



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 Reasons for Decision is published pursuant to the Discipline Committee's oral decision rendered May 26, 2014 and written reasons dated September 29, 2014.

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**

**Pamela Bickerton (Henry)**

**Former Member**

#### **Allegations**

The College's allegations relate to Ms. Bickerton's conduct in regard to two complaints filed with the College by two different clients making similar allegations about Ms. Bickerton's conduct or actions.

The events underlying the College's allegations are as follows:

The Complaints Committee decided in respect of both complaints that although serious concerns were raised, those concerns did not warrant referral to the Discipline Committee. Given all the facts of the complaints, the Complaints Committee believed that the public interest could be appropriately served and protected by providing Ms. Bickerton with its Decisions and Reasons, identifying the conduct of concern and the basis for that concern, and by requiring Ms. Bickerton to appear before the Committee to be cautioned.

Ms. Bickerton and her legal counsel were notified, by mail, of the date and time at which Ms. Bickerton was to appear before the Complaints Committee to be cautioned in respect of both complaints.

Ms. Bickerton responded to College staff members, stating that she would not appear to be cautioned as she was out of the country caring for her ill parents, she did not believe she had

done anything wrong, the College was harassing her and she was considering whether to sue the College. She additionally indicated that she wished to resign from membership with the College.

Ms. Bickerton did not appear before the Complaints Committee to be cautioned.

The College wrote to Ms. Bickerton regarding her failure to attend before the Complaints Committee to be cautioned. The College's letter outlined the possible consequences of not attending to be cautioned, including a possible referral to the Discipline Committee where there may be a finding of professional misconduct and an order for publication of the findings in a number of public vehicles. Ms. Bickerton was informed that if she needed to reschedule the caution she would be required to contact the College.

Ms. Bickerton did not contact the College to reschedule the caution. However, Ms. Bickerton did contact a College staff member to complain that the College was harassing her, that the College's letter threatened her, and that she would be resigning from the College. Ms. Bickerton was loud, belligerent and repeatedly swore at the College staff member.

Ms. Bickerton sent a letter of resignation to the College. The Registrar did not accept Ms. Bickerton's resignation.

### **Plea**

Ms. Bickerton was neither present nor represented at the hearing. The hearing, therefore, proceeded on the basis that Ms. Bickerton denied the allegations.

### **Decision**

The Discipline Committee found Ms. Bickerton guilty of professional misconduct as alleged in the Notice of Hearing in that she:

1. Violated Section 2.31 of Ontario Regulation 384/00 (Professional Misconduct) made under the Social Work and Social Service Work Act (the "Act") by failing to comply with an order of a panel of the Complaints Committee of the College when Ms. Bickerton failed to appear before the Complaints Committee to be cautioned;
2. Violated Section 2.36 of Ontario Regulation 384/00 (Professional Misconduct) made under the Act 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 she,
  - a) Failed to appear before the Complaints Committee to be cautioned, pursuant to the Decisions and Reasons of the Complaints Committee; and
  - b) Responded to correspondence from College staff in relation to those cautions in a manner that was unprofessional.

## **Penalty**

The Discipline Committee ordered that:

1. The Registrar is directed to revoke Ms. Bickerton's certificate of registration;
2. The Member shall be reprimanded in writing and the reprimand be recorded on the register for an unlimited period of time;
3. The finding and order of this panel of the Discipline Committee shall be published, in detail or in summary, with both the names of Ms. Bickerton and Ms. Henry, in the official publication of the College, on the College's website, and on any other media-related document that is provided to the public and is deemed appropriate by the College.
4. Ms. Bickerton shall pay costs to the College in the amount of \$5,000.00.

The Discipline Committee's reasons for its Penalty Order are as follows:

- Ms. Bickerton's refusal to attend the caution or participate in the disciplinary proceedings suggests that Ms. Bickerton is ungovernable. The revocation of her certificate of registration demonstrates to the public, Ms. Bickerton and the profession that the Discipline Committee takes self-regulation very seriously and expects that College members do so as well. Revocation also accomplishes the goal of general deterrence by showing other College members that they cannot avoid being held accountable for professional misconduct by resigning their membership in the College.
- The objectives of remediation and rehabilitation are no longer applicable as Ms. Bickerton refused to attend before the Complaints Committee to be cautioned, chose not to participate in the disciplinary proceedings and submitted a request to resign from membership in the College.
- Publication of the Discipline Committee's findings and order with both of the names Ms. Bickerton and Ms. Henry will serve an important notification purpose. Ms. Bickerton has continued her private practice of counselling and therapy under her former name, Ms. Henry, and may continue to do so without being registered as a College member. As the Act establishes a title protection regime, there is nothing to preclude her from continuing her private practice or accepting employment in which she continues to provide counselling or other services that would generally be considered social work, to vulnerable clients. Public protection requires publication under both names that she is using.
- Publishing Ms. Bickerton's names will also serve as an important general deterrent to other members of the College, who may otherwise think that they can avoid penalties that have been ordered by the Complaints or other Committees of the College by trying to resign their membership with the College.

- Reimbursement of costs in the amount of \$5000.00 is reasonable as Ms. Bickerton did not participate in the hearing. Refusing to participate in the process does not discharge the College's mandate to protect the public nor does it save the College the burden of holding a hearing to prove the allegations. Ms. Bickerton refused to participate in the hearing and caused the College to prove its case at considerable expense. This expense should not have to be borne by other members of the College. This penalty accomplishes the goal of general deterrence by sending a clear message to other members that the College will not tolerate members who chose not to participate in the disciplinary process.