



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:

BACKGROUND

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. On or about September 29, 2020, [Ms. XX] and her ex-spouse, [Mr. YY], contacted you by email and indicated that they wished to retain you to provide reunification counselling with respect to their son, [ZZ], and [Ms. XX]
4. At the relevant time, [ZZ] lived primarily with [Mr. YY], and had scheduled access visits and calls with [Ms. XX]
5. There was a court order in place that required [Ms. XX] and [Mr. YY] to begin reunification counselling with you in respect of [ZZ] by October 9.

THE CONTRACT

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.

6. On or about September 29, 2020, you provided [Ms. XX] and [Mr. YY] with your forensic services contract (the “**Contract**”) and asked them each to sign it and pay your retainer. You also suggested that they review your contract with their respective lawyers.
7. The Contract contained misleading, inappropriate and/or unenforceable provisions, including:
 - (a) Inaccurately stating that your forensic services were not overseen by the College, that your services were not being provided under your RSW number, and that the College was not involved in any way; and
 - (b) A statement that [Ms. XX], [Mr. YY], or anyone on their behalf was not permitted to file a complaint against you with the College, your supervisor, or any other governing body, and stating that if they did so, you would pursue legal action against them.
8. On or about October 6, 2020, you asked if [Mr. YY] intended to participate in your services and, if so, asked him to provide the signed Contract by the end of the day. [Mr. YY] told you he was still waiting for his lawyer’s approval.
9. [Mr. YY] expressed concern about the provision referred to in paragraph 7(b), above, and asked you to remove it from the Contract. You refused to do so and stated that if he wanted to retain your services, he would have to sign the Contract.
10. You attempted to pressure [Mr. YY] to sign your contract despite knowing that he had concerns about it, including by:
 - (a) Indicating that while he was deciding how to proceed, you would be accepting a new case from your waiting list instead of holding the spot for him and his family;
 - (b) Stating that you interpreted his delay in signing the Contract as a lack of compliance and respect for your process and as a violation of the court order;
 - (c) Referring to the delay while his lawyer reviewed the Contract as a “stalling tactic” that was inappropriate and not in the best interests of the child;

- (d) Stating that you would inform the court that [Mr. YY] was refusing to participate in services; and/or
 - (e) Stating that services for [Ms. XX] and the children would proceed without his involvement.
11. [Mr. YY] faxed you the Contract shortly thereafter, but it appeared to be missing the signature page. You responded in an unprofessional and/or threatening manner by:
- (a) Stating that he had to provide the signature page within 21 minutes; and/or
 - (b) Stating that you viewed this as continued non-compliance.

THE FEES

12. Your contract indicated that phone calls, text messages, emails, and reports would be billed at a rate of \$200/hour, in 15-minute increments.
13. In a subsequent email to [Ms. XX] and [Mr. YY], you indicated that you charged a flat rate of \$25 per text message or email.
14. For the period of October 6-26, 2020, your invoice to [Mr. YY] listed charges of approximately \$2,300 for emails and text messages, which you reduced by \$1,050. This fee was excessive and/or inappropriate.
15. You were unprofessional, harassing, and/or threatening in your communications with [Mr. YY] about amounts owing, including but not limited to by:
- (a) Setting unreasonably and/or unnecessarily short timelines for payment;
 - (b) Demanding payment immediately or very shortly after an invoice was issued;
 - (c) Referring to delay in replenishing his retainer, paying for sessions, and/or paying your invoices as a violation of your contract and threatening to bring this to the court's attention; and/or

- (d) Threatening to send his account to a collections agency and/or pursue legal action.

You made one or more of these comments despite knowing that [Mr. YY] had questions and/or concerns about your invoices.

ATTEMPTS TO DISSUADE [MR. YY] FROM FILING A COMPLAINT

- 16. [Mr. YY] informed you that if you sent his account to a collections agency, he would file a formal complaint with the College. You responded in an unprofessional, intimidating, and/or threatening manner, including but not limited to, by:
 - (a) Stating that he was engaging in extortion;
 - (b) Stating that you would file a police report;
 - (c) Stating that he had signed a legally binding contract that prevented him from filing a complaint with the College;
 - (d) Threatening to sue him for breach of contract if he filed a complaint with the College; and/or
 - (e) Notifying him that you had filed a report against him with a Children's Aid Society.
- 17. The Children's Aid Society informed [Mr. YY] that you had made a report and that it was not going to investigate it and/or that there was no information to support your allegations.

