

**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 Sylvester,
2025 ONCSWSSW 1

Date: 20250113

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

OSARO SYLVESTER

PANEL:	Chisanga Chekwe	Chair, Public Member
	Charlene Crews	Professional Member
	Rita Silverthorn	Professional Member

Appearances: Jill Dougherty and Gavin Fior, counsel for the College
Registrant, self-represented
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: July 22, 2024

DECISION AND REASONS FOR DECISION

[1] This matter was heard by videoconference before a panel of the Discipline Committee (the “**Panel**”) of the Ontario College of Social Workers and Social Service Workers (the “**College**”) on July 22, 2024. The Panel announced its decision on the misconduct allegations, penalty and costs orally on the record at the hearing. These are our reasons for decision.

The allegations

[2] In the Notice of Hearing dated August 21, 2023, the Registrant is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act*, 1998, S.O. 1998, c 31 (the “**Act**”) in that he 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**”).

[3] The factual particulars of the allegations against the Registrant as set out in the Notice of Hearing are as follows:

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**”).
2. From on or about January 3, 2012 to on or about June 2, 2022, you were employed by Peel Children’s Aid Society (“**PCAS**”) as a Child Protection Worker.
3. Between on or about March 1, 2022 and on or about March 2, 2022, you inappropriately searched and/or accessed confidential Child Protection Information Network (“**CPIN**”) records on multiple occasions. Those improper searches and/or accesses included but were not limited to one or more searches and/or accesses related to:
 - a. The name of at least one relative and/or [the children] (the “**Children**”); and
 - b. The name of another client of the Children’s Aid Society.
4. In total, you accessed records that belonged to three different child protection agencies, resulting in privacy breaches relating to two to four different people. In addition, a number of your searches breached PCAS policies.
5. You had no legitimate employment reason to search for and/or access these records and/or did not have the necessary consent or authorization to do so. These searches and/or accesses violated the policies of PCAS and/or breached the *Child, Youth and Family Services Act, 2017*.
6. PCAS was required to report your conduct to the Information and Privacy Commissioner and to notify the clients whose records had been accessed.
7. On or about March 8, 2022, you attended [school] (the “**School**”) where [the children] were enrolled as students. You gained access to the School by representing yourself as a “social worker”, an employee of the CAS, an employee of the PCAS, a child protection worker and/or as being from a “child protection agency”.
8. While at the School you attempted to collect information about and/or to access the Children.
9. You had no employment purpose or other authorization to collect information about and/or to access the Children.
10. On or about June 2, 2022, your employment at PCAS was terminated as a result of the conduct outlined above.

[4] The College alleges that by reason of engaging in some or all of the conduct outlined above, the Registrant is guilty of professional misconduct as set out in ss. 26(2)(a) and (c) of the Act, as follows:

- a. In that you violated **Section 2.2 of the Professional Misconduct Regulation** and
 - i. **Principle II of the Handbook (commented on in Interpretations 2.1.3 and 2.2.8)** by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in their areas of practice; by engaging in conduct that could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
 - ii. **Principle III of the Handbook (commented on in Interpretation 3.7)** by failing to ensure that where a personal relationship does occur between the member and a client or former client, it is the member not the client or former client, who assumes full responsibility for demonstrating that the client or former client has not been exploited, coerced or manipulated, intentionally or unintentionally;
 - iii. **Principle IV of the Handbook (commented on in Interpretations 4.3.1)** by failing to manage records in a manner that protects client privacy and in accordance with any applicable privacy and other legislation, failing to comply with the requirements regarding access to client information including personal information in a record as set out in applicable privacy and other legislation, and/or failing to acquire and maintain an understanding of your employer's policies regarding access to information in a record;
 - iv. **Principle V of the Handbook (commented on in Interpretations 5.1 and 5.2)** by failing to respect the privacy of clients, failing to comply with applicable privacy and other legislation, and/or failing to acquire and maintain a thorough understanding of your employer's policies and practices relating to the management of client information;
- b. In that you violated **Section 2.3 of the Professional Misconduct Regulation** by doing anything to a client in the course of practising the profession in a situation in which consent is required by law, without such a consent;
- c. In that you violated **Section 2.29 of the Professional Misconduct Regulation** by contravening a federal, provincial or territorial law or a municipal by-law (namely, the Child, Youth and Family Services Act, 2017) where
 - i. the purpose of the law or by-law is to protect public health, or
 - ii. the contravention is relevant to the member's suitability to practice; and/or
- d. In that you 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.

