

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 [AS], A MEMBER OF THE ALBERTA COLLEGE OF
SOCIAL WORKERS;

AND IN THE MATTER OF A PROFESSIONAL CONDUCT
HEARING REGARDING THE CONDUCT OF [AS]
UNDERTAKEN VIRTUALLY;

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

DECISION OF THE HEARING TRIBUNAL

I. INTRODUCTION

1. A hearing was held virtually on September 29, 2023 concerning allegations of unprofessional conduct against [AS] (the “**Member**”), a regulated member of the Alberta College of Social Workers (“**ACSW**”). The hearing occurred by consent via a virtual WebEx platform through the Edmonton office of Parlee McLaws.
2. This decision sets out the findings, reasons and penalty orders of the Hearing Tribunal concerning the hearing.
3. The Hearing Tribunal was assisted by Blair E. Maxston, K.C. as independent legal counsel in the drafting of this decision.

II. THE HEARING GENERALLY

4. The September 29, 2023 hearing was held pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the “**Act**”).
5. The members of the Hearing Tribunal were:
 - Patricia Hull (Chair - Public Member)
 - Vince Paniak (Public Member)
 - Judith Mason (RSW)
 - Evelyn Wotherspoon (RSW)

Also participating in the hearing were Karen Smith K.C. (legal counsel for the ACSW Complaints Director), Bruce Llewellyn (ACSW Complaints Director) and [AS].

6. The hearing was a public hearing pursuant to s. 78 of the Act.
7. The allegations were set out in a Notice of Hearing dated May 5, 2023 (the “**Notice of Hearing**”). The allegations in the Notice of Hearing arise from actions taken by the Member during her employment as the Executive Director at the Be Youth Centre during the period from September 2020 to June 20, 2022.
8. Pursuant to s. 70(1) of the Act, the Member provided a written admission of unprofessional conduct to the Hearing Tribunal dated August 30, 2023 stating that the Member admitted that her actions constituted unprofessional conduct for the following allegations:

Misrepresentation

1. That you delegated employment responsibilities to other staff at the Be Youth Centre and ultimately took responsibility for work undertaken by others.
2. That you provided inaccurate information to the Board of Directors of Be Youth Centre, specifically with respect to:
 - the reason staff were submitting their respective resignations
 - the financial stability of the Be Youth Centre.

Such conduct constitutes a violation of E.1(c) (i), F.3, G.3, G.4, G.5 and G.6 of the Standards of Practice 2019 and Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. (1) (pp) (ii) and (xii) of the Health Professions Act, RSA, 2000, c-H-7 as amended.

Responsibilities as Supervisor

3. You made ableist comments regarding a staff member with respect to mental health issues.
4. That as the Executive Director, you failed to respond to staff reports that your conduct was creating acute stress and anxiety with respect to their employment security and responsibilities.

Such conduct constitutes a contravention of E.1 (a)(b), E.2., F2 and F3 of the Standards of Practice 2019 and Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. (1) pp (1) (ii) and (xii) of the Health Professions Act, RSA, 2000, c H-7 as amended.

Misrepresentation of Qualifications and Services

5. You did not accurately represent her ACSW registration status, specifically representing that she was fully registered in 2022.

Such conduct constitutes a contravention of B.1. G.6 of the 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) of the Health Professions Act, RSA, 2000, c-H-7, as amended.

9. The following documents were entered as Exhibits at the Hearing with the consent of both parties:

Exhibit 1: Amended Notice of Hearing

Exhibit 2: Admission of Unprofessional Conduct (the “**Admission**”).

Exhibit 6: Consent Order (the “**Consent Order**”).

10. Since the hearing proceeded as a consent hearing, the Hearing Tribunal heard from no witnesses at the hearing.

III. THE HEARING AND THE CONSENT ORDER

11. The Consent Order contained agreed upon “Agreed Statement of Facts”, “Agreed Findings”, “Acknowledgment of Responsibility” and “No Right to Appeal” sections.
12. The Consent Order also contained a “Orders as to Sanctions” section.

