



Discipline Decision Summary

This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's penalty order.

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

Lindsay Lapeer

Former Member # 821757

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. Between August of 2011 and February 25, 2014, the Member was employed by the [place of employment], a shelter for men with substance abuse issues and/or mental illness. The Member was first employed as an administrative assistant and subsequently, as of January 2013, as a housing support worker.
2. In June of 2013, the Member provided housing support worker services to a client (the "Client") at her place of employment who was known to her to be recovering from drug and alcohol addictions. He had difficulty maintaining a stable lifestyle due to his addiction issues.
3. In late June of 2013, the Client found housing outside of the [place of employment]. The Member coordinated and assisted the moving of his items, but also agreed to personally assist him with his move and offered him items such as furniture and bedding. After completing the move but before departing, the Client kissed her on the cheek. The Member later told the Client that she was concerned about his physical state subsequent to the move.
4. In October of 2013, the client lost his housing and returned to the [place of employment] as a resident. He had recently been diagnosed with [a medical condition] and as a result, had a panic attack and relapsed. The Member provided support to the Client about his

state of mind since being diagnosed with [a medical condition] and his fears arising out of the diagnosis.

5. Beginning in November 2013, the Member engaged in an on-going inappropriate personal and sexual relationship which included engaging in the following conduct or actions:
 - a. In or about November 2013, the Member told the Client that she had feelings for him. She additionally told the Client that she wanted him to get clean and sober so that she could commence a personal relationship with him.
 - b. In December 2013, she met the Client for coffee outside of the [place of employment]. Instead of going for coffee, they went to a bar where they consumed alcohol together. While at the bar, the Member asked the Client personal questions, kissed and caressed him, and gave him her personal cell phone number.
 - c. In December 2013 and January 2014, the Member invited the Client to her personal residence on two occasions. On both occasions, they engaged in consensual sexual relations.
 - d. The Member texted with the Client (often daily) and the texting included highly sexualized comments and innuendos, sharing her personal daily activities and telling him she wished to “hang out” with him.
6. Subsequently, the Member requested the Client to delete the text messages between them and asked that he keep their relationship a secret. If this matter were to proceed to a contested hearing, the Member would explain that she asked the client to delete the messages and to keep their relationship a secret as she realized that she had made a mistake, was feeling guilty for having broken the rules of the [place of employment] and professional standards and wanted to distance herself from the Client and what had happened.
7. In February 2014, the Member’s employment was terminated after an internal investigation revealed she had engaged in an “ongoing, inappropriate relationship” with the Client and that she failed to disclose the nature of the relationship, even after confronted by management at the [place of employment]. In particular:
 - a. She failed to disclose that she had a prior personal and sexual relationship with the Client while employed at the [place of employment].
 - b. She advised the [place of employment] that she knew the Client prior to her employment at the [place of employment], which was not true.
 - c. She failed to disclose that she was engaging in an on-going personal texting relationship with the Client.

8. On May 5, 2014, the Member began weekly counselling with a psychologist to determine why she failed to distinguish her own needs from those of the Client, why she failed to appreciate how her needs might impact on her professional relationship with an individual such as the Client and why she had a failure in judgment.
9. The Member admitted that by reason of engaging in some or all of the conduct outlined above, she is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act*.

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 violated:

- a. Section 2.5 of the Professional Misconduct Regulation by abusing a client physically, sexually, verbally, psychologically or emotionally when she established a personal and/or sexual relationship with the Client to whom she provided social service work services;
- b. Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.8 and Footnote 8) by failing to ensure that sexual misconduct did not occur, by failing to seek consultation/supervision and develop an appropriate plan when she developed sexual feelings towards the Client that could put the Client at risk, by failing to state clearly to the Client if he initiated behavior of a sexual nature that such behaviour is inappropriate by virtue of the professional relationship and by engaging in sexual relations with a client to whom she provided social service work services;
- c. Sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7) by failing to maintain awareness of her own values, attitudes and needs and how these impact on her professional relationship with the Client, by failing to distinguish her needs and interests from those of the Client to ensure that the Client's needs and interests remain paramount and by failing to maintain an awareness and consideration of the purpose, mandate and function of the organization by which she was employed and how these impact on and limit professional relationships with clients;
- d. Sections 2.2, 2.10 and 2.28 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.5, 2.2.1, 2.2.2, 2.2.8 and Footnote 7) by failing to engage in the process of self-review and evaluation of her practice and seek consultation when appropriate, by engaging in a dual relationship that increased the risk of exploitation or harm to her Client, by having sexual relations with her Client in a manner that could create a conflict of interest, and by failing to avoid conduct which could

- reasonably be perceived as reflecting negatively on the profession of social service work;
- e. Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.7) by failing to assume responsibility for demonstrating that the Client had not been exploited, coerced or manipulated, intentionally or unintentionally, in a situation where a personal relationship occurred between the member and a client;
 - f. 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.

Penalty Order

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the terms of the Joint Submission as to Penalty. The Discipline Committee ordered that:

1. The Member shall be reprimanded in writing by the Discipline Committee 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.
3. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with the name and identifying information of the Member included, but with identifying information relating to the Member's client or former client removed, in the College's official publication and on the College's website.
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 \$1,500.

Reasons for Penalty Order

The Discipline Committee concluded that:

- The penalty is reasonable and serves to protect the public interest.
- The Member has co-operated with the College, and by agreeing to the facts and a proposed penalty, has accepted some responsibility for her actions.
- The penalty is also intended to maintain high professional standards and preserve public confidence in the College's ability to regulate its members.
- The penalty should provide specific deterrence to this Member and general deterrence to deter members of the profession from engaging in similar misconduct.