Registrant's position

[5] The Registrant admitted to the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry at the hearing. In addition, a written plea inquiry signed by the Registrant was entered into evidence at the hearing.

[6] The Panel 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 provides in relevant part as follows:

A. Background

1. The Registrant obtained a Bachelors Degree in Social Work from York University in 2009. He has been registered with the College as a social work member since January 19, 2010. He is registered without conditions at the date of this agreement June 5, 2024.
2. The Registrant was employed by Peel Children's Aid Society ("PCAS") from January 3, 2012, to June 2, 2022, as a Child Protection Worker.
3. According to PCAS, the Registrant's duties and responsibilities as a Child Protection Worker were as follows:

Assess[] the risks and strengths of families in the community and supports families in building their capacities to care for their children. The key responsibilities of this role are on assessing risk, well-being and planning for the protection of children within families, the agency and community partners. The role assumes primary responsibility for developing and implementing comprehensive care plans to provide for the protection of children within families, or for the prevention of circumstances requiring the protection of children; providing short and long term care and treatment of children when admitted to care; determining if, when, and how the child can be safely reintegrated into the family; continuously monitoring the effectiveness of the plan; conducting personal counselling and therapy sessions as needed; liaising with personnel of other departments and agencies; and keeping all required records and documentation, as per Agency standards

4. The Registrant has a sister (the "Sister") and [children] (the "Children") who were service recipients of a separate Children's Aid Society called Toronto Catholic Children's Aid Society ("TCCAS"). Importantly, the Registrant was not assigned to these cases and was not providing the associated services.

B. Privacy Breach

5. Through his employment at PCAS, the Registrant had access to records stored in the Child Protection Information Network ("CPIN"), to be used for legitimate purposes related to his work as a Child Protection Worker. CPIN is a provincial information

management system used by Ontario's children's aid societies to store information needed to deliver child protection services. CPIN is designed to permit enhanced access to information between children's aid societies, and CPIN-using societies disclose information to one another in the system.

6. Records stored in CPIN are subject to Part X of the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1 ("*CYFSA*") and can be accessed only for certain permitted uses. Part X of the *CYFSA* includes a formal mechanism for individuals to access records of their own personal information.
7. The Registrant attended the mandatory Privacy Breach and Part X training that were offered to Peel CAS employees. The Registrant signed off that he had reviewed the PCAS "Privacy Policy and Safeguarding Personal Information Campaign" on Policy Tech on March 8, 2021.
8. The PCAS Privacy Policy and its Procedure relating to Safeguarding Personal Information include the following:
 - PCAS staff are not permitted to access CPIN or other personal information for "self-education" or "personal interest";
 - Personal information is not to be used for any purpose(s) [*sic*] than those for which it was collected, except with the consent of the service recipient or as permitted or required by law";
 - Personal information will only be used within the limits of each team member's role. Team members may not read, look at, receive or otherwise use personal information unless they have a legitimate "need to know" as part of their role/position;
 - If a team member is in doubt as to whether an activity to use personal information is part of their role, they should ask the Team Lead, in consultation with the Privacy Officer if needed. For example, looking at CPIN out of curiosity or a self-initiated education project without being assigned to those service recipients and without specific authorization for an approved educational exercise is not permitted.
9. The Peel CAS Safeguarding Personal Information Policy was also reviewed and signed by the Registrant and states:
 - Team members must not access any personal records unless authorized – which means only for legitimate work-related reasons. Team members may not access CPIN or any other electronic or paper or other records of personal information of their own family, friends, neighbors, or work colleagues unless the team Member is authorized as part of their official duties (or if covering the shift or tasks for someone who is authorized).
 - Team Members must not access CPIN or other personal information for "self education" or out of personal interest. This is considered snooping, this will be reported to the Peel CAS Privacy Officer, the Ministry of Children,

Community and Social Services and Information privacy Commissioner of Ontario.