A. Agreed Statement of Facts

13. The facts in this matter are not in dispute and are described in the Agreed Statement of Facts as follows:
 1. Ms. [AS] (“[AS]”) has been a registered social worker with the Alberta College of Social Workers (“ACSW”) since 2022 as a provisional registered social worker.
 2. [AS] was employed at the Be Youth Centre as the Executive Director from September 2020 to June 10, 2022, as a social worker.
 3. The mandate of the Be Youth Centre was to provide a fun and safe environment for youth aged 11 to 17 offering activities and experiences.
 4. That during the course of [AS] employment as the Executive Director, she undertook certain responsibilities to be delegated to other staff at the Be Youth Centre. Credit was not provided for the work ultimately undertaken by others which was the responsibility of the Executive Director.
 5. There was discord between the staff, the Board, and [AS], during the time period of April to June 2022.

6. In or around May and June, 2022, communications were disjointed, as between the staff, [AS], (the Executive Director), and the Board of Directors of the Be Youth Centre. Ultimately, the staff of the Be Youth Centre submitted their respective resignations to the Board of Directors. These resignations, were in part, based on some of the representations made by [AS], including the financial stability of the Be YOUTH Centre.
7. Upon receiving the staff resignations, the Board of Directors met directly with the staff and, ultimately, it was determined that [AS] employment with the Be YOUTH Centre was to be terminated.
8. During the course of [AS]' responsibilities as Executive Director, she, on occasion, made ableist comments regarding a staff member with respect to mental health issues.
9. During the course of [AS] tenure as Executive Director, staff reports to her regarding issues of concern, stress and anxiety were made. [AS] did not appropriately and properly respond to these reports impacting employment security and responsibilities.
10. [AS] was granted provisional status with the ACSW in April 2022. Until that time, [AS] was not properly registered with the ACSW. [AS] was required to complete 1500 hours of supervised hours. [AS] registration with the ACS was cancelled as of April 5, 2023.
11. [AS] employment with the Be YOUTH Centre was terminated on June 10, 2022.

B. Acknowledgment of Responsibility and Unprofessional Conduct

14. It was acknowledged by the member and the ACSW Complaints Director that the Member's conduct as described in the Agreed Statement of Facts constitutes unprofessional conduct.

C. No Right to Appeal

15. The ACSW and the Member agreed that there shall be no appeal from the Consent Order notwithstanding s. 87 of the Health Professions Act R.S.A 2000, c.H-7.

IV. REASONS FOR DECISION: THE ALLEGATIONS

A. Generally

16. 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 practice their profession in a manner that protects the public from unsafe, incompetent or unethical acts.

17. The Hearing Tribunal sees protection of the public as the primary consideration in this matter.
18. After carefully considering all of the information and evidence presented during the hearing, the Hearing Tribunal accepts all of the admissions of unprofessional conduct by the Member. The Hearing Tribunal sees protection of the public as the primary consideration in this matter.
19. The factual basis for the four admitted Allegations was proven as the result of uncontradicted evidence presented to the Hearing Tribunal. Bearing in mind the Admission of Unprofessional Conduct signed by the Member, the Hearing Tribunal also concluded that the proven actions of the Member constituted unprofessional conduct as they were a clear breach of the Member's ethical and professional obligations.

B. Allegation: Misrepresentation - Analysis

20. This allegation concerns misrepresentation of which individuals completed work at the Be Youth Centre. The Member admitted to having indicated that she had completed specific work duties at the Be Youth Centre, when in fact she knew that the work had been delegated to and completed by other staff members. This action, bearing in mind the Standards of Practice of the ACSW represents unprofessional conduct.
21. Based on this evidence, the Hearing Tribunal finds this Allegation factually proven and that this allegation constitutes unprofessional conduct.

C. Allegation: Responsibilities As a Supervisor - Analysis

22. This allegation concerns the Member making inappropriate comments about a staff member at the Be YOUTH Centre. The staff member, to whom she made these comments had mental health concerns. It is inappropriate and unprofessional for a staff member, notably a staff member in a supervisory position, to make such suggestive comments about any employee.
23. Based on this evidence, the Hearing Tribunal finds this Allegation factually proven and that this allegation constitutes unprofessional conduct.

