

**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 Isen, 2024
ONCSWSSW 4

Decision 20240304
date:

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

BRENDA B. ISEN

PANEL:	Chisanga Chekwe	Chair, Public Member
	Charlene Crews	Professional Member
	Candice Snake	Professional Member

Appearances: Deb McKenna, counsel for the College
Maria Kotsopoulos, counsel for the Registrant
Edward Marrocco, Independent Legal Counsel to the Panel

Heard: December 13, 2023

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing via videoconference before a panel of the Discipline Committee (the “Panel”) on December 13, 2023, at the Ontario College of Social Workers and Social Service Workers (the “College”).

Publication ban and Sealing Order

[2] At the outset of the hearing, and with the consent of all parties, the Panel issued an order directing that the name and identifying features of the individual referred to in these proceedings as the “Client” shall not be published or publicized in any way by any person.

- [3] The Panel also made an order, on consent of all parties, sealing Exhibit 3 filed on this hearing which is an exhibit brief to the agreed statement of facts filed as Exhibit 2. The materials contained in the brief accompanying the Agreed Statement of Facts is accordingly sealed and is not available to be produced to members of the public.

The allegations

- [4] In the Notice of Hearing dated January 27, 2022, Brenda B. Isen (the “**Registrant**”) is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act*, 1998, SO 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**”).
- [5] 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. You are, and were at all times relevant to these allegations, a registered social worker with the Ontario College of Social Workers and Social Service Workers (the “**College**”).
2. At all material times, you were practising in Toronto, Ontario, and ran your social work practice out of Kaffko & Associates (the “**Clinic**”).
3. In or about January 2015, you were engaged by [redacted] (the “**Client**”) to provide social work services to them, including counselling.
4. The Client was a vulnerable client who had sought assistance from you to deal with issues relating to family concerns and mental health issues.
5. As you were aware from the outset, the Client struggled with a longstanding history of relationship difficulties, as well as post-traumatic responses to experiences from childhood, including (among other things) feelings of abandonment by their mother.
6. During the period from approximately January 2015 to June 2018, you met with the Client approximately 232 times for individual sessions at the Clinic, and also met jointly with the Client and their spouse approximately 14 times.
7. You also conducted individual sessions, including counselling, with the Client’s spouse and two of the Client’s children.
8. As counselling progressed with the Client, the Client began to experience feelings for you and the Client expressed those feelings to you frequently.
9. During the professional relationship with the Client, you engaged in a series of boundary crossing and/or boundary violation behaviours relating to the Client, in that you:
 - (a) exchanged emails and texts with the Client of a personal nature, including during non-business hours and/or on while away on vacation;
 - (b) disclosed personal details to the Client, including information related to your health, family, travel, and/or social events you attended;

- (c) communicated to the Client words to the affect that you would never leave the Client and/or would be like a “mother” to the Client;
 - (d) hugged the Client;
 - (e) hugged the Client’s spouse and/or expressing words to the effect that you love them;
 - (f) gave gifts to the Client;
 - (g) received gifts from the Client;
 - (h) drove the Client home after sessions with you; and/or
 - (i) invited the Client to one or more social events.
10. During the professional relationship with the Client, you practised and provided social work services, including counselling, while in a conflict of interest, in that you:
- (a) provided social work services to the Client and to the Client’s spouse and to two of the Client’s children;
 - (b) participated in numerous joint sessions with the Client and the Client’s spouse;
 - (c) referred the Client’s spouse to your own spouse for social work services; and/or
 - (d) facilitated the connection of a personal friend of the Client to your spouse for the purpose of pursuing personal and/or business interests.
11. During the professional relationship with the Client, you failed to demonstrate competence and appropriate clinical judgment, in that you:
- (a) failed to address in an appropriate and/or timely way ongoing boundary issues with the Client;
 - (b) provided services to the Client that you knew or ought reasonably to have known were not likely benefiting the Client;
 - (c) failed to recognize and/or respond appropriately to evidence that the Client’s needs were beyond your capabilities; and/or
 - (d) failed to recognize and/or respond in a timely fashion to issues related to addiction.
12. During the professional relationship with the Client, you failed to report concerns about child protection issues to the Children’s Aid Society and/or an appropriate agency concerned with the protection of children, in that you knew or ought to have known that there were risk factors with respect to the safety of the Client’s children and/or that those risk factors were sufficient to give rise to reasonable grounds to suspect that the Client’s child(ren) were in need of protection.
13. During the professional relationship with the Client, you breached confidentiality, in that you:
- (a) discussed information about another client with the Client;
 - (b) failed to secure client files and/or left client files in plain sight in your office at the Clinic;
 - (c) shared information arising out of individual sessions with the Client, the Client’s