10. The Registrant engaged in inappropriate searches of and/or accesses of CPIN files on March 1 and March 2, 2022. The specifics of these searches/ accesses are as follows:
 - March 1, 2022 – the Registrant made 11 unauthorized CPIN accesses. Of these accesses, eight accesses pertained to the Registrant’s sister (who was a client of TCCAS) and one pertained to another client of TCCAS. The remaining two accesses had no specific reference number associated with them and were also unauthorized.
 - March 2, 2022 – the Registrant made six unauthorized CPIN accesses, of which five pertained to the Registrant’s sister. The remaining access had no specific reference number associated with it and was also unauthorized.
11. At no time was the Registrant providing services to or authorized to access CPIN files pertaining to any of the parties affected by the unauthorized searches.
12. The Registrant’s access of personal information records on CPIN amounted to breaches of privacy and of CAS policies, and also contravened Part X of the *CYFSA*.
13. If the Registrant were to testify, he would indicate that these searches were conducted out of concern for the safety of family members. However, the Registrant acknowledges that he did not notify either Children’s Aid Society or his superiors of his concerns.

C. Misuse of Authority

14. On March 8, 2022, the Registrant visited a Catholic school attended by [the children] [age] (the “**School**”).
15. The former vice principal at the School (the “**VP**”), was the first to speak to the Registrant.
16. While at the School, the Registrant identified himself as a “social worker”, but did not initially indicate his relation to the Children. When the VP asked the Registrant who he was, the Registrant stated his name and showed the VP his PCAS identity card. The VP then invited the Registrant into the Principal’s office.
17. While in the Principal’s office, the Registrant asked if the Children were in school that day and the VP indicated that they were. The Registrant did not identify his relationship to the Children at this time. The VP asked for the Registrant’s identity card for the purposes of his notes and at this time noted that it was a PCAS badge and not a TCCAS badge. The VP also recognized that the Registrant’s name was on a list of names provided by the Children’s father of people who should not have contact with the Children.
18. The VP again asked the Registrant who he was, and it was only at this point that the Registrant identified himself as the Children’s Uncle. The Registrant was advised that no further information would be shared with him and that he needed to leave the

School. He was informed that all discussions regarding the Children should go through the TCCAS case coordinator.

19. The Registrant left the School after this interaction.
20. On March 18, 2022, the Registrant was placed on paid leave, pending the outcome of the PCAS investigation into breach of confidentiality and misuse of authority by the Registrant.
21. If the Registrant were to testify, he would indicate that he only attended the School to discuss and provide information about the Children's situation. He would state that these actions were also motivated by a concern for the Children's wellbeing.

D. Investigation and the Registrant's Response

22. PCAS initially became aware of concerns with respect to the Registrant's conduct by means of a complaint from TCCAS.
23. PCAS conducted an interview with the Registrant on May 2, 2022. During this interview the Registrant admitted that he had accessed the CAS intranet called "Connected" to check the name of the CCAS employee who visited the children's school, stating that he "just wanted the name of the person who attended the school to meet with the children."
24. By letter dated June 2, 2022, D.L. a Team Leader at PCAS, wrote to the Registrant to confirm that the agency had terminated the Registrant's employment for just cause, effective immediately. The Termination Letter details that the Registrant admitted to attending the School on March 8, 2022, before 9:00 AM. The Termination letter also confirms PCAS' position that accessing client files contravenes Part X of the CYFSA and PCAS' Privacy Policy.
25. The Registrant's employment was terminated due to privacy breaches relating to unauthorized CPIN access and because he had misused his authority to gain access to the Children's school. The employer concluded that had the Registrant presented himself at the School as the Children's uncle, as opposed to being from a "child protection agency", the Registrant would not have been granted access to the School. The Registrant recognizes that his actions constitute serious misconduct but maintains that his primary concern was ensuring the well-being of his sister and the Children.

