

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 [REDACTED] A REGULATED MEMBER OF THE
ALBERTA COLLEGE OF SOCIAL WORKERS;

AND INTO THE MATTER OF A COMPLAINT BY THE
ALBERTA COLLEGE OF SOCIAL; WORKERS (19.07)
PURSUANT TO S. 77(a) OF THE HEALTH PROFESSIONS ACT;

REASONS FOR DECISION

1. A hearing regarding the professional conduct of [REDACTED], a regulated member of the ACSW, was held on Tuesday February 25th 2020 at the Edmonton offices of Parlee McLaws LLP 1700 Enbridge Centre, 10175-101 Street, Edmonton, Alberta, pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the “Act”).

This decision sets out the findings, penalty orders and related decisions of the Hearing Tribunal.

2. The members of the Hearing Tribunal were:

Peter J. Baylis, RSW (Chairperson)
Sherri Tanchak (RSW)
Jim Lees (Public Member)

3. Also present at the hearing were:

[REDACTED]
Mr. Stephen Brophy (Counsel for [REDACTED])
Ms. Sheryl Pearson (ACSW Complaint Director)
Ms. Karen Smith (ACSW Counsel)

4. The hearing was a public hearing pursuant to s. 78 of the Act.
5. The allegations were set out in a Notice of Hearing dated January 16th 2020 (the “**Notice of Hearing**”) and the complaint was initiated by the ACSW (complaints # 19.07) on January 31 2019.

The allegations in the Notice of Hearing are as follows:

Professional Boundaries

1. Commencing on or about June of 2018, you were involved in a personal, intimate and sexual relationship with a client of your employer, OH.

Such conduct contravenes s. F.3(6) the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(ii) and (xii) of the Health Professions Act.

Failure to be Candid

2. That in disclosing an inappropriate relationship with a client of OH, you were, at first instance, not candid with the Complaints Director of the ACSW with respect to the nature or that relationship.

Such conduct contravenes s. G.1(b), G.8(vii) of the Standards of Practice 2013, Values 4 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.

CONSENT ORDER

The investigated member, [REDACTED], provided a written admission of unprofessional conduct to the Hearing Tribunal dated Tuesday February 25th 2020 pursuant to s. 70(1) of the Act.

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

The allegations in the Notice of Hearing arise from a complaint from the Alberta College of Social Workers, dated January 31st 2019.

AGREED STATEMENT OF FACTS

1. [REDACTED] was a Provisionally Registered Social Worker with the Alberta College of Social Workers ("ACSW") since 2017.
2. At all material times she was employed as a Recreational Coordinator at "Our House", ("OH"), an Addictions Recover Centre.
3. Commencing in the summer of 2018, [REDACTED] became involved in a personal, intimate and sexual relationship with the client of the Addictions Recovery Centre.
4. [REDACTED] initially offered to resign her summer position when the attraction developed. A relationship subsequently developed and came to light. Her employment was terminated in August of 2018.

5. [REDACTED] disclosed the issue of the termination of her employment in the context of the renewal of your registration with the ACSW in January of 2019.

6. In first instance, [REDACTED] was not completely candid with the Complaints Director of the ACSW with respect to the nature of the relationship with the client giving rise to the termination of her employment.

The following documents were accepted as Exhibits at the February 25th 2020 hearing:

1. Notice of Hearing to [REDACTED]
2. Notice to Attend to [REDACTED]
3. Investigation Report Complaint 19.07
4. Admission of unprofessional conduct, signed February 14th 2020 (the “**Admission**”)
5. Consent Order (the “**Consent Order**”)

The Hearing proceeded as a consent hearing and the Hearing Tribunal heard from no witnesses at the hearing.

ACKNOWLEDGEMENT OF UNPROFESSIONAL CONDUCT

It is acknowledged by [REDACTED] and the ACSW that [REDACTED] conduct as described in the Agreed Statement of Facts constitutes unprofessional conduct pursuant to s. 70 of the Health Professions Act.

NO RIGHT OF APPEAL

The ACSW and [REDACTED] agree that there shall be no appeal from this Order notwithstanding s. 87 of the Health Professions Act, R.S.A 2000, c.H-7.

ORDERS CONCERNING SANCTIONS

The Hearing Tribunal orders that the appropriate sanctions in the circumstances of this matter are as follows:

1. A Reprimand shall issue as against [REDACTED]
2. [REDACTED] shall attend at two (2) sessions with a senior RSW practitioner approved by the ACSW. The cost shall be the responsibility of [REDACTED]. The ACSW shall be entitled to disclosure as required from the practitioner as required. [REDACTED] is required to undertake these consultations within six (6) months of the date of this Order.

