



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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On December 17, 2021 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS

IN THE MATTER OF Sections 26 and 28 of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, Chapter 31;

AND IN THE MATTER OF a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act, 1998*;

AND IN THE MATTER OF allegations respecting the professional conduct of Kelly Anne Savage, a former member of the said College in the Social Work class;

NOTICE OF HEARING

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "**Act**") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, Kelly Anne

Savage, which allegations were referred to the Discipline Committee pursuant to section 24(5)(a) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are 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**")¹.

I. The following are particulars of the said allegations:

1. At all relevant times, you were registered as a social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**") and were working as a social worker in private practice.
2. The social work services you provided included "clinical" and "forensic" services. You describe your "forensic" services as dealing with the overlap of social work and the law. Your forensic services dealt with issues including but not limited to child custody and access, parenting plans, reunification, cooperative parenting, parental alienation, consultation, and court-involved cases.
3. In or about early September of 2020, Mr. [XX] approached you regarding the possibility of assisting with his reunification with his daughter, [ZZ]. He and his ex-wife, Ms. [YY], had joint custody of [ZZ] and their other daughter.
4. You emailed Mr. [XX] and Ms. [YY] on or about September 11, 2020, indicating that Mr. [XX] appeared to be interested in your forensic services, that these were different than clinical services, and that the difference was explained on your website. You sent the parties a copy of your forensic services contract for informational

¹ By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

purposes, and offered to speak with the Complainant about the process.

5. Your website and/or your forensic services contract described your forensic services in a manner that was misleading and/or solicited prospective clients in a manner that was misleading, including but not limited to by:
 - (a) Failing to make it clear that your forensic services were in fact social work services;
 - (b) Failing to make it clear that the nature of your forensic services fell within the College's jurisdiction and/or suggesting that your forensic services were not governed by the College;
 - (c) Suggesting that "forensic services" was a recognized specialty in Ontario when this was not the case; and/or
 - (d) Suggesting that you had a designation or specialization in forensic services that was recognized in Ontario, when this was not the case.
6. On or about September 16, 2020, Ms. [YY] emailed you to say that she did not consent to you providing services to [ZZ]. However, she stated that she supported Mr. [XX] hiring a trauma-informed counsellor to help heal his relationship with [ZZ].
7. In response, you offered to speak with Ms. [YY] to clarify the nature of your forensic services, to which she agreed. However, on or about September 21, 2020, before that call had occurred, Ms. [YY] emailed you stating that she would not be connecting with you or needing your services. In that email, Ms. [YY] also asked you how you screened clients to ensure your services were not weaponized.
8. You responded to Ms. [YY] by email on or about September 21, 2020. In your response, you made comments that were unprofessional, inappropriate, abusive, and/or intimidating, including but not limited to the following:
 - (a) Stating that you did not understand Ms. [YY's] question;
 - (b) Accusing Ms. [YY] of having a "tone" in her email;

- (c) Accusing Ms. [YY] of making allegations that you said or did something related to your profession that you had not done, and stating that you found this “disturbing”;
 - (d) Demanding that Ms. [YY] provide “proof” of various statements you asserted that she had attributed to you;
 - (e) Stating that police did not have jurisdiction over custody cases, and asking if Ms. [YY] had a letter from a Children’s Aid Society indicating that they had made a positive finding against Mr. [XX] or if she had any other legal document granting her authority to “withhold” a child from the other parent;
 - (f) Making statements purported to be on behalf of Mr. [XX], including:
 - (i) That this email was Mr. [XX’s] “formal notification” to Ms. [YY] requesting that she cease harassing him, and that she only communicate with him if there is an emergency with one of the children; and/or
 - (ii) That Ms. [YY] was not to have any further contact with Mr. [XX’s] family.
9. In your response on September 21, 2020, you did not ask any questions to attempt to clarify why Ms. [YY] was concerned about your services being “weaponized”.
10. On or about October 6, 2020, you sent Ms. [YY] a letter containing comments that were unprofessional, inappropriate, intimidating, harassing, abusive, and/or that made accusations or drew conclusions without sufficient information. These comments including but were not limited to the following:
- (a) Accusing Ms. [YY] of discussing court proceedings with her children and suggesting that Ms. [YY] had told the children that Mr. [XX] had “stressed her out” because of the court proceedings. You characterized this as inappropriate and as emotional abuse;
 - (b) Implying that Ms. [YY] had made disparaging remarks about Mr. [XX] to the children, told them Mr. [XX] was a liar, and/or told them that they were not safe with