E. Admissions of Professional Misconduct

26. The Registrant agrees 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 II addresses competence and integrity;
 - (b) Principle IV addresses the social work and social service work record; and
 - (c) Principle V addresses confidentiality.
27. The Registrant admits that by reason of engaging in the conduct outlined above, he is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social*

Work and Social Service Work Act, 1998, S.O. 1998, c 31 (the “**Act**”), in that the Registrant:

- (a) Violated section 2.2 of the O. Reg. 384/00: Professional Misconduct (the “**Professional Misconduct Regulation**”) by failing to meet the standards of the profession and in particular:
 - (i) Principle II of the Handbook (commented on in Interpretations 2.1.3 and 2.2.8) by:
 - 1. Failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in their areas of practice; by engaging in conduct that could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
 - (ii) Principle III of the Handbook (commented on in Interpretation 3.7) by:
 - 1. Failing to ensure that where a personal relationship does occur between the member and a client or former client, it is the member not the client or former client, who assumes full responsibility for demonstrating that the client or former client has not been exploited, coerced or manipulated, intentionally or unintentionally;
 - (iii) Principle IV of the Handbook (commented on in Interpretations 4.3.1) by:
 - 1. Failing to manage records in a manner that protects client privacy and in accordance with any applicable privacy and other legislation, failing to comply with the requirements regarding access to client information including personal information in a record as set out in applicable privacy and other legislation, and/or failing to acquire and maintain an understanding of your employer’s policies regarding access to information in a record;
 - (iv) Principle V of the Handbook (commented on in Interpretations 5.1 and 5.2) by:
 - 1. Failing to respect the privacy of clients, failing to comply with applicable privacy and other legislation, and/or failing to acquire and maintain a thorough understanding of your employer’s policies and practices relating to the management of client information;
- (b) Violated section 2.3 of the Professional Misconduct Regulation by doing anything to a client in the course of practising the profession in a situation in which consent is required by law, without such a consent;

- (c) In that you violated Section 2.29 of the Professional Misconduct Regulation by contravening a federal, provincial or territorial law or a municipal by-law (namely, the *Child, Youth and Family Services Act, 2017*) where
 - (i) the purpose of the law or by-law is to protect public health, or
 - (ii) the contravention is relevant to the member's suitability to practice; and/or
- (d) 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, and unprofessional.

Decision of the Panel

[8] The Panel found that the Registrant committed the acts of professional misconduct alleged in the Notice of Hearing. With respect to allegation (d), the Panel found that the Registrant's conduct would reasonably be regarded by members as dishonourable and unprofessional.

[9] The Panel announced its findings orally on the record at the hearing.

Reasons for decision

[10] The Panel recognized that the College bears the onus of proving the allegations against the Registrant on the balance of probabilities, using clear, cogent and convincing evidence.

[11] The Panel accepted the submitted Agreed Statement of Facts, the Registrant's oral plea at the hearing, and the written plea inquiry (Exhibit 3) as evidence in the matter. The Panel was satisfied that the Registrant's admissions were voluntary, informed and unequivocal.

[12] The allegations of professional misconduct in this case fall into two broad forms: the Registrant's inappropriate searches of and/or accesses of the Child Protection Information Network ("CPIN") files on March 1 and March 2, 2022, which amounted to a breach of privacy, and the Registrant's misuse of authority in his interactions at the School.

[13] In relation to the privacy breach allegation, which constitutes a violation of allegations (a), (b) and (c) as outlined in the Notice of Hearing, the Registrant admitted to acting without consent or authorization when he accessed the CPIN files of three different child protection agencies on 11 occasions over a two-day period. Those files related to 2-4 people to whom the Registrant had no professional connection. The Registrant accessed the CPIN files for personal and non-work related purposes. As a Child Protection Worker the Registrant was specifically trained in privacy protocol, including on Part X of the *Child, Youth and Family Services Act, 2017*, S.O. 2017 ("CYFSA"). He signed off that he had reviewed the Peel Children's Aid Society ("PCAS") mandatory Privacy Policy and Safeguarding Personal Information Campaign as recently as March 8, 2021. In doing so he confirmed his understanding that in his role he was prohibited from unauthorized access and use of information contained in CPIN for self-education and/or personal reasons. He also confirmed his understanding of protocols for privacy consultation within the organization. The privacy training explicitly outlined that any breach would result in a report to

the PCAS Privacy Officer, the Ministry of Children, Community and Social Services and Information Privacy Commissioner of Ontario, further highlighting the seriousness of violating privacy policies and legislation.

