



## **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**

**Susan Newman (Wood)**

Member # 819523

### **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, the Member was a registered social work member of the College.
2. On April 18, 2011 the Member began employment with the [Community Health Centre] as a social worker on the [XX Team].
3. On December 13, 2011, the Member conducted a first counseling session with [the Client], an individual who was seeking assistance from the [Community Health Centre] in respect of personal issues relating to depression. The Member subsequently provided one-on-one counseling services to [the Client] until August 30, 2012. During the last counseling session, the Member discussed with [the Client] his feelings of "social isolation", a recent romantic relationship that ended abruptly, "boundaries and relationship" issues and "enabling behaviours" in the context of his relationships.
4. In December of 2012, the Member and [the former Client] met at a social event, separate and apart from the counseling relationship. The meeting was not planned though the Member was aware that [the former Client] was going to be working at the event.
5. In April of 2013, the Member and [the former Client] began a personal relationship. The personal relationship developed into a romantic and sexual relationship and they subsequently began cohabitating. In January of 2014, the Member and [the former Client] were engaged.

6. In September of 2013, the Member informed a colleague who was the primary care nurse practitioner for [the former Client] about the relationship. When the colleague expressed concern about the relationship, the Member indicated that she had discussed the relationship with [the Community Health Centre] management and with the College who both indicated that it was okay. Both [the Community Health Centre] management and the College deny that they indicated to the Member that engaging in a personal relationship with [the former Client] was okay.
7. The Member subsequently disclosed the relationship with [the former Client] to [the Community Health Centre] management. During subsequent investigation, it was uncovered that the Member had indicated on an insurance form that she had been cohabitating with [the former Client] at a time when she was still providing social work services to [him] for the purpose of getting him benefits under her plan.
8. On May 29, 2014, the Member was terminated from [the Community Health Centre] for violations of the College's Code of Ethics and Standards of Practice, her lack of honesty when questioned about her relationship with [the former Client] and the resulting breach of trust that is fundamental to the employment relationship. Upon termination, she indicated to [the Community Health Centre] management that she "never meant to fall in love with a client".
9. The Member admits 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 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 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.3, 8.7 and Footnote 7) by engaging in sexual relations with [XX], a former client to whom she provided counseling services, failing to ensure that sexual misconduct did not occur and failing to seek consultation/supervision and develop an appropriate plan when she developed sexual feelings towards [XX];
- b. Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretation 1.5, 1.6 and 1.7) by failing to be aware of her own values, attitudes and needs and how those impacted on her professional relationships with [XX]; failing to distinguish her needs and interests from those of her client to ensure that her clients' needs and interests remain paramount and failing to maintain awareness and consideration of the purpose, mandate and function of her employer when she established a personal and sexual relationship with [XX], a former client;

- c. Sections 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2.1(ii), 2.2.2, 2.2.8 and Footnote 7) by entering into a conflict of interest situation with [XX], a former client to whom she provided counseling services and with whom she engaged in a sexual relationship. In doing so, she engaged in conduct which could reasonably be perceived as reflecting negatively on the profession of social work.
- d. Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.7) by engaging in a personal relationship with a former client, [XX], without demonstrating that [XX] has not been exploited, coerced or manipulated, intentionally or unintentionally;
- e. 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.

### **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 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 Member's Certificate of Registration for a period of twelve (12) months, the first three (3) months of which shall be served commencing on the date of the Discipline Committee's Order herein. Upon completion of those first three (3) months of the suspension, the remaining nine (9) months of the suspension shall be suspended for a period of two (2) years, commencing on the date of the Discipline Committee's Order herein. The remaining nine (9) months of the suspension shall be remitted on the expiry of that two year period if (on or before the second anniversary of the Discipline Committee's Order herein) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3(a) and (b) as set out below. If the Member fails to comply with those terms and conditions, the Member shall serve the remaining nine (9) months of the suspension, commencing two (2) years from the date of the Discipline Committee's Order.
3. The Registrar shall be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register, requiring the Member to:
  - (a) at her own expense, participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College,

and provide proof of such completion to the Registrar within two (2) years from the date of the Order of the Discipline Committee herein;

- (b) at her own expense, engage in intensive insight-oriented psychotherapy with a regulated professional approved by the Registrar of the College for a period of two (2) years from the date of the Discipline Committee's Order, with quarterly written reports as to the substance of that psychotherapy and the progress of the Member to be provided to the Registrar of the College by the therapist. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the two year period, direct that the psychotherapy be discontinued;
- (c) receive supervision of her social work practice within her place(s) of employment, at her own expense, from a regulated professional (or regulated professionals) approved in advance by the Registrar for a total of two (2) years from the date of the Order of the Discipline Committee herein, as follows:
  - (i) the Member shall advise the Registrar, forthwith, of the name and professional qualifications of her proposed social work supervisor(s) within her place(s) of employment and obtain the Registrar's prior approval of such supervisor(s). The Registrar shall provide the approved supervisor(s) with a copy of the decision of the Discipline Committee in respect of this matter;
  - (ii) the Member shall receive supervision of her social work practice within her place(s) of employment, from the approved supervisor(s), for a period of 2 years from the date of the Discipline Committee's Order herein;
  - (iii) if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her new supervisor, pending which the Member's 2-year supervision period shall be suspended. The procedure set out in subparagraphs 3(c)(i) and (ii) shall be followed in respect of any new employer(s) and/or supervisor(s), at which point the 2 year supervision period shall resume;
  - (iv) the Member shall provide to the Registrar written confirmation from her supervisor(s), acceptable to the Registrar, of the satisfactory completion of a total of two (2) years supervision of her social work practice within her place(s) of employment.
- (d) and prohibiting the Member from applying under Section 29 of the Social Work and Social Service Work Act, 1998, S.O. 1998, Ch. 31, as amended,

for the removal or modification of the terms, conditions or limitations imposed on her Certificate of Registration for a period of two (2) years from the date on which those terms, conditions and limitations are recorded on the Register, except with the prior written consent of the Registrar.

4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member 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.
5. The Member shall pay costs to the College in the amount of \$2000 based on the following schedule:
  - (a) \$500 to be paid no later than April 18, 2016;
  - (b) \$500 to be paid no later than September 18, 2016;
  - (c) \$500 to be paid no later than November 18, 2016;
  - (d) \$500 to be paid no later than January 18, 2017.

In the event that any of the payments are not made in accordance with the above schedule, the entire amount outstanding shall become immediately due.

#### **Reasons for Penalty Order**

- The panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public.
- The joint penalty proposed was reasonable, maintains high standards, and protects the public interest. The panel considered the circumstances submitted by both counsel. In addition, the panel considered the fact the member has cooperated with the College, has agreed to the facts and the proposed penalty, and has accepted responsibility for her actions. She has also begun rehabilitation measures by seeking intensive psychotherapy.
- The penalty provides both specific deterrence and general deterrence to deter members of the profession from engaging in similar misconduct.