spouse, and the Client's children; and/or

- (d) failed to secure client information on your telephone such that your daughter was to able access the Client's texts and/or was aware that the Client was texting you.
14. You failed to appropriately terminate the professional relationship with the Client, in that you:
- (a) were not clear about your intention to terminate the professional relationship and/or the reasons for termination;
 - (b) terminated the professional relationship with the Client in a manner that was abrupt, rude and/or hurtful to the Client;
 - (c) did not arrange for supports and/or a referral to an alternative provider for the Client.
15. During the professional relationship with the Client, you engaged in inappropriate billing, in that you:
- (a) charged fees to the Client that were excessive and/or unreasonable;
 - (b) were aware of the Client's financial hardship, but made inadequate efforts to reduce contacts and/or refer the Client to another service provider;
 - (c) were aware of the Client's feelings of dependency and attachment for you and continued to provide services that you knew or ought reasonably to have known were not likely benefiting the Client;
 - (d) allowed the Client to accrue significant debt for services; and/or
 - (e) were inconsistent in enforcing an/or accepting payment from the Client.

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) violation of 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 the Member with respect to risk factors relating to children living in the Client's home and in the Member's care;
- (b) violation of section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.3 and 2.1.5) 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; by failing to engage in the process of self- review and evaluation of the Member's practice and seek consultation when appropriate;
- (c) violation of sections 2.2 and 2.8 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.9 and 3.10) by failing to appropriately terminate professional services with the Client when such services were no longer required; by failing to anticipate termination or interruption of service to the Client and by failing to notify the Client promptly and arrange the termination, transfer, referral, or continuation of service in accordance with the Client's needs and preferences;
- (d) violation of sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.1, 1.1.1, 1.5, and 1.6) by failing to set and evaluate goals together with the Client; by failing to identify a purpose for the relationship between the Member and the Client; by failing to pursue the goal of enhancing the Client's functioning and strengthening the Client's capacity to adapt and make changes; by failing to maintain awareness of the Member's values, attitudes and needs and

how these impact on the Member's professional relationship with the Client; by failing to distinguish the Member's needs and interests from those of the Client to ensure the Client's needs and interests remain paramount;

- (e) violation of sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretations 2.1.1 and 2.1.5) by failing to maintain awareness of the extent and parameters of the Member's competence and the Member's professional scope of practice and limiting the Member's practice accordingly, including by failing to advise of the option of referral when the Client's needs fell outside of the Member's scope of expertise, by failing to ensure the services were competently provided by seeking additional supervision, consultation and/or education, or by failing to ensure the services were not beyond the Member's professional scope of practice; by failing to engage in the process of self-review and evaluation of the Member's practice and to seek consultation when appropriate;
- (f) violation of sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, and 2.2.8) by failing to ensure that the Client was protected from the abuse of power by the Member and by failing to establish and maintain clear and appropriate boundaries in professional relationships; by failing to ensure that the Member did not engage in professional relationships that constitute a conflict of interest or in situations in which the Member ought reasonably to have known that the Client would be at risk in any way and failing to evaluate situations for conflict of interest, avoid conflicts of interest and/or dual relationships; when a conflict of interest did arise, by failing to declare it and take appropriate steps to address it and eliminate it; by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
- (g) violation of sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretations 3.1, 3.2, 3.5, 3.7, 3.8, and 3.12) by failing to provide the Client with accurate and complete information regarding the extent, nature, and limitations of any services available to them; by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to assist the Client in obtaining other services when the Member were unable, or unwilling, for appropriate reasons, to provide the requested professional help; by failing to assume full responsibility for demonstrating that the Client had not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurred with the Client; by failing to provide products and services that that were relevant and conformed by the College's standards or by providing a service and/or product that the Member knew or ought to have reasonably known was not likely to benefit the Client; by providing services as a courtesy without remuneration, where such services did not adhere to the College standards and constituted a conflict of interest;
- (h) violation of sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5 and 1.6) by failing to maintain awareness of the Member's own values, attitudes and needs and how these impact on the Member's professional relationship with the Client; by failing to distinguish the Member's needs and interests from those of the Client to ensure the Client's needs and interests remain paramount;
- (i) violation of sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretations 2.2, 2.2.1 and 2.2.4) by failing to establish and maintain clear and appropriate boundaries in the Member's professional relationships for the protection of the Client; by failing to ensure that the Member did not engage in professional relationships that constitute a conflict of interest or in situations in which the Member ought reasonably to have known that the Client would be at risk in any way and failing to evaluate situations for conflict of interest, avoid conflicts of interest and/or dual relationships; when a conflict of interest did arise, by failing to declare it and take appropriate steps to address it and eliminate it; by soliciting or using information from

