could reasonably be perceived as reflecting negatively on the profession of social work.
 - (h) In that she violated **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/or reasonable manner, with respect to Ms. X.
 - (i) In that she violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the Act, regulations or by-laws.
19. With respect to the allegation in paragraph 18(g) above, the parties agree that the Member's conduct should be classified as dishonourable and unprofessional.

20. For the purposes of this Agreed Statement of Facts, the Member agrees that “intimate partner abuse” constitutes a form of domestic abuse and/or domestic violence as referred to in the allegations in the Notice of Hearing.

Decision of the Panel

[6] Having considered the admissions of the Member, the evidence contained in the Agreed Statement of Facts, and the submissions of counsel, the Panel finds that the Member committed the acts of professional misconduct alleged in the Notice of Hearing. With respect to allegation (g), the Panel finds that the Member’s conduct would reasonably be regarded by members as dishonourable and unprofessional.

Reasons for Decision

[7] After careful consideration, the Panel found that the Agreed Statement of Facts proved on a balance of probabilities each of the allegations against the Member.

[8] In regard to allegation (a), the Panel found that the Member violated s. 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 Ms. X presented to her. Ms. X had presented the Member with information from a previous counsellor regarding Mr. Y’s anger and that it was abusive. The Member did not follow-up on that information. Mr. Y also acknowledged to the Member that his anger could be “over the top”, yet the Member failed to inquire further about the potential existence of intimate partner abuse. The facts prove two incidences in which the Member failed to uphold the standards of Principle I as set out in Interpretation 1.2.

[9] With respect to allegation (b), the Panel found that the Member violated s. 2.2 of the Professional Misconduct Regulation and Principle 2 of the Handbook (as commented on in Interpretation 2.1.1). College members are responsible for being aware of the extent and parameters of their competence and their professional scope of practice and are to limit their practice accordingly. The Member failed to recognize her scope of practice and level of competence in regards to intimate partner abuse by failing to use appropriate screening tools specific to intimate partner abuse. The Member did not assess the power dynamics between Ms. X and Mr. Y, nor did the Member recognize signs of intimate partner abuse.

[10] In regard to allegation (c), the Panel found that the Member violated s. 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.2) by failing to remain current with emerging social work knowledge and practice relevant to her areas of professional practice with respect to intimate partner abuse issues. The Member used a therapeutic approach that was inappropriate to an intimate partner abuse situation and which was not supported by current and credible social work knowledge. The Member did not ask sufficient follow-up questions and did not hold individual sessions with Ms. X, which would have allowed for the Member to explore Mr. Y’s behaviour further. The Member did not ensure Ms. X had a safety plan, and may have unintentionally condoned and/or enabled Mr. Y’s behaviour by discussing Ms. X’s role in triggering or escalating Mr. Y’s anger.

[11] Regarding allegation (d), the Panel found that the Member violated s. 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 with respect to intimate partner abuse issues. The Member did not discontinue couples counselling with Ms. X and Mr. Y in light of the risk of intimate partner abuse, nor did the Member offer referral to other available services.

[12] With respect to allegation (e), the Panel found that the Member violated s. 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 she provides were appropriately substantiated by evidence and supported by a credible body of professional social work knowledge with respect to intimate partner abuse issues. The Member was cautioned in 2013 by the Complaints Committee of the College regarding a complaint alleging she failed to address issues of intimate partner abuse during couples counselling sessions. With that history, it was particularly important that the Member ensure that she was up to date with current Social Work knowledge regarding intimate partner abuse, and to seek out supervision when addressing matters of intimate partner abuse. She failed to do so.

[13] Regarding allegation (f), the Panel found that the Member violated s. 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.5) by failing to engage in the process of self-review and evaluation of her practice and failing to seek consultation when appropriate with respect to Ms. X and Mr. Y, as part of maintaining her competence and acquiring skills in social work practice. As noted above, the Member failed to effectively review her practice after she was cautioned by the College's Complaints Committee specifically in regards to intimate partner abuse. In particular, the Member failed to seek supervision in regards to Ms. X and Mr. Y.

