

IN THE MATTER OF THE HEALTH PROFESSIONS ACT, RSA 2000, c. 4-7, AS AMENDED.

AND IN THE MATTER OF A HEARING INTO THE CONDUCT OF [REDACTED], A  
REGULATED MEMBER OF THE ALBERTA COLLEGE OF SOCIAL WORKERS,  
UNDERTAKEN VIRTUALLY.

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**DECISION  
OF THE HEARING TRIBUNAL OF THE  
ALBERTA COLLEGE OF SOCIAL WORKERS**

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## **I. Hearing**

1. The hearing was conducted pursuant to the Health Professions Act ("**Act**") and virtually on February 23, 2021 with the following individuals participating:

Hearing Tribunal: (the "**Hearing Tribunal**")

- Sue Mallon, Chair, RSW
- Sharon Long, RSW
- Tiffany Fassnidge, RSW
- Juane Priest, Public Member

Alberta College of Social Workers (the "**ACSW**")

- Karen Smith Counsel for ACSW Complaints Director
- Sheryl Pearson Complaint Director ACSW

Investigated Member

- [REDACTED]

The Hearing Tribunal was assisted by Blair E. Maxston, Q. C. as independent legal counsel in the drafting of its decision.

## **II. Preliminary Matters**

2. The Chair made opening comments, including introductions of the parties and a review of the two (2) charges in the Notice of Hearing dated December 10, 2020.
3. There were no objections to conducting the hearing virtually and to the members of the Hearing Tribunal hearing this matter. No Hearing Tribunal members identified a conflict of interest and there were no objections to the jurisdiction of the Hearing Tribunal to proceed.
4. The hearing proceeded by way of an Admission of Unprofessional Conduct document ("**Admission of Unprofessional Conduct**") pursuant to section 70(1) of the Act and a Consent Order ("**Consent Order**"), including an Agreed Statement of Facts (the "**Agreed Statement of Facts**") and joint Orders as to Sanctions. Accordingly, no witnesses were called to give evidence during the hearing.

## **III. Exhibits**

5. The following exhibits were entered with the consent of both parties at the hearing:

Exhibit #1: Notice of Hearing

- Exhibit #2: Notice to Attend  
Exhibit #3: Investigation Report  
Exhibit #4 Acknowledgment of Service  
Exhibit #5 Admission of Unprofessional Conduct  
Exhibit #6 Consent Order  
Exhibit #7 Complaint.

#### **IV. Background**

6. The facts in this matter are not in dispute, are set out in detail in the Agreed Statement of Facts as follows:

- (a) [REDACTED] has been a registered Social Worker with the College since 2015.
- (b) At all material times [REDACTED] was employed at Spruce Grove Children's Services since July 2017.
- (c) [REDACTED] worked with the Bridges program operated by Unlimited Potential Community Services.
- (d) [REDACTED] resigned her employment with Spruce Grove Children's Services in January 2020.
- (e) [REDACTED] breached confidentiality by:
  - Sharing confidential information about families
  - Sharing documents with unrelated family names included
  - Sending emails to incorrect families and support members.
- (f) [REDACTED] was unprofessional in her employment responsibilities by:
  - Her carelessness in a voice mail
  - Her carelessness in speaking with clients.
  - Her carelessness in providing documents that were incorrect and/or included inaccurate family names.
  - Failing to demonstrate compassion, diplomacy and tact in her interactions with clients.

#### **V. Allegations**

7. Two (2) allegations are set out in the Notice of Hearing as follows:

##### **Confidentiality**

- (1) That you breached your obligation of confidentiality as follows:

- a. On or about April/May 2019, you shared confidential information about one family (Words and pictures) with another family.
- b. On or about May 28, 2019 you provided a Family Safety Plan that contained another family's name.
- a. On or about June 1 2019, an email was sent to a client with information relating to another client.
- b. On or about July 2019 in client information you provided to clients, the names of other clients were included. This documentation was also provided to the client's support network.

Such conduct contravenes s. D.5(a) and (b) of the Standards of Practice 2019, Value 4 of the Code of Ethics and constitutes unprofessional conduct pursuant to s. 1(1) (pp) (i), (ii) and (xii) of the Health Professions Act.