- the Client to acquire, either directly or indirectly, advantage or material benefits;
- (j) violation of sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.8) by failing to provide products and services that were relevant and conformed to College standards and/or by providing a service and/or product that the Member knew or ought to have reasonably known was not likely to benefit the Client;
 - (k) violation of section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8) by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
 - (l) violation of section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on Interpretations 4.2.2) by failing to take necessary steps to protect the confidentiality and security of paper records, faxes, electronic records and other communications;
 - (m) violation of section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle V of the Handbook (as commented in Interpretations 5.1 and 5.3) by failing to comply with applicable privacy and other legislation, including obtaining consent to the collection, use or disclosure of client information including personal information, unless otherwise permitted or required by law; by disclosing information concerning or received from clients that was not subject to any exceptions under Interpretation 5.3;
 - (n) violation of Sections 2.2 and 2.25 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5 and 1.6) by failing to maintain awareness of the Member's own values, attitudes and needs and how these impact on the Member's professional relationship with the Client; by failing to distinguish the Member's needs and interests from those of the Client to ensure the Client's needs and interests remain paramount;
 - (o) violation of sections 2.2 and 2.25 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on in Interpretations 6.1.1, 6.1.4) by failing to explain in advance or at the commencement of a service the basis of all charges, giving a reasonable estimate of projected fees and disbursements, pointing out any uncertainties involved; by failing to reduce, waive or delay collecting fees in situations of financial hardship to the client, or to refer a client to appropriate alternative agencies;
 - (p) violation of section 2.29 of the Professional Misconduct Regulation in contravening provincial or territorial law or a municipal by-law (namely, the *Child and Family Services Act*, C4O. 1990, c. C.11 and the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1), the contravention of which is relevant to the Member's suitability to practise, in that the Member failed to report a child in need of protection;
 - (q) violation of 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.

Registrant's position

- [6] The Registrant was arraigned and admitted the allegations contained in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed and unequivocal

The evidence

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

A. Background

1. At all times relevant to the allegations in the Notice of Hearing dated January 27, 2022, the Registrant was a social worker and practised in Toronto, Ontario, at the offices of Dr. Karen Kaffko & Associates (the “Clinic”).
2. The Registrant continues to practise at the Clinic.
3. The Registrant was first registered with the College in or about 2001 and, prior to these proceedings, she had no prior discipline history with the College.

B. Professional Relationship with the Client

4. In or about January 2015, the Registrant was engaged by C1 (“the Client”) to provide them with social work services, including counselling.
5. The Client was a vulnerable client who had sought assistance and counselling from the Registrant to address issues relating to family and relationship concerns, as well as mental health issues.
6. The Client was referred to the Registrant by Dr. Kaffko.
7. As indicated in Dr. Kaffko’s notes from the preliminary consultation with the Client, the Registrant was aware, from the outset of the professional relationship, that the Client had struggled with a longstanding history of conflict with their mother, including coping with feelings of abandonment. Attached as **Exhibit “A”** to the ASF is Dr. Kaffko’s consultation note dated January 22, 2015.
8. During the period from about January 2015 to June 2018, the Registrant met with the Client approximately 232 times for counselling sessions at the Clinic. In total, the Client paid the Registrant approximately \$60,000.00 in fees over that three year period. Attached as **Exhibit “B”** to the ASF are the Registrant’s clinical records for the social work services provided to the Client.
9. The Registrant acknowledges that, in providing social work services to the Client from 2015 to 2018, she failed to maintain the professional standards expected by registrants of the College and committed professional misconduct, as outlined in the following paragraphs.