UNPROFESSIONAL COMMUNICATIONS & FAILURE TO OBTAIN SUFFICIENT INFORMATION

- 18. You spoke to [Ms. XX] and/or had a session with her to get her view of events. However, you asked [Mr. YY] to correspond with you only by email, instead of calling you.
- 19. You did not ensure that [Mr. YY] understood that your request to correspond by email referred only to discussions about your contract. As a result, [Mr. YY] felt that he was not permitted to share his views to the same extent [Ms. XX] was.
- 20. You made comments that were unprofessional, inappropriate, were made without first obtaining sufficient information, and/or were the

product of an inadequate assessment, including but not limited to the following:

- (a) Criticizing the complainant for picking [ZZ] up when [ZZ] ran away from [Ms. XX]'s house, despite the fact that the police had asked for [Mr. YY's] assistance in locating [ZZ];
- (b) Accusing [Mr. YY] of "playing games" or "failing to participate in the process" by not answering emails the same day and/or sufficiently promptly;
- (c) Accusing [Mr. YY] of "playing games" when he picked [ZZ] up on the occasion referred to in paragraph 20(a), above;
- (d) Threatening to write a letter to the court after the incident referred to in paragraph 20(a) above recommending that [ZZ] be returned to [Ms. XX's] care, with supervised access for [Mr. YY]
- (e) Refusing to provide direct answers to questions [Mr. YY] posed in his emails to you;
- (f) In response to questions [Mr. YY] posed, implying that [Mr. YY] was engaging in slander, defamation, and/or making false allegations against you;
- (g) Stating that [Mr. YY's] actions did not show that he truly supported a healthy relationship between [ZZ] and [Ms. XX];
- (h) Stating that the situation was extremely psychologically damaging and would most likely have long-term effects on [ZZ's] mental health;
- (i) Stating that [Mr. YY] was engaging in alienation, child abuse, and/or emotional abuse;
- (j) Suggesting that [Mr. YY] would never put [ZZ's] needs first;
- (k) Stating that drastic measures needed to be taken to protect [ZZ] from [Mr. YY's] emotional abuse.

21. You drew these conclusions and made these recommendations despite having spoken to [ZZ] for only a few minutes. You also made these comments and recommendations despite never having had a

session with [Mr. YY] and not having any, or sufficient, conversations with him to get his view on the family dynamic.

LETTERS FOR USE IN COURT PROCEEDINGS

22. You authored one or more letters that you knew were likely to be used in [Ms. XX's] and [Mr. YY's] legal proceedings. Those letters included one dated October 21, 2020 and/or one dated October 29, 2020.
23. In the letter dated October 21, 2020 letter, you made comments and/or recommendations that were unprofessional, inappropriate, were made without first obtaining sufficient information, and/or were the product of an inadequate assessment, including but not limited to the following:
 - (a) Stating that a change in custody was needed before it was too late;
 - (b) Recommending that the court order a psychological evaluation of [Mr. YY] to rule out any personality disorders;
 - (c) Stating that [Mr. YY] presented as manipulative, controlling, and unwilling to make any changes to his own behaviour, likely because he always perceived himself as right; and/or
 - (d) Stating that [Mr. YY] was alienating [ZZ] and engaging in emotional abuse.
24. You drew these conclusions and made these recommendations despite having spoken to [ZZ] for only a few minutes. You also made these comments and recommendations despite never having had a session with [Mr. YY] and not having any, or sufficient, conversations with him to get his view on the family dynamic.
25. You did not make the limited nature of your contact with [Mr. YY] and/or [ZZ] clear in your letter, or otherwise caution the reader that your comments were based on limited knowledge.
26. In the letter dated October 29, 2020, you made comments that were unprofessional, inaccurate, misleading, and/or inappropriate in that they advanced broad allegations against [Mr. YY] and failed to provide necessary context. Those comments included but were not limited to the following:

- (a) Stating that [Mr. YY] had been non-compliant since the beginning including by:
 - (i) Refusing to follow the court order;
 - (ii) Refusing to follow your contract;
 - (iii) Refusing to provide requested documents;
 - (iv) Refusing to book appointments for [ZZ];
 - (v) Refusing to respond to emails and text messages; and
 - (vi) Refusing to follow your recommendations.

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 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.7)** by misrepresenting 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 3.1)** by failing to provide clients with accurate and complete information regarding the extent, nature, and limitations of any services available to them.
- i. 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.
- j. 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;

- k. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle VI of the Handbook (as commented on in Interpretation 6.1.3)** by failing to ensure that fee schedules clearly describe billing procedures, reasonable penalties for missed and cancelled appointments or late payment of fees, the use of collection agencies or legal proceedings to collect unpaid fees and third party fee payments.

- l. In that you violated **Section 2.2 and 2.25 of the Professional Misconduct Regulation and Principle VI of the Handbook (as commented on in Interpretation 6.1.5)** by charging fees which are excessive in relation to the service performed.

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 Social Service Workers