[14] In regards to allegation (h), the Panel found that the Member violated 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/or reasonable manner, with respect to Ms. X. As discussed above, the Member failed to ask follow-up questions relating to Ms. X's comments about Mr. Y's abusive behaviours. Without making necessary follow-up queries, the Member failed to deliver client services and failed to respond to her client's concerns in a reasonable manner.

[15] With respect to allegation (g), having regard to all the facts and circumstances set out above, the Panel found that the Member violated s. 2.2 and s. 2.36 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8) 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, and/or by failing to avoid conduct in the practice of social work that could reasonably be perceived as reflecting negatively on the profession of social work. The Member engaged in couples counselling with Ms. X and Mr. Y without appropriate screening tools for intimate partner abuse. By using an inappropriate therapeutic approach that was not substantiated by a credible body of social work knowledge, the Member fell well short of the standards expected of members of the social work profession and put Ms. X at risk of personal harm. The Member's conduct would reasonably be regarded by members of the profession as dishonourable and unprofessional. The Member admitted that her conduct is appropriately regarded as dishonourable and unprofessional. This characterization of the conduct, is consistent

with the findings of the Discipline Committee in other cases in which members used inappropriate therapeutic approaches that were not substantiated by credible social work knowledge.

[16] In regards to allegation (i), the Panel found that the Member violated s. 2.28 of the Professional Misconduct Regulation by contravening the *Act*, regulations or by-laws. Each act of professional misconduct discussed in paragraphs 8 through 15 is a contravention of the Professional Misconduct Regulation. Further, insofar as the Panel found violations of the Handbook, which is a by-law of the College, each such act of misconduct is also a contravention of the College's by-laws. Accordingly, while perhaps redundant, the Panel finds that each act of misconduct set out above is also a violation of s.2.28 of the Professional Misconduct Regulation.

Penalty Submissions

[17] The parties were in agreement on the issue of penalty. They presented to the Panel a Joint Submissions as to Penalty ("**Joint Submission**") asking this Panel make an order as follows.

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 shall be directed to suspend the Member's Certificate of Registration for a period of one (1) month, which shall be suspended (i.e. shall not begin to run) for two years from the date of this Order. The suspension shall then be remitted in full if (on or before the expiry of that two year period) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with all of the terms, conditions, and limitations imposed in paragraph 3, as set out below.¹
3. The Registrar shall be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register:
 - a. Requiring the Member to, at her own expense, participate in and successfully complete a continuing education course, approved by the Registrar, on the topic of intimate partner abuse.
 - b. Requiring the Member to, at her own expense,² receive supervision of her social work practice by a regulated professional (the "**Supervisor**") who has been pre-approved by the Registrar for a period of two (2) years from the date of this Order, in accordance with the following terms:

¹ 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 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, conditions, and limitations.

² For greater clarity, all expenses relating to supervision, including the obligation to review College materials and to communicate with the College where necessary, are at the expense of the Member.

- i. The Supervision shall include discussions with the Member that focus on:
 - the Member’s awareness of her own attitudes, values, and needs when screening for and/or assessing issues of intimate partner abuse;
 - the Member’s implementation of a revised intake form and new screening tool to screen for and/or address issues of intimate partner abuse;
 - how issues of intimate partner abuse arise and are dealt with in the Member’s professional practice; and
 - the development and implementation of a learning plan around issues of intimate partner abuse;
 - ii. The Supervisor must provide two written reports to the Registrar, at months 12 and 24, providing details of the supervision and the Member’s progress;
 - iii. Within 15 days of the Discipline Committee’s written decision being rendered in this matter, the Member must provide to the Supervisor the final written decision of the Discipline Committee. The Member must obtain written confirmation, signed by the Supervisor, of receipt of the Discipline Committee’s decision, and provide this signed confirmation to the Registrar within 15 days of the Discipline Committee’s written decision being rendered.
 - iv. The Member must seek consent from all clients to share their personal health information with the Supervisor in order to allow the Supervisor to review client files and engage in review.³
- c. Requiring the Member to meet and confer with the Registrar and/or the Registrar’s designate within six (6) months from the date the Order. In advance of such meeting, Ms. Scott will review Principles I-III of the College’s *Code of Ethics and Standards of Practice Handbook* and the College’s Practice Note titled “The Importance of Professional Judgment”. The Member will discuss with the Registrar and/or the Registrar’s Designate the following topics:

³ For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the Supervisor.

- i. the acts or omissions for which Ms. Scott was found to have committed professional misconduct;
 - ii. the consequences of the misconduct to the individuals involved, Ms. Scott, her colleagues, and the profession;
 - iii. strategies for preventing the misconduct from recurring; and
 - iv. the Member's progress in the development of the learning plan referred to in paragraph 3(b)(i) above.
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Member, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, and on the College's public register.
5. The Member shall pay costs to the College in the amount of five thousand dollars (\$5,000), payable in ten (10) equal instalments of five hundred dollars (\$500.00) each, payable on the first day of the month for ten (10) consecutive months. The first payment shall be due on the first day of the month immediately following the month in which this Order is made.

[18] College counsel argued that the Joint Submission meets the College's mandate to protect the public and maintain high standards of practice. The penalty sought is appropriate having regard to all of the circumstances of the case and to the principles of specific and general deterrence, as well as rehabilitation.

[19] The College submitted that the reprimand is appropriate, in that it allows the Discipline Committee to convey directly to the Member its concerns and disapproval of the Member's conduct. The suspension of the Member's certificate of registration is appropriate given the gravity of the professional misconduct as admitted by the Member and found by the Panel. The terms, conditions and limitations serve the goal of remediation.

[20] College counsel identified both aggravating and mitigating factors in this case. The most significant aggravating factor in this case is that the Member was previously cautioned in 2013 by the Complaints Committee of the College regarding her approach to matters of intimate partner abuse. Furthermore, College counsel submitted that the Member failed to recognize safety concerns surrounding Ms. X's situation, which had a detrimental impact on Ms. X.

[21] The mitigating factors include:

- The Member has taken responsibility and shown accountability for her actions which is seen in her participation in the Agreed Statement of Facts and Joint Submission.
- The Member has voluntarily completed continuing education courses relevant to intimate partner abuse, specifically: Responding to Domestic Violence in Clinical Settings E-Learning Program, Gottman's Method Couples Therapy Level 1: Bridging the Couple Chasm, and Gottman's Method Couples Therapy Level 2: Assessment, Intervention, and

Comorbidities. The Member has also voluntarily read articles on intimate partner abuse (articles unspecified).

- The Member, since being before the Discipline Committee, has sought out assistance from a former supervisor in developing a new assessment protocol that appropriately screens for intimate partner abuse.
- The Member has admitted to having committed acts of professional misconduct.
- The Member has agreed to the Joint Submission.

[22] The Member's counsel submitted that the Joint Submission meets the goals of penalty. It will deter the Member from committing the same errors in the future and the reprimand will provide the Panel an opportunity to convey its concern.

Penalty Decision

[23] Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel accepts the Joint Submission and makes an order as follows.

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 one (1) month, which shall be suspended (i.e. shall not begin to run) for two years from the date of this Order. The suspension shall then be remitted in full if (on or before the expiry of that two year period) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with all of the terms, conditions, and limitations imposed in paragraph 3, as set out below.⁴
3. The Registrar is directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register:
 - a. Requiring the Member to, at her own expense, participate in and successfully complete a continuing education course, approved by the Registrar, on the topic of intimate partner abuse.
 - b. Requiring the Member to, at her own expense,⁵ receive supervision of her social work practice by a regulated professional (the "**Supervisor**") who has been pre-approved by the Registrar for a period of two (2) years from the date of this Order, in accordance with the following terms:

⁴ 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 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, conditions, and limitations.