C. Conflicts of Interest

10. In addition to providing individual counselling the Client, the Registrant also met jointly with the Client and their spouse on approximately 14 occasions.
11. The Registrant also met separately and provided therapy to the Client’s spouse and to two of their children. Specifically, as set out in the invoice summary from the Clinic, attached at **Exhibit “C”** to the ASF, the Registrant met separately and provided counselling to the Client’s spouse (C2) once and with their children (C3 and C4) on five occasions, as follows:
 - C3 – April 15, 2015
 - C4 – December 23, 2015
 - C2 – January 15, 2017
 - C3 – February 15, 2017
 - C3 – August 18, 2017
 - C4 – February 28, 2018
12. The Registrant acknowledges that providing therapy to the Client and to multiple members of their family gave rise to a conflict of interest.

13. It was a breach of the Registrant professional responsibilities insofar as she ought reasonably to have known that the Client or their family members were put at risk, including, but not limited to, breaches of confidentiality and/or the Registrant's obligations to ensure that the interests and needs of a client remain paramount.
14. In this regard, as a result of providing counseling to the Client and to others in their family, the Registrant became aware of and did not report concerns about child protection issues to the Children's Aid Society or to an appropriate agency concerned with the protection of children.
15. In the circumstances, the Registrant knew or ought to have known that there were risk factors with respect to the safety of the Client's children and those risk factors were sufficient to give rise to reasonable grounds to suspect that the Client's children were in need of protection – specifically, the physical or emotional wellbeing of the children stemming from the Client's mental health and/or addiction concerns and/or abusive outbursts by C2.
16. In or about January 2017, the Registrant recommended to C2 that they continue counselling with a different therapist. At that time, the Registrant referred C2 to the Registrant's common-law partner, which the Registrant admits also gave rise to a conflict of interest.
17. The Registrant acknowledges that a conflict of interest arises in situations where the Registrant has a personal, financial, or other interest that creates a reasonable apprehension that her own interests influenced the exercise of her professional responsibilities.
18. In all of the circumstances, the Registrant admits that it was inappropriate and a conflict of interest to refer C2 to her common-law partner for counselling.

D. Breach of Professional Boundaries and Obligations

19. As counselling with the Client progressed, the Client began to experience feelings for the Registrant. As evidence by the clinical records (**Exhibit "B"**), the Registrant acknowledges that the Client became attached and emotionally dependent on her, and the Registrant failed to take appropriate steps to address those feelings of transference in the best interests of and safety of the Client.
20. Notwithstanding the Client's feelings of dependency, the Registrant continued to provide services to the Client that she knew or ought reasonably to have known were not likely benefiting the Client. At the time, the Registrant was also aware of the Client's financial hardship, but nonetheless continued to see the Client and made inadequate efforts to reduce contacts or refer the Client to another therapist.
21. To the contrary, the Client and the Registrant had frequent contact with each other outside of and in addition to counselling sessions. Attached as **Exhibit "D"** to the ASF is a collection of emails (445 pages) between the Registrant and the Client between the period of 2015 to 2018.
22. In addition, attached as **Exhibit "E"** are a collection of text messages (734 pages) between the Registrant and the Client from approximately February 2017 to June 2018.
23. The Registrant acknowledges that, while it was not her usual practice to email or text with clients, the Registrant allowed this with the Client and they exchanged texts and emails frequently, which occurred throughout the week, including early in the morning and late at night.
24. The documents also demonstrate that the Registrant and the Client had ad hoc meetings and phone calls as well.
25. The Registrant admits that, in those circumstances where the Registrant did not or could not respond promptly to the Client's communications, this had a negative impact on the Client, which escalated her feelings of anxiety, abandonment, and threats of suicide.
26. The Registrant admits that the frequency and nature of her communications with the Client demonstrate breaches of professional boundaries and responsibilities to the Client. For example:
 - *REDACTED PER PUBLICATION BAN*
27. The Registrant admits that she engaged in a boundary-crossing behaviours and a breach of professional standards with the Client, including:

