

THE MATTER OF THE HEALTH PROFESSIONS ACT, R.S.A.  
2000, c.H-7;

AND IN THE MATTER OF A HEARING INTO THE CONDUCT  
OF MR. IAN BYLES, A MEMBER OF THE ALBERTA  
COLLEGE OF SOCIAL WORKERS;

AND INTO THE MATTER OF A COMPLAINT BY MS. PAT  
GILBERT INTO THE CONDUCT OF MR. IAN BYLES  
PURSUANT TO S. 77(a) OF THE HEALTH PROFESSIONS ACT

### **REASONS FOR DECISION**

Pursuant to a public hearing held on August 30, 2016 at the offices of Parlee McLaws in the City of Calgary, the Alberta College of Social Workers Hearing Tribunal is issuing its Reasons for Decision.

A hearing into the conduct of Ian Byles was held on August 30, 2016 pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the "Act").

The members of the Hearing Tribunal were: Frank Kelton, MSW, RSW, MBA (Chair), Dr. Brian Guthrie PhD, RSW, Peter Baylis, MSW, RSW, and Geoffrey J. Tagg, PhD (Public Member).

The hearing was a public hearing pursuant to s. 78 of the Act.

The investigated member, Ian Byles, provided a written Admission of Unprofessional Conduct to the Hearing Tribunal dated August 17, 2016 (Exhibit 5).

The Hearing Tribunal accepts all of the admissions of the investigated member.

The allegations in the Notice of Hearing arise from a complaint from Ms, Pat Gilbert, dated June 2, 2015.

The allegations in the Notice of Hearing are detailed on pages 1 and 2 of Exhibit 1.

The hearing proceeded on August 30, 2016 at approximately 9:30 am.

The Hearing Tribunal did not receive any motions from Mr. Byles, nor from the ACSW.

The Hearing Tribunal heard from the following witnesses at the Hearing:

Mr. Ian Byles

The following documents were accepted as Exhibits at the Hearing:

Exhibit No. 1 – Notice of Hearing;

Exhibit No. 2 – Notice to Attend;

Exhibit No. 3 – Investigation Report;

Exhibit No. 4 – Statutory Declaration;

Exhibit No. 5 – Admission of Unprofessional Conduct (original); and

Exhibit No. 6 – Consent Order.

General findings of fact:

Mr. Ian (William) Byles (the “Respondent”) employed at the time of the complaint with the Calgary Region Child and Family Services was suspended from work for one day on May 20, 2015. The documented causes for the suspension included repeated work performance concerns including absences from the worksite and unprofessional conduct with supervisors. The College was notified of the suspension on June 2, 2016.

The complaint was reviewed by the College and Ms. Pamela Klein, MSW, RSW was appointed by the College to investigate the complaint. The investigation was completed on February 2, 2016 and a comprehensive and compelling report containing multiple letters of reprimand, client and contract issues and documentation underpinning Mr. Byles’ unprofessional conduct was submitted to the College on February 16, 2016. The investigation report (Exhibit 3) was provided to the Hearing Tribunal for review in advance of the hearing.

Counsel for the College summarized the investigators’ report and outlined ongoing challenges experienced by the Respondent in meeting his employment responsibilities. That summary focused on the Respondent’s failure to renew contacts on a timely basis as well as the Respondent’s failure to renew client funding in a timely fashion. The Respondent failed to respond to his clients in a reasonable time frame including failure to schedule appointments, to return phone calls and emails with such failures causing detrimental impact on clients and the orderly flow and work environment in the office. These problems occurred over a two year period from 2013 to 2015. The Respondent also failed to adequately respond to his supervisor’s concerns and failed to adjust his behaviours in the context of his employment responsibilities.

In his written Admission of Unprofessional Conduct to the College’s Hearings Director dated August 17, 2016 (Exhibit 5) the Respondent admitted to the foregoing failures and breaches of the Standards of Practice (2013) sections B.2(c), D.2 (a), E 1(c) (iii), G.1(b) and the Code of Ethics – Values 2 and 6. In his Admission of Unprofessional Conduct, the Respondent also acknowledged that that he was provided ongoing feedback regarding the expectations of his employment and further stated that he refused to respond to those concerns including missing scheduled supervision sessions.