D. Allegation: Misrepresentation of Qualifications and Services - Analysis

24. This allegation concerns the Member inaccurately representing her ACSW registration status, specifically representing that she was fully registered with the ACSW in 2022.
25. Based on this evidence, the Hearing Tribunal finds this allegation to be factually true and that this action violated the code of ethics and standards of practice of the ACSW.

V. REASONS FOR DECISION: SANCTIONS

A. The Joint Sanctions Proposal

26. As part of the Consent Order, the parties also jointly presented an Orders as to Sanctions (the "Sanction Orders") recommendation as follows:
1. A reprimand shall be issued against [AS].
 2. [AS] shall be required to successfully complete the Athabasca University Ethics Course, Philosophy (PHIL) 333 (or any substituted university level ethics course is approved in advance by the Complaints Director within one (1) year of the date of this Order) at her own cost. This shall not be considered to be part of the Member's ongoing continuing competency requirements.
 3. [AS]' practice of social work shall be subject to supervision for a period of two (2) years. Such supervision may be inside or outside [AS] employment and shall be at [AS] cost. This supervision must be approved by the ACSW and there shall be reporting to the ACSW as required.
 4. [AS] shall pay costs in the amount of \$1000.00 within two (2) years of the date of the Order of the Hearing Tribunal.
 5. The Complaints Director shall maintain the discretion to suspend [AS]' permit to practice pending a Hearing should the Complaints Director, in his/her sole discretion, conclude that [AS] has breached this Order.
 6. There shall be publication of this Consent Order on a "no names" basis on the ACSW website

B. The Sanction Orders and the Public Interest Test

27. The Hearing Tribunal acknowledges the significant efforts of the parties in preparing the Consent Order and the Sanction Orders. The Hearing Tribunal is also aware of the well-established legal principles indicating that deference should be shown to joint submissions on penalties as they promote certainty for both the member and the regulatory body, reduce the time and cost associated with contested hearings and are the result of careful negotiation.
28. Although the Hearing Tribunal retains ultimate discretion in terms of making penalty orders, it is aware of the legal principles which establish that a decision-maker (such as this Hearing Tribunal) should not depart from a joint submission on sanction unless the joint submission is unfit, unreasonable or contrary to the public interest.
29. For the reasons discussed during the hearing and as set out in this decision, the Hearing Tribunal found that the public interest test for accepting the Sanction Orders was met.
30. The Hearing Tribunal is satisfied that [AS], in carrying out her responsibilities at the Be YOUTH Centre clearly disclosed a lack of knowledge and skills typically expected of a social worker. [AS]' actions clearly demonstrated unprofessional conduct.

31. Ultimately, the Hearing Tribunal concluded that the sanctions set out in this decision are fair, reasonable and appropriate and reflect the seriousness of the Member's conduct as well as her acceptance of responsibility for those actions. They also reflect her efforts in resolving these matters by way of a consent hearing.
32. In summary, the Hearing Tribunal makes the following orders in accordance with s. 82 of the Act:
 1. A reprimand shall be issued against the Member.
 2. The Member shall be required to successfully complete the Athabasca University Ethics Course; Philosophy (PHIL) 333 (or any substituted university level ethics course is approved in advance by the Complaints Director within one (1) year of the date of this Order at her own cost. This shall not be considered to be part of the Member's ongoing continuing competency requirements.
 3. The Member's practice of social work shall be subject to supervision for a period of two (2) years. Such supervision may be inside or outside the Member's employment and shall be at the Member's cost. This supervision must be approved by the ACSW and there shall be reporting to the ACSW as required.
 4. The Member shall pay costs in the amount of \$1000.00 within two (2) years of the date of the Order of the Hearing Tribunal.
 5. The Complaints Director shall maintain the discretion to suspend the Member's permit to practice pending a Hearing should the Complaints Director, in his/her sole discretion, conclude that the Member has breached this Order.
 6. There shall be publication of this Consent Order on a "no names" basis on the ACSW website."

Dated this 21ST day of November, 2023

Patricia Hull

Patricia Hull
Chair on behalf of the Hearing Tribunal