- (a) The Registrant exchanged emails and texts with the Client of a personal nature, including during non-business hours and on while the Registrant was on vacation;
 - (b) The Registrant disclosed personal details to the Client, including information about her health, family, travel, and social events attended by the Registrant;
 - (c) The Registrant said to the Client words to the effect that she would never leave the Client and allowed the Client to see her as a mother figure;
 - (d) The Registrant hugged the Client;
 - (e) The Registrant gave a gift to the Client;
 - (f) The Registrant received gifts from the Client;
 - (g) The Registrant drove the Client home once after a session with the Registrant; and
 - (h) The Registrant invited the Client to a talk/presentation on foster care at the Jewish Family and Child Services attended by the Registrant and her common-law partner.
28. Furthermore, the Registrant acknowledges that, if the Client were to testify it would be her evidence that the Registrant hugged the Client's spouse at one of their joint counselling sessions (specifically, on May 30, 2018) and expressed words to him to the effect that the Registrant loved him.
29. The Registrant does not admit those facts and does not recall either hugging the Client's spouse or saying those words on that date. However, the Registrant accepts that her interaction with the Client's spouse on that day was triggering for the Client and the Registrant does not contest the Client's version of those events.
30. In addition, the Registrant admits that she failed to demonstrate competence and appropriate clinical judgment in providing services to the Client, including:
- (a) The Registrant failed to address in an appropriate and timely way ongoing boundary violations with the Client;
 - (b) The Registrant continued to provide services to the Client that she knew or ought to have known they were not likely benefiting the Client;
 - (c) The Registrant failed to recognize and respond appropriately to evidence that the Client's treatment needs were beyond her capabilities; and
 - (d) The Registrant failed to adequately address the Client's addiction issues;
 - (e) She discussed information about another client in the presence of the Client and left client files in plain sight in her office for the Client to see.
31. On June 15, 2018, the Client, mistakenly thought an appointment would take place, despite her having cancelled the session the day before. Although the Registrant was busy, she agreed to speak with the Client by phone. They spoke for 33 minutes after which time the Registrant told the Client that she had to end the phone call as she was busy. The Client continued to text and call the Registrant, despite the Registrant advising the Client that she was busy and not in an appropriate location to speak with her.
32. The Registrant acknowledges that during one of these further calls, she became very frustrated with the Client and communicated with the Client in a manner that was abrupt, including raising her voice to the Client.
33. Subsequent to this call, the Registrant terminated the professional relationship with the Client and it was agreed that the Client and the Registrant would meet on July 18, 2018, to review the Client's accomplishments and end on a high note. During the session on July 18, 2018, the Registrant failed to be clear with the Client about terminating the relationship and the reasons for the termination. The Registrant also failed to arrange appropriate supports or referral to an alternative provider for the Client, as she was required to do.

E. Summary

34. The Registrant admits that the following are standards of the profession, as set out in the Code of Ethics and

Standards of Practice Handbook (the “**Handbook**”):

- (a) Principle I addresses relationships with clients;
 - (b) Principle II addresses competence and integrity;
 - (c) Principle III addresses responsibility to clients;
 - (d) Principle IV addresses records obligations;
 - (f) Principle V addresses confidentiality; and
 - (g) Principle VI addresses fees.
35. The Registrant admits that she engaged in and is guilty of professional misconduct, as described in paragraphs 1 to 34 above, within the meaning of section 26(2)(a) and (c) of the *Act*, in that:
- (a) The Registrant 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 the Registrant with respect to risk factors relating to children living in the Client’s home and in the Registrant’s care;
 - (b) The Registrant violated section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.3 and 2.1.5) by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in the Registrant’s areas of practice; by failing to engage in the process of self-review and evaluation of the Registrant’s practice and seek consultation when appropriate;
 - (c) The Registrant violated sections 2.2 and 2.8 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.9 and 3.10) by failing to appropriately terminate professional services with the Client when such services were no longer required; by failing to anticipate termination or interruption of service to the Client and by failing to notify the Client promptly and arrange the termination, transfer, referral, or continuation of service in accordance with the Client’s needs and preferences;
 - (d) The Registrant violated sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.1, 1.1.1, 1.5, and 1.6) by failing to set and evaluate goals together with the Client; by failing to identify a purpose for the relationship between the Registrant and the Client; by failing to pursue the goal of enhancing the Client’s functioning and strengthening the Client’s capacity to adapt and make changes; by failing to maintain awareness of the Registrant’s values, attitudes and needs and how these impact on the Registrant’s professional relationship with the Client; by failing to distinguish the Registrant’s needs and interests from those of the Client to ensure the Client’s needs and interests remain paramount;
 - (e) The Registrant violated sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretations 2.1.1 and 2.1.5) by failing to maintain awareness of the extent and parameters of the Registrant’s competence and the Registrant’s professional scope of practice and limiting the Registrant’s practice accordingly, including by failing to advise of the option of referral when the Client’s needs fell outside of the Registrant’s scope of expertise, by failing to ensure the services were competently provided by seeking additional supervision, consultation and/or education, or by failing to ensure the services were not beyond the Registrant’s professional scope of practice; by failing to engage in the process of self-review and evaluation of the Registrant’s practice and to seek consultation when appropriate;
 - (f) The Registrant violated sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, and 2.2.8) by failing to ensure that the Client was protected from the abuse of power by the Registrant and by failing to establish and maintain clear and appropriate boundaries in professional relationships; by failing to ensure that the Registrant did not engage in professional relationships that constitute a conflict of interest or in situations in which the Registrant ought reasonably to have known that the Client would be at risk in any way and failing to evaluate situations for conflict of interest, avoid conflicts of interest and/or dual relationships; when a conflict of interest did arise, by failing to declare it and take appropriate