During the investigation by the College, the Respondent acknowledged that contracts had expired and that client calls had not been returned. The Respondent stated that after 30 years, he was not micro-manageable and that he ‘too old of a dog to settle down to her (supervisor’s) rules’ (Exhibit 3 at Tab 7).

None of the facts in this case were disputed by Mr. Byles. Notwithstanding that Mr. Byles was afforded ample opportunity to present additional information as well as the opportunity to refute any elements of the College’s case against him, Mr. Byles chose not to do so and simply stated that he wanted to “pay the fine” and leave the hearing as soon as possible. At the hearing, Mr. Byles did not object to any of the evidence, including the background facts, the findings of unprofessional conduct nor to the Order as to sanctions. Mr. Byles also agreed to waive his right to appeal the Consent Order (Exhibit 6).

The weight of evidence against Mr. Byles is overwhelming and compelling. The Hearing Tribunal finds that each of the findings of unprofessional conduct as articulated on pages 2 and 3 of Exhibit 6 and to which Mr. Byles has admitted, do in fact constitute unprofessional conduct. Specifically, Mr. Byles failed to properly satisfy his employment responsibilities, the consequences of which included deleterious impacts on clients in contravention of sections B.2(c), D.2(a), E(I)(b)(v), E1(c)(iii), G.1(b) of the Standards of Practice and also contravene Values 2 and 6 of the Code of Ethics. His behaviours constitute unprofessional conduct pursuant to sections 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Mr. Byles admitted to uttering profanity against his team leader in contravention of section G.2(e) of the Standards of Practice and also contravene Value 4 of the Code of Ethics. His behaviours constitutes unprofessional conduct pursuant to sections 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Despite receiving constructive feedback regarding his work performance and expectation, Mr. Byles refused to respond to the concerns and did not adjust his behaviours in the context of his employment responsibilities thereby contravening section E.1(c)(ii) of the Standards of Practice and also contravene Value 4 of the Code of Ethics. His behaviours constitute unprofessional conduct pursuant to sections 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Notwithstanding that supervision was arranged for Mr. Byles to attend twice weekly, Mr Byles consistently missed the scheduled sessions. This conduct is in contravention of section E,1(c)(iii), and G.3 of the Standards of Practice and also contravene Value 4 of the Code of Ethics. His behaviours constitute unprofessional conduct pursuant to sections 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

### **REASONS FOR DECISION ON SANCTION**

As a result of the findings of the Hearing Tribunal with respect to allegations of unprofessional conduct, the Hearing Tribunal makes the following orders in accordance with s. 82 of the Act.

1. That the Order as to sanctions as agreed between Mr. Byles and the Alberta College of Social Workers effective August 30, 2016, be immediately enforced without amendment.


The severity of the sanctions as set in Exhibit 6 reflect this Hearing Tribunal's need for protection of the public. Mr. Byles' lack of employment behaviour compliance as well as other ethical contraventions in evidence, bore significant weight in our decision to enforce the Consent Order without amendment. Mr. Byles' suspension and practice supervision sanctions were considered by the Hearing Panel as reasonable taking into consideration the risk to the public by Mr. Byles continuing to practice.

The Hearing Tribunal agrees with the level of the \$1500 fine and deems it to be a reasonable deterrent with respect to mitigating future unprofessional conduct on the part of Mr. Byles. As the Consent Order is on a "with names" basis the level of the fine sends an important message to other members of the social work profession.

The sanctions are also intended to be rehabilitative particularly with respect to the 500 word self-reflective paper Mr. Byles is ordered to write as well the sanction relating to the requirement to complete ten hours of continuing education in the area of ethics and professional accountability.

The Hearing Tribunal judges the entirety of the sanctions fair in the circumstances having particular regard to the Mr. Byles' conduct and to the integrity of the Social Work profession.

Dated October 11, 2016

A handwritten signature in black ink, appearing to read 'Frank Kelton', enclosed within a large, hand-drawn oval shape.

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Frank Kelton MSW, RSW, MBA, Chair  
On behalf of the Hearing Tribunal