

IN 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 BRIAN SKIDMORE A MEMBER OF THE ALBERTA
COLLEGE OF SOCIAL WORKERS;

AND INTO THE MATTER OF A COMPLAINT BY LEANNE
TENGs INTO THE CONDUCT OF BRIAN SKIDMORE
PURSUANT TO S. 77(a) OF THE HEALTH PROFESSIONS ACT

REASONS FOR DECISION

Pursuant to a public hearing held on November 22, 2018 at the *Edmonton* offices of Parlee McLaws, LLP, the Alberta College of Social Workers Hearing Tribunal is issuing its reasons for its decisions.

A hearing into the conduct of Brian Skidmore was held on November 22, 2018 pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the “Act”).

The Members of the Hearing Tribunal are:

Stanley Haroun, RSW, Chair

Tammy Latham, RSW

Tracy King, Public Member

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

The allegations in the Notice of Hearing arise from a complaint from Leanne Tengs, dated January 3, 2018. The allegations in the Notice of Hearing are as follows:

Clinical Competency

1. That you failed to use appropriate assessment tools to assess WW.
2. That in your Reports you failed to demonstrate the appropriate understanding regarding domestic violence issues and/or the impact domestic violence has on its victims.
3. That in your Reports you failed to appreciate or understand the increased risk to members of the public as a result of the domestic violence issues demonstrated by WW.
4. That in your Reports you failed to undertake any collateral interviews to ensure the veracity of information provided by WW.
5. That in your Reports you failed to undertake any consultations with any other professionals involved in the matter.

6. That in your Reports you failed to undertake any risk assessment with respect to WW recognizing your assessment was occurring in the context of a domestic violence scenario.

Such conduct contravenes ss. E.1(b)(ii), E.1(b)(iii), E.1(b)(vi), F.1(e), B.2(b)(ii), B(6)(c), B.7(a), G.1(b), E.4(a)(b) of the Standards of Practice 2013, Value 1, 2, 3 and 6 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

7. That in the preparation of your Reports on behalf of WW you referenced outdated and inappropriate domestic abuse studies.

Such conduct contravenes ss. E.1(a)(v), E.1(b)(ii),(viii), E.2(a) of the Standards of Practice 2013, Value 2, 3 and 6 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

8. That in your Reports you omitted the reference to the assessment tools used in the assessment undertaken by you of WW.
9. That the research and assessment tools utilized by you in preparation of the report of September 16, 2016 are outdated and inappropriate.
10. That your Reports contained extraneous information unnecessary and inappropriate for a mental health assessment of WW.
11. That your Reports were deficient in that they do not include the appropriate elements of a “recognized parenting assessment”.
12. That your Reports are entitled “Parenting Ability Report” which is not a recognized report to be provided by an RSW.
13. That you failed to maintain reasonable and continuous efforts to upgrade your skills.

Such conduct contravenes ss. B.7(a), E.1(b)(v), E.1(b)(viii), E.4(a) of the Standards of Practice 2013, Value 2 and 3 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Misleading Credentials

14. The titles and letters used by you in the promotion of your professional social work skills are misleading

Such conduct contravenes ss. G.6(a), G.4(a) of the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Conflict of Interest

15. That you failed to understand and/or consider that there was a perceived conflict of interest in your undertaking a therapeutic relationship with WW, who was referred by an individual who worked in an employment relationship with family members of WW.
16. That in face of a potential conflict interest, you failed to undertake any consultations, supervision or documentation of the issue of the potential conflict.

Such conduct contravenes ss. B.3(a), F.5(d)(e) of the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Professional Opinion

17. That you prepared Reports containing a professional opinion without sufficient and appropriate substantiated information to justify that opinion.
18. That you undertook the preparation of a report in this context of the domestic assault containing your professional opinion without having met or interviewed LT or WT (the child of WW).
19. That you failed to undertake any collateral interviews with respect to the information provided to you by WW.
20. That you failed to undertake any independent observations between WW and the child WT.
21. That you failed to undertake any steps to review, verify or corroborate the information available through other professional agencies and professionals available with respect to the information provided directly by WW.
22. That your report prepared on September 16, 2016 was inappropriate as follows:
 - i. It made inaccurate claims with respect to the women's shelter that LT and WT were residing in; and
 - ii. The Report contains inaccurate and misinformation

Such conduct contravenes ss. B.7(a), E.1(b)(ii),(iii),(v),(viii), E.1(c)(ii), E.1(c)(iii) of the Standards of Practice 2013, Value 6 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Cancellation of Registration

A letter of resignation addressed to the Registrar of ACSW was presented to the Tribunal Members at the Hearing signed by Mr. Skidmore announcing his resignation as a regulated member of the Alberta College of Social Workers effective November 22, 2018.

