

## **Discipline Decision Summary**

This summary of the Discipline Committee's Reasons for Decision, Decision and Order (dated July 2, 2010) 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**

### **Disgraceful, Dishonourable and Unprofessional Conduct Former Member, 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. At all times relevant to the allegations, the Member was employed as a counsellor at a long-term residential treatment centre for individuals with alcohol and chemical dependency, and which provides one-on-one counselling, group therapy and recreational activities to help clients develop the skills they need to live free of alcohol and drugs.
2. In or about early 2008, a number of clients in the residential treatment program (some of whom were clients to whom the Member had provided counselling) reported verbally to a staff member that another client for whom the Member was a counsellor (the "Client") had stated that the Client was engaged in a sexual relationship with the Member.
3. In about February and March 2008, the residential treatment program conducted an investigation concerning those allegations. Both the Member and the Client denied having a sexual relationship. The Member indicated to the Member's employers that the Member felt that the Client had been targeted by the reporting clients, and that the Member also felt targeted and undermined. The Member advised the Member's employer that the report and investigation had created a very untenable situation for the Member and that the Member intended to resign from the residential treatment centre.
4. Members of the residential treatment centre's staff reported that they felt the Member, as the Client's counsellor, had often given preference to the Client's version of events when there were disputes with other clients, or between staff and clients, and that there were "boundary issues" between the Member and the Client.
5. The residential treatment centre's investigation concluded that, while the Member's employer did not have evidence of a sexual relationship between the Member and the

Client, there were boundary issues. Following the investigation, on or about March 31, 2008, the Member resigned from employment with the residential treatment centre.

6. In or about April 2008, following the Member's resignation, a senior manger from a different program affiliated with the residential treatment centre became aware of information provided by another social service agency, indicating the Client had listed the Member as the Client's landlord and that the Member's address had been given as the Client's address.
7. On or about April 7, 2008, the Member advised the acting manager of the Member's former employer that the Member and the Client had been in, and were continuing in a personal relationship. The Member also admitted to having lied to the Member's former employer during the investigation and confirmed that the Client was now living with the Member.
8. The Member resigned from membership in the College, and the Member's Certificate of Registration with the College was cancelled effective December 10, 2008.

### **Allegations and Plea**

The Discipline Committee accepted the Member's plea, admitting the allegations that the Member:

1. Violated 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 of the Standards of Practice, by failing to be aware of the Member's values, attitudes and needs and how those impacted on the Member's professional relationships with clients; failing to distinguish the Member's needs and interests from those of the Member's clients; failing to ensure that the Member's clients' needs and interests remain paramount and failing to maintain an awareness and consideration of the purpose, mandate and function of the Member's employer when the Member:
  - a) Established a personal and/or sexual relationship with the Client (or former client);
  - b) Lied to the Member's former employer about the Member's relationship with the Client;
  - c) Accused other clients of having been inaccurate or untruthful in reporting the Member's relationship with the Client to the Member's employer.
2. Violated section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook, commented on in Interpretations 2.2.1, 2.2.3, and 2.2.8 of the Standards of Practice, by engaging in a professional relationship that constituted a conflict of interest or in a situation in which the Member knew (or ought reasonably to have known) that a client would be at risk; used the Member's professional position of authority to coerce, improperly influence, harass, abuse or exploit a client or former client and engaged in conduct which could reasonably be perceived as reflecting negatively on the profession of social work when the Member:
  - a) Engaged in a personal and/or professional relationship with the Client or former Client when the Member was or had been the Client's personal counsellor;
  - b) Denied having a personal relationship with the Client and suggested that the other clients (to whom the Member had also provided counselling services) were being

- c) Denied to the Member's employer that the Member had a personal relationship with the Client and suggested that other clients were being dishonest or inaccurate in reporting such a relationship.
- 3. Violated section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook, commented on in Interpretations 3.7 and 3.8 of the Standards of Practice, by placing her/himself in a conflict of interest and/or engaging in a dual relationship with a client or former client which could impair the Member's professional judgment or increase the risk of exploitation or harm to the client when the Member established a personal relationship with the Client (or former Client).
- 4. Violated 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 when the Member:
  - a) Engaged in a personal and/or professional relationship with the Client or former Client when the Member was or had been the Client's personal counsellor;
  - b) Denied having a personal relationship with the Client and suggested that the other clients (to whom the Member had also provided counselling services) were being untruthful or inaccurate in asserting that the Member had such a relationship with the Client; and
  - c) Denied to the Member's employer that the Member had a personal relationship with the Client and suggested that other clients were being dishonest or inaccurate in reporting such a relationship.

### **Penalty Order**

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member, and concluded that it is reasonable and serves and protects the public interest. The panel made the following order, in accordance with the terms of the Joint Submission as to Penalty:

1. That the Member shall be reprimanded in writing by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College Register;
2. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information removed, 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 panel of the Discipline Committee was also of the view that the penalty order:

- Took into account that the Member co-operated with the College, and by agreeing to the facts and proposed penalty, accepted responsibility for the Member's actions;
- Sends a message to the Member, the membership and the public, that the profession will not tolerate this kind of conduct, thereby upholding the public interest;

- Meets the objective of specific deterrence to the Member; and the order will remediate the Member where applicable by issuing a strong reprimand in writing.