steps to address it and eliminate it; by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the professions of social work or social service work;

- (g) The Registrant violated sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretations 3.1, 3.2, 3.5, 3.7, 3.8, and 3.12) by failing to provide the Client with accurate and complete information regarding the extent, nature, and limitations of any services available to them; by failing to deliver client services and respond to client queries, concerns, and/or complaints in a timely and reasonable manner; by failing to assist the Client in obtaining other services when the Registrant was unable, or unwilling, for appropriate reasons, to provide the requested professional help; by failing to assume full responsibility for demonstrating that the Client had not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurred with the Client; by failing to provide products and services that were relevant and conformed by the College's standards or by providing a service and/or product that the Registrant knew or ought to have reasonably known was not likely to benefit the Client; by providing services as a courtesy without remuneration, where such services did not adhere to the College standards and constituted a conflict of interest;
- (h) The Registrant violated sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5 and 1.6) by failing to maintain awareness of the Registrant's own values, attitudes and needs and how these impact on the Registrant's professional relationship with the Client; by failing to distinguish the Member's needs and interests from those of the Client to ensure the Client's needs and interests remain paramount;
- (i) The Registrant violated sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretations 2.2, 2.2.1 and 2.2.4) by failing to establish and maintain clear and appropriate boundaries in the Registrant's professional relationships for the protection of the Client; by failing to ensure that the Registrant did not engage in professional relationships that constitute a conflict of interest or in situations in which the Registrant ought reasonably to have known that the Client would be at risk in any way and failing to evaluate situations for conflict of interest, avoid conflicts of interest and/or dual relationships; when a conflict of interest did arise, by failing to declare it and take appropriate steps to address it and eliminate it; by soliciting or using information from the Client to acquire, either directly or indirectly, advantage or material benefits;
- (j) The Registrant violated sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.8) by failing to provide products and services that were relevant and conformed to College standards and/or by providing a service and/or product that the Registrant knew or ought to have reasonably known was not likely to benefit the Client;
- (k) The Registrant violated section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8) by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
- (l) The Registrant violated section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on Interpretations 4.2.2) by failing to take necessary steps to protect the confidentiality and security of paper records, faxes, electronic records and other communications;
- (m) The Registrant violated section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle V of the Handbook (as commented in Interpretations 5.1 and 5.3) by failing to comply with applicable privacy and other legislation, including obtaining consent to the collection, use or disclosure of client information including personal information, unless otherwise permitted or required by law; by disclosing information concerning or received from clients that was not subject to any exceptions under Interpretation 5.3;
- (n) The Registrant violated Sections 2.2 and 2.25 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5 and 1.6) by failing to maintain awareness of the Registrant's own values, attitudes and needs and how these impact on the Registrant's professional relationship with the Client; by failing to distinguish the Registrant's needs and

interests from those of the Client to ensure the Client's needs and interests remain paramount;

- (o) The Registrant violated sections 2.2 and 2.25 of the Professional Misconduct Regulation and Principle VI of the Handbook (as commented on in Interpretations 6.1.1, 6.1.4) by failing to explain in advance or at the commencement of a service the basis of all charges, giving a reasonable estimate of projected fees and disbursements, pointing out any uncertainties involved; by failing to reduce, waive or delay collecting fees in situations of financial hardship to the Client, or to refer the Client to appropriate alternative agencies;
- (p) The Registrant violated section 2.29 of the Professional Misconduct Regulation in contravening provincial or territorial law or a municipal bylaw (namely, the *Child and Family Services Act*, C4O. 1990, c. C.11 and the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1), the contravention of which is relevant to the Registrant's suitability to practise, in that the Registrant failed to report a child in need of protection;
- (q) The Registrant 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.