The investigated member, Brian Skidmore, provided a written admission of unprofessional conduct to the Hearing Tribunal dated October 23, 2018 pursuant to s. 70(1) of the Act. Mr. Skidmore admitted to allegations: 1, 4, 6, 7, 9, 11, 17, 18 and 21 as numbered in the Notice of Hearing.

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

The hearing proceeded on November 22, 2018.

The Hearing Tribunal did not hear from any witnesses as part of the Hearing Tribunal.

The following individuals were present at the Hearing:

- Karen Smith, Legal counsel for ACSW
- Brian Skidmore, attending by telephone conference
- Craig Boyer, Legal counsel for Brian Skidmore
- Bruce Llewellyn, Complaint director for ACSW
- Nancy Tran, student at law, Parlee McLaws

The following documents were accepted as Exhibits at the Hearing:

1. *Notice of Hearing*
2. *Notice to Attend*
3. *Investigation Report*
4. *Affidavit of Service*
5. *Admission of Unprofessional Conduct (Original)*
6. *Consent Order*
7. *Letter re: cancellation (original)*

General Findings of Fact

1. Mr. Brian Skidmore has been a registered social worker with the Alberta College of Social Workers (ACSW) since 1988.
2. This matter arose out of a domestic dispute on May 30, 2016 between WW and LT, the parents of WT.
3. Mr. Skidmore was retained by WW for the purposes of providing a professional opinion as to parenting.
4. Mr. Skidmore provided two reports dated September 16, 2016 and October 5, 2016 ("Reports") wherein Mr. Skidmore provided his professional opinion with respect to WW's parenting abilities. This also included a parenting ability assessment on behalf of WW.
5. The Reports reference above were deficient as follows:
 - They did not use appropriate assessment tools to assess WW;
 - There were no collateral interviews to ensure the veracity of information provided by WW. The Reports were also deficient in that they did not include the appropriate elements of a recognized parenting assessment;

- The Reports failed to undertake any risk assessment with respect to WW recognizing the Reports were created in the content of a domestic violence scenario;
- Outdated and inappropriate domestic abuse studies were referenced;
- Research and assessment tools utilized in the preparation of the Report of September 16, 2016 were outdated and inappropriate;
- The reports were prepared containing a professional opinion without sufficient and substantiated information to justify those opinions
- Mr. Skidmore did not meet or interview LT or WT in the course of the preparation of his Reports;
- Mr. Skidmore has not maintained his registration with ACSW since January 2018.

The Tribunal has accepted the evidence included in admission of unprofessional conduct by investigated member.

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. A Reprimand shall be issued against Mr. Skidmore.
2. Mr. Skidmore shall submit a request to the Registrar of the ACSW pursuant to s. 43 of the *Health Professions Act* requesting cancellation of his practice permit effective the date of this order.
3. In the event that Mr. Skidmore were to ever apply for and obtain registration with the ACSW at any point in time in the future.
 - a. Commencing on the date of issuance of an initial Practice Permit, his Practice Permit shall be suspended for a period of two months as part of the sanction under this order.
 - b. He shall practice under supervision for a period of one year within or outside his employment. The supervisor shall be provided with a copy of the Hearing Tribunal's decision. The cost of the supervision shall be the responsibility of Mr. Skidmore. The supervisor shall be approved by the ACSW and shall provide the ACSW with evaluation reports every six months addressing the issues raised from these matters herein.

- c. Mr. Skidmore shall be required to successfully complete an additional 25 hours of continuing education at his own cost to be approved by the Complaints Director of the ACSW. This additional continuing education shall be in the area of parenting assessment, domestic violence and report writing. The additional continuing education shall be completed within one year of the date after which Mr. Skidmore is again granted registration with the ACSW; and
 - d. Mr. Skidmore shall also be obligated to undertake four consultations with a senior RSW practitioner as approved by the ACSW, over the span of one year after the date of re-registration with the ACSW. The cost of these consultations shall be the responsibility of Mr. Skidmore. The ACSW shall be entitled to any such reporting as it deems necessary.
4. Mr. Skidmore shall pay costs in the amount of 1,000.00. Such costs shall be payable over a one year period from the date of this Order.
 5. If the Complaints Director deems there to be a violation of this Order, as unilaterally deemed by the Complaints Director, Mr. Skidmore, shall, upon Notice of the Complaints Director, be suspended from the practice of social work pending a hearing into allegations of unprofessional conduct resulting from the breach of this Order. The Complaints Director shall maintain his discretion until such a time as all provisions of this order as satisfied.
 6. The order shall be published on a names basis.