### **Professionalism**

- (2) That you failed to demonstrate appropriate professionalism in the execution of your employment responsibilities.
  - a. On or about May/June 2019, you inadvertently left a voice message on a client voicemail that occurred as a result of your not hanging up the phone properly and your entire conversation was recorded on the voice mail.
  - b. On or about June 2019 you intimated that a client was going to relapse by stating "when" he relapses.
  - c. That you provided documentation to clients that was incomplete sloppy and knowing that you continued to use the materials in your interactions with the client.
  - d. That in an interaction with a new client, a 12-year-old boy, you bluntly asked "what is on your face" in reference to a skin condition.
  - e. That you demonstrated a disregard for diplomacy, compassion and tact in your interactions with clients and co- workers.

Such conduct constitutes a contravention of E.1 (b) (c), G.1 (b) Standards of Practice 2019 and Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. (1) (pp) (i), (ii) and (xii).

(collectively, the "**Allegations**")

## **VI. Admission of Unprofessional Conduct**

- 8. Section 70(1) of the Act permits an investigated member to make an admission of unprofessional conduct. An admission under section 70(1) of the Act must be acceptable in whole or in part to the Hearing Tribunal.

9. In the Admission of Unprofessional Conduct, [REDACTED] acknowledged that her conduct in the Allegations constituted unprofessional conduct.
10. At page 3 of the Consent Order, [REDACTED] acknowledges that her conduct described in the Allegations are unprofessional conduct and that she has accepted responsibility for her conduct.
11. The College and [REDACTED] also agreed in the Agreed Statement of Facts that there shall be no appeal from the Consent Order.

**VII. Submissions of the Parties**

- A. Submissions from the Complaints Director
  - B. Ms. Smith did not make any submissions in addition to the exhibits.
12. [REDACTED] did not make any additional submissions.

**VIII. Decision of the Hearing Tribunal and Reasons**

13. The Hearing Tribunal is faced with a two-part task in considering whether an investigated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make findings as to whether the facts of the alleged unprofessional conduct occurred. If the Hearing Tribunal finds that the alleged conduct did occur, it must then proceed to determine whether that conduct rises to the threshold of unprofessional conduct under the circumstances and as defined in the Act.
14. With respect to the first task, the Hearing Tribunal carefully [REDACTED] the exhibits and the verbal submissions of both parties, as well as [REDACTED] Admission of Unprofessional Conduct. There is no disputing the facts relating to the events that took place and the Hearing Tribunal finds that the facts support the Allegations admitted by Ms. [REDACTED]
15. For the purposes of section 70(1) of the Act, the Hearing Tribunal accepts [REDACTED] admission of unprofessional conduct based on the evidence as set out in the Agreed Statement of Facts and the acknowledgement of responsibility by [REDACTED] in the Consent Order.
16. With respect to the second task, the Hearing Tribunal finds that the conduct admitted to by [REDACTED] clearly meets the threshold for unprofessional conduct as defined in the Act.
17. The Hearing Tribunal unanimously agreed with the submissions made by Ms. Smith in terms of the facts being proven and the seriousness of the unprofessional conduct.

**IX. Joint Submission on Sanction**

18. As reflected in the Consent Order, the Complaints Director and [REDACTED] jointly submit and agree that the following penalty orders are appropriate:
- a. A reprimand be issued against [REDACTED]
  - b. [REDACTED] be subject to supervision for a period of two years (2) from the date of this Order. The costs of this supervision will be the responsibility of [REDACTED]. The supervisor shall be approved by the ACSW and the ACSW shall be entitled to such reporting and disclosure from the supervisor as necessary from time to time.
  - c. In addition to the above supervision [REDACTED] will be required to continue her ongoing therapy for one (1) year from the date of this Order or until her therapist indicates that further therapy is not required. The costs for these sessions shall be the responsibility of [REDACTED]. The ACSW shall be entitled to such reporting as it deems necessary from time to time only as regards to verification.
  - d. [REDACTED] shall undertake five (5) additional hours of continuing education focused on communication skills within one (1) year of the date of this Order. The cost of this continuing education shall be the responsibility of [REDACTED]
  - e. [REDACTED] shall pay costs in the amount of one thousand dollars (\$1000) within one (1) year of the date of this Order.
  - f. The Complaints Director shall maintain the right to suspend [REDACTED] permit to practice pending a hearing should the Complaints Director in his or her sole discretion conclude that Ms. [REDACTED] has breached this Order.
  - g. There shall be publication of this Consent Order on a "without names" basis on the ACSW website.