[14] In relation to the misuse of authority, the Registrant admits to misrepresenting himself to school authorities when he attended [the children's] school on March 8, 2022 and sought information regarding the children after showing his Peel CAS identification badge and omitting his personal relationship to the children. It was the diligence of the Vice Principal which led to the Registrant being identified as a family member who was named as a no-contact person by the children's father in school records.

[15] The Registrant's conduct violated the standards of the profession as outlined in and the Standards of Practice handbook as alleged in allegation (a) of the Notice of Hearing. Under Principle II of the Handbook (commented on in Interpretations 2.1.3 and 2.2.8), social workers must maintain current knowledge of policies and legislation related to services in their areas of practice. Although the Registrant had recently received privacy legislation and policy training he did not comply with or apply this training to his practice when he searched and accessed the CPIN records. Further, his conduct could reasonably be perceived as reflecting negatively on the social work profession because of his disregard for restrictions intended to maintain client privacy.

[16] The Registrant failed to meet the standards set out in Principle III of the Handbook (commented on in Interpretation 3.7) in his conduct relating to his sister and the Children, who received social work services. He failed to separate his professional duties and personal relationship when he searched and accessed CPIN files relating to his sister and misrepresented his relationship with the Children when he attended at the School.

[17] Finally, the Registrant failed to meet the standards of the profession under Principle IV of the Handbook (commented on in Interpretations 4.3.1) and Principle V of the Handbook (commented on in Interpretations 5.1 and 5.2) by failing to comply with the requirements regarding access to client information including personal information records in the CPIN files set out in applicable privacy and other legislation, and failing to acquire and maintain an understanding of PCAS's policies regarding access to personal information in client records.

[18] With respect to allegation (b), the Registrant searched and accessed the CPIN files without consent or other authorization as required by law and when he attended the school under the pretense of a professional capacity.

[19] With respect to allegation (c), the Registrant contravened the *CFS*A, a provincial law, when he searched and accessed the CPIN files without authorization. The contravention relates to the Registrant's suitability to practise social work. The CPIN files related to sensitive child protection matters. His conduct in accessing these personal information records on CPIN amounted to breaches of privacy and of PCAS policies, and also contravened Part X of the *CYFSA*. Given the sensitive and confidential nature of their work, social workers must understand and abide by restrictions designed to protect client privacy, including privacy legislation, especially in the child protection context.

[20] The Registrant asserted that his conduct was motivated by his concern for the well-being of his family members. That explanation does not excuse the conduct. The Registrant's training

and specialized duties as a child protection worker require a thorough understanding of child protection protocols, privacy and avenues for reporting child protection concerns. The Registrant admits he did not advise his employer of his concerns or his conduct.

[21] In regard to allegation (d), the Panel found that the Registrant's conduct would reasonably be regarded by members as dishonourable and unprofessional. His conduct fell well below the standards expected of members of the profession. Through his training, he knew or ought to have known that his actions were wrong.

[22] The Panel did not find the Registrants conduct reached the threshold of disgraceful, which is reserved for the most serious misconduct. The conduct did not result in serious harm to any of the parties involved, the records accessed were not downloaded or disclosed, and the Registrant was motivated by concern for his relatives, not malicious intent.

Penalty submissions

[23] The parties were in agreement on the issue of penalty. They presented to the Panel a Joint Submission as to Penalty ("**Joint Submission**") asking this Panel make an order as follows.