ACKNOWLEDGEMENTS:

- 36. The Registrant understands the nature of the allegations that have been made against her and that, by voluntarily admitting these facts, she waives her right to require the College to otherwise prove these facts.
- 37. The Registrant understands that the panel of the Discipline Committee can accept the facts herein constitute professional misconduct and, in particular, can accept her admissions that they constitute professional misconduct.
- 38. The Registrant understands that the panel of the Discipline Committee can make orders as a result of a finding of professional misconduct, as described in the Notice of Hearing dated January 27, 2022.
- 39. The Registrant understands that if the panel makes a finding or findings of professional misconduct against her, then the panel's decision and its reasons, and/or a summary of its reasons, including the facts contained herein, and the Registrant's name will be published, including but not limited to, in the College's official publications, on the College's register, on the College's website, and/or on CanLII (the website operated by the Canadian Legal Information Institute).
- 40. The Registrant acknowledges that she has had the opportunity to receive independent legal advice and was encouraged to do so by the College. She further acknowledges that she is entering into this Agreed Statement of Facts freely and voluntarily, without compulsion or duress.

Decision of the panel

- [8] Having considered the admissions of the Registrant, the evidence contained in the Agreed Statement of Facts, and the submissions of counsel, the Panel found that the Registrant committed the acts of professional misconduct alleged in the Notice of Hearing. The Panel found that the Registrant's conduct would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Reasons for decision

- [9] The evidence contained in the Agreed Statement of Facts is detailed and comprehensive. Pursuant to the sealing order, the Panel will not reproduce any details of the information reviewed beyond saying that the broad range of allegations - spanning client relationships to confidentiality, competence and fees - are all fully substantiated in the record.

- [10] The Registrant attended at the hearing and made unequivocal admissions consistent with the evidence that has been filed. The Registrant was ably represented by experienced legal counsel. The Panel had no concerns, despite the numerous allegations, with the sufficiency of the College's case and that the College had fully discharged its burden of proof on all of the matters raised in the Notice of Hearing and as agreed in the evidence.
- [11] The Panel was troubled by the Registrant's apparent lack of insight into the client's needs as well as the Registrant's inability to prevent ongoing boundary issues. The Registrant permitted the social worker/client relationship to serve as a platform for the Registrant's own validation. The client repeatedly identified unhealthy boundaries within the therapeutic relationship, made attempts to disengage from therapy, categorized the bond as "addictive", referred to going "cold turkey" with respect to disengaging from the therapist and even requested that the Registrant failed to address these obvious boundary issues and perpetuated the client's fear of abandonment. The Registrant improperly intermingled the personal and therapeutic relationship, and even accepted the client's declarations of love and attachment. In some instances, the Registrant showed signs of reciprocation and encouragement making statements such as "I am not setting up any boundaries" and "I love you". These statements fed into the Registrant's own need for validation. They reveal a complete lack of insight into the Registrant's actions which prioritized her ego and own interests over the client's.

Penalty submissions

- [12] The parties were also in agreement on the issue of penalty. They presented to the Panel a Joint Submissions as to Penalty ("**Joint Submission**") asking this Panel for:
1. An order that the Registrant shall be reprimanded by the Discipline Committee, in person or via electronic hearing;
 2. An order suspending the Registrant's certificate of registration for a period of nine (9) months, commencing on December 13, 2023, two (2) months of which will be remitted upon the Registrant successfully completing the Probe Ethics and Boundaries Program as outlined in paragraphs 4(a) and 4(b) below.
 3. For clarity, the Registrant is required to comply with the requirements set out in paragraphs 4(a) and 4(b) regardless of whether part of the suspension is remitted. If the Registrant fails to satisfy the requirements in paragraphs 4(a) and 4(b), the Registrant agrees, and it is a term of this Joint Submission on Penalty and Costs, that the Registrant's certificate of registration will be immediately suspended and remain suspended until such time as the Registrant complies with the terms, conditions, and limitations in paragraph 4(a) and 4(b).
 4. An order directing the Registrar to impose terms, conditions, and limitations on the Registrant's certificate of registration requiring the following:
 - (a) Prior to returning to practice, the Registrant shall successfully complete the Probe Ethics and Boundaries Program (www.cpepdoc.org/cpepcourses/probe-ethics-boundaries-program-canada) provided by CPEP at her own expense and provide documentary evidence of her successful completion of the program to the satisfaction of the Registrar;
 - (b) To facilitate the Registrant's attendance and completion of the Probe Ethics and Boundaries Program, the Registrant agrees, and it is a term of the Joint Submission on Penalty and Costs, that the Registrant sign a release to allow CPEP to provide the College with the Registrant's course materials and final report and to authorize CPEP to receive all relevant information, including the Notice of Hearing, the Agreed Statement of Facts and the Joint Submission on Penalty and Costs, that will allow CPEP to customize the course and address the professional misconduct by the Registrant;