Mr. [XX], which you characterized as “emotional manipulation”;

- (c) Suggesting that Ms. [YY] was interfering with Mr. [XX’s] access and/or stating that she should refrain from interfering with his access;
 - (d) Stating that if Ms. [YY] was engaging in the above behaviour, she was engaging in a form of child abuse known as parental alienation;
 - (e) Making statements purporting to be on behalf of Mr. [XX], including:
 - (i) That Mr. [XX] was requesting that Ms. [YY] stop emailing his lawyer with issues not related to court; and/or
 - (ii) That if Ms. [YY] continued to unnecessarily contact Mr. [XX’s] lawyer, Mr. [XX] would bring a motion to have Ms. [YY] pay the costs; and/or
 - (f) Characterizing Ms. [YY’s] prior communications to you as abusive and stating that you would only respond to communications from Ms. [YY] that you felt were necessary.
11. You made the comments in your October 6, 2020 letter without sufficient information and/or without conducting an adequate assessment, given that you had not met Ms. [YY] or the children, or spoken to them about their family dynamic.

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. In that you 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 you by clients.
- b. In that you violated **Section 2.2 of the Professional Misconduct Regulation** and **Principle I of the Handbook (as commented on in Interpretation 1.5)** by failing to be aware of your values, attitudes,

and needs and how these impact on your professional relationship with clients.

- c. In that you violated **section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.6)** by failing to distinguish your needs from those of your client to ensure that, within professional relationships, clients' needs and interests remain paramount.
- d. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.4)** by failing to ensure that any professional recommendations or opinions you provide are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge.
- e. In that you violated **Sections 2.2 and 2.6 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.3)** by using information obtained in the course of a professional relationship and/or using your professional position of authority to coerce, improperly influence, harass, abuse, or exploit a client/former client.
- f. In that you violated **Sections 2.2 and 2.6 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.7)** by misrepresenting your professional qualifications, education, experience or affiliation.
- g. In that you violated **Sections 2.2 and 2.36 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8)** 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, and/or by failing to avoid conduct in the practice of social work that could reasonably be perceived as reflecting negatively on the profession of social work.
- h. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.2)** by failing to deliver client services and/or respond to client queries, concerns, and/or complaints in a timely and/or reasonable manner.

- i. In that you violated **Section 2.2 and 2.21 of the Professional Misconduct Regulation, and Principle IV of the Handbook (as commented on in Interpretation 4.1.2)** by making a statement in the record or in reports based on the record; making a record; or issuing or signing a certificate, report, or other document in the course of practising the profession that you knew or ought reasonably to know was false, misleading, inaccurate, or otherwise improper;
- j. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle VII of the Handbook (as commented on in Interpretation 7.1.1)** by advertising your services through public statements, announcements, advertising media and promotional activities in a manner that is false or misleading, or that contains factual information that is not verifiable.
- k. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle VII of the Handbook (as commented on in Interpretation 7.4)** by soliciting prospective clients in a way that is misleading, that disadvantages fellow members or that discredits the profession of social work.
- l. In that you violated **Section 2.5 of the Professional Misconduct Regulation** by abusing a client verbally, psychologically, or emotionally.
- m. In that you violated **Section 2.15 of the Professional Misconduct Regulation** by inappropriately using a term, title or designation in respect of your practice.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.

Dated at Toronto, the _____ day of January, 2022

By: _____

Registrar and CEO

Ontario College of Social Workers and