1. The Registrant shall be reprimanded 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 suspend the Registrant's certificate of registration for a period of six months.
3. The Registrar shall be directed to impose terms, conditions and limitations on the Registrant's certificate of registration as set out in paragraphs 3(a) though 3(e). These terms, conditions, and limitations shall consist of the following:¹
 - a. The Registrant shall participate in and successfully complete, at his own expense, coursework on the topic of professional ethics, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within 12 months from the date of this order;
 - b. The Registrant shall participate in and successfully complete, at his own expense, coursework on the topic of privacy and related professional obligations, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within 12 months from the date of the Discipline Committee's order;
 - c. The Registrant shall meet with the Registrar, Registrar's Designate or a regulatory expert within six months of the date of the order to discuss, among other things:

¹ If the Registrant is unable to meet the terms, conditions, and limitations hereby imposed upon he, then he is to contact the Registrar of the College within 14 days of discovering that the terms, conditions and limitations cannot be satisfied and advise the Registrar of the same.

- i. the acts or omissions for which the Registrant was found to have committed professional misconduct and how those acts or omissions fell short of the required Standards of Practice;
 - ii. the potential consequences of the misconduct to the Registrant's clients, colleagues, the profession, and himself;
 - iii. the factors that may have contributed to the professional misconduct;
 - iv. strategies for preventing the misconduct from recurring; and
 - v. discussion regarding the development of a learning plan and opportunities for further reflections through the Continuing Competence Program (CCP).²
- d. In the event that the Registrant is employed as a social worker in the 12 months following the Discipline Committee's order, the Registrant shall:
- i. Provide the College with the details of his employment and/or practice circumstances;
 - ii. Notify his employer of the Discipline Committee's reasons for its decision; and
 - iii. Only practise social work for an employer who agrees to, and does, forward a report to the Registrar within fifteen (15) days of the commencement or resumption of the Registrant's employment in any social work position, confirming that they received notice of the Discipline Committee's response for its decision.
- e. In the event that the Registrant operates a private practice within 12 months of the Discipline Committee's order (the "Supervisory Period"), the Registrant shall practise under the supervision of a supervisor, approved by the College and at his own expense.
- i. The Registrant shall meet with his supervisor no fewer than once per month during the Supervisory Period to discuss and review his social service work practice.
 - ii. The Registrant shall provide to the approved supervisor the Notice of Hearing as well as the Agreed Statement of Facts, Joint Submission as to Penalty and final decision of the Discipline Committee arising from this proceeding and provide written confirmation, signed by the supervisor, of receipt of these documents to the Registrar within 15 days of the Registrant's return to practice under supervision.
 - iii. In the event that the Registrant wishes to change supervisors, he shall forthwith advise the Registrar of his wish to terminate the approved supervisory relationship and present the name of his proposed new

² For greater clarity, a learning plan seeks to identify practice gaps and provides a description of how those practice gaps will be addressed.

supervisor for approval and, upon the approval by Registrar, the Registrant shall comply with the requirements of paragraph 3(e) in respect of his new supervisor for the balance of the Supervisory Period.³

- iv. The Registrant shall seek consent from prospective clients to share personal health information with his supervisor to allow the supervisor to review client files and engage in supervision and shall anonymize all personal information of clients while discussing his client files with [his] supervisor.⁴
 - v. Forthwith upon completion of the supervision, the Registrant shall provide to the Registrar written confirmation from his supervisor(s) of such completion.
4. The Discipline Committee's finding and order (or a summary thereof) shall be published, with identifying information concerning the Registrant included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media-related format that is provided to the public and is deemed appropriate by the College.
 5. The Registrant shall pay costs to the College in the amount of five thousand dollars (\$5,000), by credit card, through the Member Portal, in accordance with the following payment schedule:
 - a. Twenty (20) payments of \$250 per month to be paid on or before the first day of the next twenty (20) months, with the first such payment to occur on or before the first day of the calendar month following the hearing, and the remaining payments to occur on or before the first day of each of the nineteen (19) subsequent months thereafter.

Should the Registrant fail to make any payment in accordance with the above payment schedule, the entire outstanding balance of the 5,000 costs award shall immediately become payable.

Penalty decision

[24] 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 as follows.

1. The Registrant shall be reprimanded by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.

³ For clarity, the Registrant shall provide his new supervisor with the Notice of Hearing, the Agreed Statement of Facts and Joint Submission as to Penalty, and, if available, the final decision of the Discipline Committee and provide written confirmation, signed by the supervisor, of receipt of these documents to the Registrar within 15 days of the commencement of supervisory relationship. If the final decision of the Discipline Committee is not yet available at the commencement of the supervisory relationship, the Registrant must subsequently provide it to the approved supervisor within 72 hours of receipt.

