

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 MEMBER OF THE ALBERTA
COLLEGE OF SOCIAL WORKERS;

AND INTO THE MATTER OF A COMPLAINT BY [REDACTED]
[REDACTED] INTO THE CONDUCT OF [REDACTED]
[REDACTED] PURSUANT TO S. 77(a) OF THE HEALTH
PROFESSIONS ACT

REASONS FOR DECISION

Pursuant to a public hearing held on June 17, 2020 via the online platform Webex, the Alberta College of Social Workers Hearing Tribunal is issuing its reasons for decision.

A hearing into the conduct of [REDACTED] was held on June 17, 2020 pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the "Act").

The members of the Hearing Tribunal were:

- Gail Zuk, RSW(Chair)
- Joyce Crandall, RSW
- Kerry Lowe, RSW; and
- Hugh Campbell (Public Member).

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

The investigated member, [REDACTED] provided a written admission of unprofessional conduct to the Hearing Tribunal dated April 27, 2020 pursuant to s. 70(1) of the Act.

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

The allegations in the Amended Notice of Hearing arise from a complaint from [REDACTED]
[REDACTED] dated January 22, 2020.

The allegations in the Amended Notice of Hearing are as follows:

1. That [REDACTED] did prepare a letter in support of JM which was improper as follows:
 - [REDACTED] failed to verify the information in the letter;
 - [REDACTED] did not undertake any independent interviews with the relevant parties prior to providing your opinion;
 - [REDACTED] provided opinions when it was not warranted;
 - [REDACTED] did not properly ascertain the purpose for which the letter was to be used;

Such conduct contravenes s. B.6(c), B.7(a), E(b)(i)(ii)(iv)(v) and F.1(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*.

The hearing proceeded on June 17, 2020 and was open to the public.

No motions were made on the part of the Hearing Tribunal.

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

The following documents were accepted as Exhibits at the Hearing:

- Amended Notice to Hearing to attend virtually
- Amended Notice to Attend
- Series of Complaint Documents:
 - a) Letter dated February 7, 2020 from Ms. Pearson to [REDACTED] referencing the hearing
 - b) Letter received Jan. 22, 2020 from [REDACTED] to Ms. Pearson
 - c) Letter received Jan. 22, 2020 from [REDACTED] to “whom it may concern”
 - d) Letter received Jan. 22, 2020 from [REDACTED] outlining Inaccuracies
 - e) Series of emails between Peace River Child Care Association and [REDACTED]
- Affidavit of Service/Statutory Declaration
- Admission of unprofessional conduct
- Consent Proposal

AGREED STATEMENT OF FACTS

1. At all material times [REDACTED] was a Registered Social Worker with the Alberta College of Social Workers (“ACSW”) since 2015.
2. At all material times [REDACTED] was employed by the Peace River Child Care Association (“PRCCA”). This organization ceased operations as of October 30th, 2019.
3. [REDACTED] provided Family First Services as a Parent Educator to clients of PRCCA.
4. In or about May of 2019, [REDACTED] prepared a letter in support of JM. JM had been a client of Family First Services at PRCCA. The letter referenced the conduct of JM’s husband and family in relation to ongoing custody and access matters with respect to their children.
5. That [REDACTED] did inappropriately prepare a letter in or about May 2019, in support of JM which was improper as follows:
 6. [REDACTED] failed to verify the information in the letter;
 7. [REDACTED] did not undertake any independent interviews with the relevant parties prior to providing her opinion;

8. [REDACTED] provided opinions when it was not warranted;
9. [REDACTED] did not properly ascertain the purpose for which the letter was to be used.

It is the decision of the Hearing Tribunal members that the conduct of [REDACTED] does constitute unprofessional conduct.

Based on the admission of unprofessional conduct on the part of [REDACTED] and the Hearing Tribunal process, the members of the Hearing Tribunal have reasonable and probable grounds to believe and accept the finding of unprofessional conduct.

Further to this and relative to the obligations of a social worker as per the *Health Professions Act (RSA 2000)*, the following are applicable as violations of mandated practice and contravenes sections: 1(1) (pp)(i)(ii) and (xii);

- Whereas a social worker is found to display a lack of knowledge of or lack of skill or judgement in the provision of professional services;
- Contravenes the Health Professions Act, Social Work Code of Ethics and Standards of Practise and
- Displays conduct that harms the integrity of the regulated profession.