**X. Decision on Penalty and Conclusions of the Hearing Tribunal**

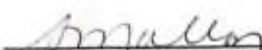
19. The Hearing Tribunal acknowledges that rejection of a carefully crafted joint penalty submission would undermine the goal of fostering cooperation through joint submissions and may significantly impair the ability of the Complaints Director and ACSW members to enter into such agreements.
20. The [REDACTED] Tribunal carefully reviewed the joint submission for sanctions from the ACSW and [REDACTED] and the Hearing Tribunal is satisfied that those sanctions meet the public interest test and uphold the integrity of the profession and the ACSW disciplinary process. As such, the Hearing Tribunal accepts the proposed Orders as to Sanctions as presented in the Consent Order.
21. The Hearing Tribunal makes its orders as set out above based on the following reasons.
22. The ACSW is responsible to ensure the public is protected. [REDACTED] failure to appreciate the devastating impacts of tactless comments to clients or others is a concern to the ACSW and the Hearing Tribunal. Directing [REDACTED] to improve her communication skills through a combination of effective supervision, personal therapy to deal with any of her own issues, and further education in communication skills are

sanctions that will strengthen [REDACTED] understanding of her role as a social worker and the impact she can have on others.

23. [REDACTED] has expressed remorse for the behaviour and acknowledged how unprofessional it was. She has identified a need, as she is a relatively new professional, for more focused supervision. She has accepted a new position wherein she does receive closer supervision and she has indicated her willingness to make good use of [REDACTED] Hearing Tribunal therefore feels that taking a remedial approach to Ms. [REDACTED] situation is appropriate.
24. The Hearing Tribunal also wishes to signal to other professionals that this type of behaviour is unacceptable. Publication on a without names basis will provide a deterrent to others that lapses of professionalism has serious professional consequences.
25. The Hearing Tribunal also considered the fact that the ACSW and [REDACTED] jointly recommended and accepted the proposed sanctions. In cases of joint submissions, it is imperative that the Hearing Tribunal give appropriate consideration to the joint submission as submitted.

#### **XI. Orders of the Hearing Tribunal**

26. The Hearing Tribunal makes the following orders:
  1. A reprimand be issued against [REDACTED]
  2. [REDACTED] be subject to supervision for a period of two years (2) from the date of the Consent Order. The costs of this supervision will be the responsibility of [REDACTED]. The supervisor shall be approved by the ACSW and the ACSW shall be entitled to such reporting and disclosure from the supervisor as necessary from time to time.
  3. In addition to the above supervision [REDACTED] will be required to continue her ongoing therapy for one (1) year from the date of the Consent Order or until her therapist indicates that further therapy is not required. The costs for these sessions shall be the responsibility of [REDACTED]. The ACSW shall be entitled to such reporting as it deems necessary from time to time only as regards to verification.
  4. [REDACTED] shall undertake five (5) additional hours of continuing education focused on communication skills within one (1) year of the date of the Consent Order. The cost of this continuing education shall be the responsibility of [REDACTED]
  5. [REDACTED] shall pay costs in the amount of one thousand dollars (\$1000) within one (1) year of the date of the Consent Order.
  6. The Complaints Director shall maintain the right to suspend [REDACTED] permit to practice pending a hearing should the Complaints Director in his or her sole discretion conclude that [REDACTED] has breached the Consent Order.
  7. There shall be publication of the Consent Order on a "without names" basis on the ACSW website.

  
SUE MALLON, Chair,  
On behalf of the Hearing Tribunal