⁴ For greater clarity, while a client may refuse to sign a consent to release personal health information, the Registrant must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

2. The Registrar is directed to suspend the Registrant's certificate of registration for a period of six months.
3. The Registrar is directed to impose terms, conditions and limitations on the Registrant's certificate of registration as set out in paragraphs 3(a) through 3(e). These terms, conditions, and limitations shall consist of the following:⁵
 - a. The Registrant shall participate in and successfully complete, at his own expense, coursework on the topic of professional ethics, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within 12 months from the date of this order;
 - b. The Registrant shall participate in and successfully complete, at his own expense, coursework on the topic of privacy and related professional obligations, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within 12 months from the date of the Discipline Committee's order;
 - c. The Registrant shall meet with the Registrar, Registrar's Designate or a regulatory expert within six months of the date of the order to discuss, among other things:
 - i. the acts or omissions for which the Registrant was found to have committed professional misconduct and how those acts or omissions fell short of the required Standards of Practice;
 - ii. the potential consequences of the misconduct to the Registrant's clients, colleagues, the profession, and himself;
 - iii. the factors that may have contributed to the professional misconduct;
 - iv. strategies for preventing the misconduct from recurring; and
 - v. discussion regarding the development of a learning plan and opportunities for further reflections through the Continuing Competence Program (CCP).⁶
 - d. In the event that the Registrant is employed as a social worker in the 12 months following the Discipline Committee's order, the Registrant shall:
 - i. Provide the College with the details of his employment and/or practice circumstances;
 - ii. Notify his employer of the Discipline Committee's reasons for its decision; and

⁵ If the Registrant is unable to meet the terms, conditions, and limitations hereby imposed upon he, then he is to contact the Registrar of the College within 14 days of discovering that the terms, conditions and limitations cannot be satisfied and advise the Registrar of the same.

⁶ For greater clarity, a learning plan seeks to identify practice gaps and provides a description of how those practice gaps will be addressed.

- iii. Only practise social work for an employer who agrees to, and does, forward a report to the Registrar within fifteen (15) days of the commencement or resumption of the Registrant's employment in any social work position, confirming that they received notice of the Discipline Committee's response for its decision.
- e. In the event that the Registrant operates a private practice within 12 months of the Discipline Committee's order (the "Supervisory Period"), the Registrant shall practise under the supervision of a supervisor, approved by the College and at his own expense.
 - i. The Registrant shall meet with his supervisor no fewer than once per month during the Supervisory Period to discuss and review his social service work practice.
 - ii. The Registrant shall provide to the approved supervisor the Notice of Hearing as well as the Agreed Statement of Facts, Joint Submission as to Penalty and final decision of the Discipline Committee arising from this proceeding and provide written confirmation, signed by the supervisor, of receipt of these documents to the Registrar within 15 days of the Registrant's return to practice under supervision.
 - iii. In the event that the Registrant wishes to change supervisors, he shall forthwith advise the Registrar of his wish to terminate the approved supervisory relationship and present the name of his proposed new supervisor for approval and, upon the approval by Registrar, the Registrant shall comply with the requirements of paragraph 3(e) in respect of his new supervisor for the balance of the Supervisory Period.⁷
 - iv. The Registrant shall seek consent from prospective clients to share personal health information with his supervisor to allow the supervisor to review client files and engage in supervision and shall anonymize all personal information of clients while discussing his client files with [his] supervisor.⁸
 - v. Forthwith upon completion of the supervision, the Registrant shall provide to the Registrar written confirmation from his supervisor(s) of such completion.
- 4. The Discipline Committee's finding and order (or a summary thereof) shall be published, with identifying information concerning the Registrant included, in the College's official

⁷ For clarity, the Registrant shall provide his new supervisor with the Notice of Hearing, the Agreed Statement of Facts and Joint Submission as to Penalty, and, if available, the final decision of the Discipline Committee and provide written confirmation, signed by the supervisor, of receipt of these documents to the Registrar within 15 days of the commencement of supervisory relationship. If the final decision of the Discipline Committee is not yet available at the commencement of the supervisory relationship, the Registrant must subsequently provide it to the approved supervisor within 72 hours of receipt.