- (c) In the event that the Registrant obtains employment to provide social work services in the twelve (12) months following the date that the Registrant is able to return to practise after her suspension, the Registrant shall:
- notify any current or new employers of the Discipline Committee's final decision;
 - ensure the Registrar is notified of the name, address, and telephone number of all employer(s) within fifteen (15) days of commencing employment;
 - provide her employer(s) with a copy of:
 - the Discipline Panel's decision and reasons;
 - the Notice of Hearing;
 - the Agreed Statement of Facts;
 - the Joint Submission on Penalty; and
 - have her employer forward a report to the Registrar within fifteen (15) days of commencing employment to confirm that the employer has received the documents noted above and agrees to notify the Registrar immediately upon receipt of any information that the Registrant is not complying with the College's standards;
5. An order directing the finding and the order of the Discipline Committee, including the fact and content of the reprimand, be published, in detail or in summary with the Registrant's name, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, on the College's public register, and on CanLII.
6. An order directing the Registrant to pay costs to the College in the amount of \$5,000.00, to be paid on the following schedule:
- \$416.66 – December 13, 2023
 - \$416.66 – January 15, 2024
 - \$416.66 – February 13, 2024
 - \$416.66 – March 13, 2024
 - \$416.66 – April 15, 2024
 - \$416.66 – May 13, 2024
 - \$416.66 – June 13, 2024
 - \$416.66 – July 15, 2024
 - \$416.66 – August 13, 2024
 - \$416.66 – September 13, 2024
 - \$416.66 – October 15, 2024
 - \$416.74 – November 13, 2024

Penalty decision

[13] Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel accepted the Joint Submission and made an order consistent with its terms before the conclusion of the hearing.

Reasons for penalty decision

- [14] An appropriate penalty must consider all of the relevant factors in a particular matter to arrive at an outcome that is appropriate in all of the circumstances of the specific case. Penalty orders must maintain high professional standards, preserve public confidence in the ability of the College to regulate its registrants and 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 a registrant's practice.
- [15] In this case, the Panel was presented with a Joint Submission. The Panel acknowledges that it must accept a joint submission on penalty unless to do so would be contrary to the public interest and would bring the administration of justice into disrepute. This high threshold to reject a joint submission is essential to enabling parties to reach agreements with some degree of confidence that their agreements will ultimately be accepted and implemented. The Joint Submission is not contrary to the public interest and Panel accepted it without concern.
- [16] The terms agreed on by the parties do not risk unsettling the public's trust or confidence. Although the allegations in this matter are both serious and numerous, this is a case where the Registrant has fully admitted her misconduct. By doing so, the Registrant has saved the parties from what would have certainly been a lengthy hearing and, more critically, taken full responsibility for her actions.
- [17] A reprimand was necessary in this matter to enable this Panel to convey its concerns directly to the Registrant. The reprimand was delivered to the Registrant before the conclusion of the hearing.
- [18] A period of suspension is also necessary for purposes of deterrence. The severity of the misconduct required the imposition of a period of suspension. Both the Registrant and the broader profession cannot be under the mistaken impression that numerous findings of serious misconduct such as the above will not result in an interruption in their ability to practice. Similarly, the publication of these proceedings will ensure that the broader profession is aware of what happened in this matter and will reassure the public that steps were taken in response to the Registrant's misconduct.
- [19] The rehabilitation objective is satisfied in this matter by the obligation on the part of the Registrant to complete the Probe Ethics and Boundaries course.
- [20] The parties agreed on costs in the amount of \$5,000, payable on a schedule. The Panel is satisfied that this is an appropriate case for costs and has no issue with the amount agreed upon between the parties or the time provided to the Registrant to pay.

I, Chisanga Chekwe, sign this decision as chairperson of the panel and on behalf of the Panel members listed below.

Date: March 4, 2024

Signed: _____
Chisanga Chekwe, Chair
Charlene Crews
Candice Snake