3. [REDACTED] shall pay costs in the sum of One Thousand Dollars (\$1,000.00) within one (1) year of the date of this Order.
4. The Complaints Director will retain the discretion to suspend [REDACTED] should she refuse to abide by the terms of the Order pending a Hearing.
5. There shall be publication of this Consent Order on a "no names" basis on the ACSW website.

REASONS FOR DECISION

In making its findings of unprofessional conduct and determining the appropriate sanctions, the Hearing Tribunal focused on five main principles:

1. Protection of the public
2. Deterrence (both specific and general)
3. Preservation of the integrity of the profession
4. Rehabilitation of the member
5. The duty of fairness to the member

Protection of the public

The ACSW is a self-governing professional body established under the Act and is responsible for regulation of the Social Work profession in the public interest. This includes ensuring that all ACSW regulated members are capable of practicing their profession in a manner that protects the public, including their clients, from unacceptable risk or acts of unprofessional conduct.

[REDACTED] admitted unprofessional conduct demonstrated by her engagement in a prohibited relationship with a client of the program where she was employed. Also, though [REDACTED] disclosed to the ACSW she was terminated from her employment in the context of the renewing her registration with the ACSW in January of 2019, she was not candid with the Complaints Director about the nature of the relationship that resulted in her termination. [REDACTED] decision to engage in an unprofessional relationship with a client of the program where she was employed creates unnecessary risk of harm to the client and warrants reprimand.

[REDACTED] initial reluctance to be forthright about the nature of her relationship with the client further demonstrates poor judgement, and risks compromising the integrity of the profession. The Hearing Tribunal feels that in the interest of public protection a reprimand is warranted.

Deterrence

The objective of specific deterrence is to reinforce with the regulated member the requirement to not engage in further unprofessional conduct. The Hearing Tribunal believes the sanctions imposed on [REDACTED] serve that purpose. Unprofessional conduct has consequences that [REDACTED] will bear as a result of her actions. This is associated with attending at two (2) sessions with a senior RSW practitioner approved by the ACSW to review relevant practice issue, and the

payment of costs in the sum of One Thousand Dollars (\$1,000.00) within one (1) year of the date of this Order.

General deterrence is intended to communicate to other regulated members that this type of unprofessional conduct is unacceptable. The ACSW will act to address any and all unprofessional conduct by its members. This is reinforced by publishing decisions of Hearing Tribunals related to unprofessional conduct for all regulated members to read.

Preservation of the integrity of the profession

The ACSW is self-regulated and, as such, is responsible for ensuring that its Code of Ethics and Standards of Practice are followed by all regulated members, as well as taking disciplinary action in cases of unprofessional conduct. Failure to maintain high professional standards and ethics by the ACSW would serve to undermine public confidence in the profession of social work and its regulated members.

The sanctions against [REDACTED] serve to preserve the integrity of the profession, transparently addressing unprofessional conduct in a manner to protect the public's interest.

Rehabilitation of the member

The Hearing Tribunal also seeks to ensure an opportunity for rehabilitation as part of the sanctions related to [REDACTED] unprofessional conduct. Accordingly, the order to attend two sessions with a senior RSW practitioner creates an opportunity for remedial practice. It is also recognized the member has independently took initiative to seek out professional support and consultation to address relevant practice concerns associated with the matters before the Tribunal. The sanctions serve to promote social work practice as governed by the ACSW's Standards of Practice, the Canadian Association of Social Workers' 2005 Code of Ethics, and the Act.

The duty of fairness to the member

The Hearing Tribunal recognizes the need for fairness in determining sanctions appropriate for the unprofessional conduct admitted to by [REDACTED]. The sanctions proposed by the parties are fair and reasonable.

Ordering costs of \$1000.00, payable over a year, is not severe and is a proportional amount payable by [REDACTED] in terms of a contribution to the cost of the disciplinary process. The Hearing Tribunal believes the sanction associated with rehabilitation addresses practice concerns identified within the Consent Order and promotes professional practice as defined in the Practice Standards and the Code of Ethics.

The Hearing Tribunal acknowledges that, pursuant to the Agreed Statement of Facts and the Consent Order, [REDACTED] accepts full responsibility for her actions as indicated by the Consent Order, her efforts with the ACSW to resolve the matter, and her independent engagement with professional supports to begin the process of addressing concerns with her practice as identified in the Consent Order, and brought before the Tribunal.

Dated this 7 day of April, 2020.



Peter J. Baylis, RSW,
Chairperson on behalf of the Hearing Tribunal