⁸ For greater clarity, while a client may refuse to sign a consent to release personal health information, the Registrant must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media-related format that is provided to the public and is deemed appropriate by the College.

5. The Registrant shall pay costs to the College in the amount of five thousand dollars (\$5,000), by credit card, through the Member Portal, in accordance with the following payment schedule:
 - a. Twenty (20) payments of \$250 per month to be paid on or before the first day of the next twenty (20) months, with the first such payment to occur on or before the first day of the calendar month following the hearing, and the remaining payments to occur on or before the first day of each of the nineteen (19) subsequent months thereafter.

Should the Registrant fail to make any payment in accordance with the above payment schedule, the entire outstanding balance of the 5,000 costs award shall immediately become payable.

[25] The Panel's order was announced orally on the record at the hearing. At the conclusion of the hearing the Panel delivered the reprimand required by paragraph 1 of the Panel's order, after confirming that the Registrant waived his right of appeal.

Reasons for penalty decision

[26] The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its Registrants, and, above all, 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 the Registrant's practice. The Panel also considered the principle that the Panel should accept a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

[27] The Panel found that the Joint Submission meet the principles of specific and general deterrence and remediation. Specific deterrence is met through the 6-month suspension of the Registrant's certificate of registration; publication of these reasons for decision which include the Registrants name; and the oral reprimand.

[28] Remediation focuses on providing the Registrant with opportunities to understand and address the professional deficits which led to the misconduct and gain tools and insights to avoid future acts of misconduct. The remediation objective is met through the imposition of the specified terms, conditions and limitations requiring the Registrant, at his own expense, to undertake education in the areas of professional ethics, privacy and related professional obligations; to submit to a 12-month supervision period in private practice; to meet with the College Registrar or a regulatory expert to discuss the nature of the conduct and prevention of future misconduct. The oral reprimand, which allowed the Panel to express to the Registrant our disapproval of the misconduct, will also serve as a rehabilitative measure.

[29] General deterrence is met by the 6-month suspension and the publication of the Panel's decision together with the Registrant's name. This sends a clear message to the Registrant, other members of the profession, and the public at large, that the College takes matters of professional misconduct seriously and will diligently investigate and prosecute these matters in its duties to uphold its public protection mandate.

[30] The aggravating factors in this case included the seriousness of violating the privacy of vulnerable persons involved in the child welfare system, which is aggravated by the Registrant's professional training in privacy policies and legislation specific to his role as a child protection worker. The Registrant had signed off on that training only one year prior to the conduct at issue in this case.

[31] The mitigating factors included the Registrant's admissions of professional misconduct, and his cooperation in the discipline process, including entering into an Agreed Statement of Facts and Joint Submission. The Registrant's decision to accept responsibility and cooperate with the College avoided a contested hearing, which expediated the process, spared vulnerable witnesses the need to testify, and reduced the overall costs of the discipline process. This is a significant mitigating factor warranting a reduced penalty as compared to what may follow in a contested hearing.

[32] Costs are not intended to be punitive in nature but rather found to be fitting that the membership at large does not bear the full burden of the significant costs of the investigation and hearing process in bringing this matter to resolution. An order for costs of \$5,000 to be paid within 20 months of the Panel's decision is appropriate and consistent with orders made by this Discipline Committee in other uncontested matters of a similar nature (*e.g. Ontario College of Social Workers and Social Service Workers v Erin Nolan*, 2024 ONCSWSSW 2, *Ontario College of Social Workers and Social Service Workers v Jessica Kline*, 2020 ONCSWSSW 2, *Ontario College of Social Workers and Social Service Workers v Mayer*, 2023 ONCSWSSW 12).

[33] The Panel found the order on penalty and costs to be in the public interest as it is proportionate and fair, falls in line with other penalty and costs decisions in similar misconduct matters, and upholds public confidence in the profession.

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

Date: January 13, 2025

Signed: _____

Chisanga Chekwe, Chair
Charlene Crews
Rita Silverthorn