⁵ For greater clarity, all expenses relating to supervision, including the obligation to review College materials and to communicate with the College where necessary, are at the expense of the Member.

- i. The Supervision shall include discussions with the Member that focus on:
 - the Member's awareness of her own attitudes, values, and needs when screening for and/or assessing issues of intimate partner abuse;
 - the Member's implementation of a revised intake form and new screening tool to screen for and/or address issues of intimate partner abuse;
 - how issues of intimate partner abuse arise and are dealt with in the Member's professional practice; and
 - the development and implementation of a learning plan around issues of intimate partner abuse;
 - ii. The Supervisor must provide two written reports to the Registrar, at months 12 and 24, providing details of the supervision and the Member's progress;
 - iii. Within 15 days of the Discipline Committee's written decision being rendered in this matter, the Member must provide to the Supervisor the final written decision of the Discipline Committee. The Member must obtain written confirmation, signed by the Supervisor, of receipt of the Discipline Committee's decision, and provide this signed confirmation to the Registrar within 15 days of the Discipline Committee's written decision being rendered.
 - iv. The Member must seek consent from all clients to share their personal health information with the Supervisor in order to allow the Supervisor to review client files and engage in review.⁶
- c. Requiring the Member to meet and confer with the Registrar and/or the Registrar's designate within six (6) months from the date the Order. In advance of such meeting, Ms. Scott will review Principles I-III of the College's *Code of Ethics and Standards of Practice Handbook* and the College's Practice Note titled "The Importance of Professional Judgment". The Member will discuss with the Registrar and/or the Registrar's Designate the following topics:
- i. the acts or omissions for which Ms. Scott was found to have committed professional misconduct;
 - ii. the consequences of the misconduct to the individuals involved, Ms. Scott, her colleagues, and the profession;

⁶ For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the Supervisor.

- iii. strategies for preventing the misconduct from recurring; and
 - iv. the Member's progress in the development of the learning plan referred to in paragraph 3(b)(i) above.
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Member, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, and on the College's public register.
5. The Member shall pay costs to the College in the amount of five thousand dollars (\$5,000), payable in ten (10) equal instalments of five hundred dollars (\$500.00) each, payable on the first day of the month for ten (10) consecutive months. The first payment shall be due on the first day of the month immediately following the month in which this Order is made.

Reasons for Penalty Decision

[24] The Panel recognized 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. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member's practice. The Panel also considered the principle that the Panel should accept a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

[25] The Panel accepted the Joint Submission after careful consideration of the appropriateness and effectiveness of the proposed penalty. The Panel found that the proposed penalty served all the objectives of penalty, including: specific and general deterrence, rehabilitation and remediation, and public protection.

[26] The Panel found the penalty to be appropriate and in line with penalties imposed by the Discipline Committee in similar cases. The Panel recognized that the cases to which the parties referred had some similarities to this case, but also material differences. The Panel determined that the proposed penalty fell within the range of penalties ordered in previous cases, whilst responding to the different level of seriousness in this matter.

[27] The suspension of the Member's certificate of registration provides specific deterrence. The Panel was also satisfied that the publication of the decision would further protect the public and deter other members from in engaging in similar behavior. The proposed penalty will allow the Member to remediate her practice through supervision and the supervised development of new assessment tools to effectively and appropriately screen for intimate partner abuse. The Member will also improve her practice approach through continuing education courses and the meeting with the Registrar. Through its deterrent and rehabilitative effects, the penalty protects the public. In particular, the Member's agreement to the terms of the penalty order makes it more likely that remediation will be successful and that the Member will be not engage in future misconduct.

I, Amanda Bettencourt, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: _____

Signed: _____

Amanda Bettencourt, Chair
Sanjay Govindaraj
Andy Kusi-Appiah