



## Discipline Decision Summary

These summaries of the Discipline Committee's Decisions and Reasons for Decision are published either pursuant to the Discipline Committee's penalty order or with the agreement of the College member who is the subject of the Decisions.

By publishing such summaries, 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.

### PERMISSION TO RESIGN

#### Member, RSW

Allegations of professional misconduct against the Member were referred to the Discipline Committee. As explained below, those allegations have not been disposed of by the Discipline Committee and the hearing regarding the allegations was adjourned.

The Notice of Hearing alleged that for a period of approximately 22 months, the Member provided individual and group counselling services to an elderly client. The focus of the counselling was to address psychological and emotional issues arising from the Client's diagnosis and treatment for cancer, the death of the Client's close relatives and friends, and the Client's relationship with the Client's adult child.

It was alleged that during the period that the Member provided counselling services to the Client, the Member:

- i. engaged in boundary violations (not involving sexual abuse of the Client);
- ii. failed to maintain appropriate records which reflected the social work services provided to the Client;
- iii. encouraged the Client to sell the Client's home and move into an apartment at a time when the Member knew the Client to be elderly, vulnerable and in ill health;
- iv. told the Client the Member was a real estate agent and offered to sell the Client's home;
- v. acted as the Client's real estate agent in pricing, listing and selling the Client's house and received a commission on the sale;

- vi. attempted to conceal the Member's activities as the Client's real estate agent from her employer;
- vii. recommended a number of apartments to the Client, including a subsidized facility that lacks the support and assistance the Client requires;
- viii. arranged for the Member's spouse to do work in the Client's apartment;
- ix. terminated the Client's individual counselling with the Member upon completion of the sale of the Client's home, without securing alternative counselling for the Client or assessing the Client's need for continued counselling, and without previously advising the Client that the Member could not continue to act as the Client's counsellor if the Member acted as the Client's real estate agent in selling the Client's home;
- x. after learning of the complaint to the College concerning these events, the Member named the Client as a Defendant in a wrongful dismissal action commenced against the Member's former employer, alleging that the Client conspired with others to terminate the Member's employment, intentionally interfered with the Member's economic relations with the Member's employer and induced the Member's employer to breach its contract with the Member.

### **Decision**

The Member entered into an Agreement and Undertaking with the College, under which the Member agreed to resign from the College and undertook not to reapply for a certificate of registration. The College and the Member agreed to seek an adjournment of the Member's discipline hearing. The panel of the Discipline Committee accepted the joint request for an adjournment, on the terms contained in the Member's Agreement and Undertaking, which were as follows:

- A. That the Member shall forthwith resign from membership in the College by filing a resignation in writing with the Registrar and when the Member does so, the Member's Certificate of Registration shall be cancelled and that cancellation shall be recorded on the Register, together with all of the information directed by the Discipline Committee pursuant to paragraph B of the Undertaking;
- B. That the Registrar will record the following information on the Register:
  - i. The fact that the Member was permitted to resign from membership while proceedings before the Discipline Committee were pending; and
  - ii. The fact that those pending proceedings before the Discipline Committee related to allegations which have not been disposed of by the Discipline Committee that the Member:
    - a) Engaged in boundary violations in respect of a vulnerable Client (not involving sexual abuse of the Client);
    - b) Placed themselves in a conflict of interest situation which could impair the Member's professional judgment and increase risk of exploitation to the Client;
    - c) Provided a professional service to the Client while the Member was in a conflict of interest;
    - d) Used the Member's position of authority to coerce, improperly influence, harass or exploit a Client or former Client (including pressuring the Client) to withdraw the Client's allegations

against the Member and/or refusing to cooperate in the College's complaints and discipline process);

- e) Placed the Member's own needs before those of the Member's Client; and
  - f) Discontinued professional social work services to the Client where the Client had neither requested the discontinuation nor withdrawn from service and without making reasonable efforts to arrange alternative or replacement services or giving the Client a reasonable opportunity to do so.
- C. The proceedings and hearing with respect to the allegations set out in the Notice of Hearing shall be adjourned. The proceedings may be brought back on by the College, on 30 days notice to the Member, if further allegations against the Member are referred to the Discipline Committee in the future or if the Member, in the opinion of the Registrar, fails to fulfil any provision of this Agreement and Undertaking, or contravenes s.46 of the *Social Work and Social Service Work Act, 1998*.
- D. The Member undertakes not to reapply to the College for a Certificate of Registration after the Member's resignation from membership in the College. The Member further agrees that if the Member reapplies to the College for a Certificate of Registration, in contravention of the Agreement and Undertaking, all of the materials in the College's files pertaining to the allegations set out in the Notice of Hearing as filed, shall be brought to the attention of the Registrar and may be considered by the Registrar (and in the event of an appeal, by the Registration Appeals Committee) in dealing with the Member's application for a Certificate of Registration.
- E. A summary of the allegations against the Member and of the Agreement and Undertaking shall be published, except with identifying information removed in the College's official publication and on the College's website. Any such publication shall be in addition to the publication of information on the College's Register in accordance with paragraph B of the Agreement and Undertaking.