Further to this and relative to the obligations of a social worker as per the *Canadian Association of Social Workers Social Work Code of Ethics (2005)* the following are applicable as violations of mandated practice and contravenes section:

- Value 4: Integrity in Professional Practice

Further to this and relative to the obligations of a social worker as per the *Alberta College of Social Workers Standards of Practice (2013)* the following are applicable as violations of mandated practice and contravenes sections:

- **B.6(c)** whereas a social worker in conjunction with the use of assessment instruments will not gather or present information that could compromise the validity or interpretation of and conclusions drawn in assessments.
- **B.7(a)** whereas a social worker with regard to professional opinion will provide a professional opinion about a client only when it is based on sufficient and substantial information about the client.
- **E(b)(i), (ii), (iv), (v)** whereas a social worker will have adequate skills to meet standard practice requirements relative to interviewing, assessment, communication and documentation.
- **F.1(e)** whereas a social worker with regard to dignity of clients will take care to reasonably manage all parameters of authority involved in social control responsible and act to protect clients from undue influence and abusive use of power or expert opinion and,
- **G.1(b)** whereas a social worker relative to within the profession will not act in a manner that may reduce the public trust in social work and social workers.

The Hearing Tribunal accepts the admissions of [REDACTED] the investigated member, and the evidence supporting allegations of unprofessional conduct by [REDACTED] during the hearing on June 17, 2020.

REASONS FOR DECISION ON SANCTIONS

As a result of the findings of the Hearing Tribunal of unprofessional conduct by [REDACTED] the Parties presented to the Hearing Tribunal a proposed Joint Submission as to Sanctions. The Hearing Tribunal adjourned to consider this proposal, and decided to accept the Joint Submission on Sanctions as proposed. The Hearing Tribunal makes the following orders in accordance with s. 82 of the Act.

1. A Reprimand shall be issued as against [REDACTED]
2. [REDACTED] shall practice under supervision by a RSW social worker (either within her employment or outside of her employment) for a period of six (6) months. The cost of this supervision shall be the responsibility of [REDACTED]. The individual providing this supervision shall be approved by the ACSW. The terms of this supervision shall be agreed upon between [REDACTED] and the supervisor, with disclosure to the ACSW as required.
3. [REDACTED] shall undertake ten (10) additional hours of continuing education focused on communication skills and/or expert opinion training within six (6) months from the date of this Order. The cost of this continuing education shall be the responsibility of [REDACTED]
4. [REDACTED] shall prepare a letter retracting the opinion portions of the letter provided in her correspondence of May 2016. The retracted letter shall be directed to JM in addition to a copy being provided to the complainant.
5. [REDACTED] shall pay the costs in the amount of \$1000.00 payable within one (1) year from the date of this Order.
6. The Complaints Director shall maintain the discretion to suspend [REDACTED] permit to practice pending a Hearing should the Complaints Director, in his/her sole discretion, conclude that [REDACTED] as breached this Order.
7. There shall be publication of this Consent Order on a "no names" basis on the ACSW website.

The Hearing Tribunal makes its orders as set out above for the following reasons:

- A. The Hearing Tribunal believes the above noted sanctions are important to uphold the following five objectives regarding sanctions:
 - **Protection of the Public** as vulnerable people against the unwarranted use of professional power and authority – The ACSW is a self-governing body established under the Health Professions Act, and is responsible for regulation of the profession in the public interest. This includes ensuring that all registered practitioners are capable of practicing their profession in a manner that protects the public, including their clients, from unacceptable risk or acts of unprofessional conduct. The Hearing Tribunal sees protection of the public as a primary consideration, and found that [REDACTED] had,

during the course of her employment, exercised poor judgment by preparing a letter in support of JM which contained improper and unsubstantiated information, and submitting this letter to the court. Her actions in doing so fell below the Standards of Practice and Code of Ethics for his profession and constitute unprofessional conduct.

