



Discipline Decision Summary

This summary of the Discipline Committee's Decision and Reason for Decisions is published pursuant to the Discipline Committee's written reasons dated August 21, 2015.

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

Grant Fair, RSW

Former Member # 325122

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. Now, and at all times relevant to the allegations, Grant Fair (the "**Member**") was a registered social work member of the Ontario College of Social Workers and Social Service Workers (the "**College**").
2. Since 2003, the Member has indicated that his primary practice field is "Sexual Abuse" on his Annual Renewal of Registration to the College ("**Annual Renewal**"). In some years between 2003 and 2014, including on the 2014 Annual Renewal, the Member indicated a secondary practice field of "Mental Health – Adult".
3. Prior to the issuance of the Notice of Hearing, the Member was retained as a social worker by the [*place of employment*] in the [*name of department*]. In that capacity, he provided counseling services to sexual offenders, many of whom have been released into the community. The Member additionally provided expert opinions and/or assessments and pre-sentence reports in court proceedings relating to sexual offenders.
4. Prior to the issuance of the Notice of Hearing, the Member additionally carried on a private practice wherein he provided counselling and psychotherapy services to clients.

5. Between 2002 and 2007, the Member inappropriately touched the genitals of two girls who were minors at the time on about three occasions each. The touching was sexual in nature and afterwards he masturbated, though not in the presence of the girls.

Decision

The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding that the Member committed acts of professional misconduct, and in particular, that the Member's conduct:

1. 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 the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Penalty Order

The parties were mostly in agreement on the issue of penalty and made a joint proposal for the panel's consideration. The point on which the parties differed was with respect to publication. Both parties agreed that the panel's finding and order (or a summary thereof) should be published in the College's official publication, on the College's website, and on any other outlet for publication that the College deems appropriate. However, College Counsel requested that publication should include reference to the Member's name. Counsel for the Member submitted that publication should not include reference to the Member's name.

Having considered the findings of professional misconduct, the relevant evidence and the submissions of the parties, the panel orders as follows:

1. The Member shall be reprimanded and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to revoke the Member's Certificate of Registration and to fix a period of five years during which the Member may not reapply to the College.
3. The Discipline Committee's finding and Order (or a summary thereof) shall be published in the College's official publication, on the College's website and in any other manner other outlet for publication that the College deems appropriate. Publication shall be with reference to the Member's name, and without reference to any information that could identify the minor children involved.
4. The results of the hearing shall be recorded on the Register.

5. The Member shall pay costs to the College in the amount of \$2,500.

The Discipline Committee concluded that:

- With respect to the joint penalty proposed by the parties, the penalty was reasonable in light of the goals and principles of maintaining high professional standards, preserving public confidence in the College's ability to regulate members, and most importantly protecting the public.
- With respect to the issue of publication, the publication of the finding and order of this panel with Mr. Fair's name serves an important notification purpose for public protection and acts as a form of general and specific deterrence. While prejudice to clients may be a factor to consider in deciding whether or not to publish a member's name, there was no evidence of prejudice in this case. The argument was speculative.
- Membership in the College is not a requirement for setting up a private practice providing counseling or therapy, nor is it a requirement for accepting employment providing these services to vulnerable clients. As such there is no assurance that prospective clients or employers would contact the College to inquire about an individual's membership status. Publishing the Member's name in the Committee's decision may be the only effective way of ensuring that the public or future employers are aware of Mr. Fair's past conduct. Publication of his name maintains public confidence in the integrity of the College's discipline process.
- Publishing Mr. Fair's name will also serve as an important general deterrent to other members of the College, notifying them of the consequences of acting in a similar manner.