The Hearing Tribunal makes its orders as set out above on the basis of the following reasons

In deciding whether to accept the Joint Submission as to Sanction, the Hearing Tribunal was guided by *R. v Anthony-Cook*, 2016 SCC 43, where the Court determined that a joint submission should not be departed from unless the proposed sentence would bring the administration of justice into disrepute, or is otherwise not in the public interest.

To assess whether the joint submission will bring the administration of justice into disrepute the Hearing Tribunal examined the five objectives in sanctioning principles, namely:

- The protection of the public
- Deterrence, both specific to the individual and generally
- Rehabilitation
- Fairness to the member
- The integrity of the profession

In this particular case, the investigated member has been a registered social worker with the ACSW since 1988. He has admitted unprofessional conduct in the assessment of an individual and the preparation of two reports in which he gives his opinion. The two reports were written with the intent that they be used in court proceedings in a family law dispute involving domestic violence.

As part of the joint submission on sanctions, a reprimand shall be issued against the investigated member and he has already resigned by the College. In the event he ever applies for or obtains registration with ACSW again, he will have a two months suspension, undergo supervision for one year, complete within one year 25 additional hours of continuing education in the area of parenting assessment, domestic violence and report writing, and undertake four consultations with a senior RSW practitioner. Additionally, the investigated member must pay costs in the amount of \$1,000. Finally, the Order will be published on a names basis. These sanctions do meet the five objectives of sanctioning.

The public will be protected as the investigated member has resigned. If he obtains registration with the college he has 25 hours of continuing education directed in the area of his admitted unprofessional conduct.

The sanctions also sufficiently deter not just the investigated member, but also other members with the ACSW. The investigated member has been reprimand. He has resigned. He will pay costs. The Order will be published on a names basis. The sanctions have a direct impact on the investigated member and should deter other members of ACSW.

The objective of rehabilitation is also met should the investigated member ever decided to apply for registration. With the appropriate supervision, continuing education, and consultations with a senior RSW practitioner, the investigated member could regain his practice permit. While the sanctions are firm, the opportunity to re-apply with conditions recognizes the rehabilitation objective.

The sanctions also meet the objective of fairness. While the investigated member has been reprimanded and has resigned, there is the opportunity to return should he meet the other requirements. The continuing education requirements focus directly on the areas in which the unprofessional conduct occurred. Additionally, the sanctions meet the severity of the unprofessional conduct particularly given that the situation involved domestic violence.

And finally, the integrity of the profession is maintained with the sanctions. With this joint submission, the ACWS demonstrates that the standards of assessments, report writing, and the giving of an opinion are expected to be met. Members are to use up-to-date and appropriate tools in conducting assessments and writing reports. When those standards are not met, the profession responds and sanctions are applied.

Accordingly, the Hearing Tribunal finds that the Joint Submission as to Sanctions meets the five objectives of sanctions and does not put the administration of justice into disrepute, or is otherwise not in the public interest.

The Hearing Tribunal accepts the Consent Order and Joint Submission as to Sanctions.

Comments on Mr. Skidmore's closing remarks

While Mr. Skidmore has admitted to unprofessional conduct in his assessment of a spouse's parental ability in a legal divorce dispute that alleged spousal abuse; and in the preparation of

two court related reports in which he provided his professional opinion, and while he has submitted a letter of resignation as a regulated member with the ACSW, the Hearing Tribunal has expressed grave concern regarding Mr. Skidmore's lack of insight into this matter. Mr. Skidmore's closing statements to the Hearing Tribunal conveys that he views himself as the victim in this matter and maintains that his report was factual and truthful. Mr Skidmore's statements demonstrated one of lack of respect for Ms. Tengs and for the ACSW and its complaint process. Mr. Skidmore made judgemental comments regarding Ms. Tengs that were unprofessional and without merit. Based on the above, it is fundamental that Mr Skidmore adheres to the imposed sanctions, should he choose to practice again; whether it is in Alberta or in another province.

A handwritten signature in black ink, consisting of a large, stylized 'H' with a horizontal line through it, enclosed within a roughly drawn oval shape.

Stanley Haroun, MSW, RSW
Chair, Hearing Tribunal
Om behalf of the Members of the Hearing Tribunal

February 25, 2019