- **Deterrence** to ensure that recurrence of unprofessional practise is prevented. The objective of specific deterrence is to reinforce the requirement that the regulated member not engage in further unprofessional conduct in the future. The sanctions imposed on [REDACTED] will serve to guide [REDACTED] in the future when she is practicing as a social worker that unprofessional conduct has consequences which she would bear in the event of any future instances of unprofessional conduct. General deterrence has a similar objective with a broader audience. This sanction will communicate to other professionals in the profession that unprofessional conduct is unacceptable and will be dealt with by ACSW in accordance with the Act. This objective is reinforced by publishing decisions of Hearing Tribunals involving findings of unprofessional conduct, which are available for all members to read.
 - **Rehabilitation** in order to improve the practise of and to support the social worker. The Hearing Tribunal noted [REDACTED] understands why her actions were unprofessional and the impact this had on others, and believes that a period of supervised practice and continuing education focussed on communication/expert opinion training will serve [REDACTED] well in the future.
 - **Fairness** as related to consequences of unprofessional conduct. The Hearing Tribunal recognizes the need for fairness in determining sanctions that are appropriate for the unprofessional conduct [REDACTED] has admitted to. The written reprimand and assignment of costs are at the low end of the spectrum in terms of severity. The period of supervised practice and continuing education are both fair and appropriate given the nature of the unprofessional conduct which [REDACTED] has admitted to.
 - **Integrity** in terms of ensuring that the integrity of the Social Work Profession is upheld and protected. The ACSW is self-regulated, and as such is responsible for ensuring that the Code of Ethics and Standards of Practice are followed by all registered members, as well as taking disciplinary action in cases of unprofessional conduct by a regulated member. 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 registered practitioners.
- B. When considering the proposed sanctions in relation to the unprofessional conduct by [REDACTED] the Hearing Tribunal also took into consideration factors relevant to determining appropriate sanctions as found in *Jaswal v Medical Board (Newfoundland)* 23:1:
1. The nature and gravity of the proven allegations – [REDACTED] unprofessional conduct was serious, as it was in relation to a matter under consideration by the court. Submitting

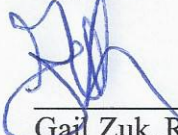
unverified information during a legal proceeding could have serious implications for both parties involved in a dispute.

2. Age and experience of the offending practitioner – [REDACTED] is a young, inexperienced practitioner.
3. The previous character of the practitioner including the presence or absence of prior complaints or convictions – no information was presented during the hearing regarding any prior complaints or incidents of unprofessional conduct.
4. The age and mental condition of the offended client – no information was presented during the hearing regarding the parties involved, other than the matter involved a custody dispute that was before the court.
5. The number of times the offence was proven to have occurred – this was a single occurrence of [REDACTED] submitting one letter to the court regarding parenting.
6. The role of the practitioner in acknowledging what happened – [REDACTED] cooperated fully in the resolution of this complaint, and this allowed the matter to proceed as an uncontested hearing. During the hearing she expressed remorse and stated she has used this occurrence as a learning opportunity to ensure professional conduct moving forward. [REDACTED] also spoke of the lack of professional supervision for northern practitioners and the need for practitioners to be diligent in seeking consultation on professional matters.
7. Whether the practitioner had already suffered other serious financial or other penalties as a result of the allegations being made – the Hearing Tribunal was not made aware of any financial or other penalties incurred by [REDACTED]
8. The impact of the incident on the affected client – the complainant expressed concern that information in a letter written and submitted to the court during a custody dispute was inaccurate and had not been verified by [REDACTED]. The Hearing Tribunal was not made aware of what significance this letter had for the court in deciding this matter.
9. The presence or absence of any mitigating circumstances – the Hearing Tribunal noted that [REDACTED] was an inexperienced practitioner who has expressed remorse, and in retrospect, has gained an appreciation of how and why her conduct was unprofessional.
10. The need to promote specific and general deterrence and thereby, to protect the public and ensure the safe and proper practice of social work – this is discussed earlier under “Deterrence”.
11. The need to maintain the public confidence in the integrity of the social work profession – this is also discussed earlier under “Integrity”.

- /
12. The degree to which the unprofessional conduct that was agreed to have occurred was clearly regarded, by consensus, as being the type of conduct that would fall outside of the range of permitted conduct – it is not uncommon for practitioners to be asked to provide ‘reference’ letters to the court. Information contained in such letters must be factual and verified, and not include subjective comments in the form of opinions. The letter provided by [REDACTED] did not meet any of these requirements.
 13. The range of sentence in other similar cases – the Hearing Tribunal was presented with information on sanctions applied in comparable cases and these sanctions fall within this scope.

Therefore, this Hearing Tribunal accepts the Joint Submission on Sanctions agreed to by the parties as proposed.

Signed on behalf of the Hearing Tribunal,



Gail Zuk, RSW
Chair