



### **Discipline Decision Summary**

This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's penalty order.

By publishing this summary, the College endeavours to:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding of the College's discipline process

### **David Corbett**

Member # 813624

### **Agreed Statement of Fact**

The College and the Member submitted a written statement to the Discipline Committee in which the following facts were agreed:

1. Since August of 2007, Mr. David Corbett the "Member") has been a registered social worker under the *Social Work and Social Service Work Act*, 1998, S.O. 1988, Chapter 31 (the "Act") with the Ontario College of Social Workers and Social Service Workers (the "College").
2. The Member is also licensed with the Canadian Fellowship of Churches and Ministers (CFCM) as a minister since 1997 and he was ordained with the CFCM in March of 2003. The Member also has performed and continues to perform Pastoral Counselling, which includes Prayer Ministry or Prayer Counselling and he has been doing this on a part-time basis since 1987 within the context of his local church fellowship and within his Christian community and he has been a full-time Pastoral Counsellor since 1999.
3. If the Member were to testify, he would say that prior to being notified of this complaint, he believed that the applicable boundaries as a Pastoral Counsellor were separate and distinct from the boundaries of a Registered Social Worker ("RSW") and as a result, he was not aware that the College and its guidelines would apply to his work as a pastoral counsellor while he was registered as a social worker. By virtue of this complaint, the Member is now aware that any work he performs as a pastoral counsellor which comes under the scope of practice of a social worker must adhere to the Act and College guidelines.
4. From October 2006 to October 2013 the Member provided counseling services to

[Client], a vulnerable client, with symptoms of mental disorder and a past history of physical, emotional and sexual abuse. At the time that the counseling relationship formed, the Member was not a RSW and he was therefore not subject to the rules of the College. At the outset, the services provided by the Member were Pastoral Counseling services. However, the Member acknowledges that once he became registered with the College he became subject to College standards with respect to his counseling relationship with [Client];

5. Since becoming a registered member of the College, and while providing counseling services to [Client], the Member engaged in a series of boundary crossing violations including:
  1. Engaging in telephone conversations, texts and e-mail with [Client] during and outside of normal business hours, as often as two or three times a day and on weekends. If the Member were to testify, he would state that [Client's] needs and requests for help were communicated by [Client] to be urgent situations and that it was [Client] who repeatedly texted and called him at unscheduled times and requested counseling;
  2. Inviting and permitting [Client] to stay at his family home in February 2012 where she slept in the marital bed with his wife. If the Member were to testify he would state that this occurred due to pressing (i.e. crisis) circumstances in [Client's] life, a concern for her safety and in the context of also providing pastoral counseling, i.e. opening up his home as a pastor to someone in need. However, the Member acknowledges in hindsight that this was inappropriate and ill-advised;
  3. Inviting [Client] to share meals, alone at times and at other times with the Member and his family at his home. If the Member were to testify, he would say that in sum total, these meals included 2 meals out at a restaurant with [Client] and 2 -3 meals with [Client] and the Member's family over the course of 7 years;
  4. Attending at [Client's] home for meals. If the Member were to testify, he would state that there were 2 meals, one with the Member's wife also present and another with the Member's wife and another member from a group which [Client] attended also present;
  5. Meeting with [Client] at various places outside of his office including coffee shops, restaurants and in her car. If the Member were to testify, he would state that the reason he met with [Client] at these places outside of the office was as a result of a heightened state of distress which [Client] communicated to the Member at the time;

6. Engaging in various social activities with [Client] including hiking and skiing;
7. Attending one birthday party of [Client].;
8. Attending a pool party with his wife present and with [Client], in the summer of 2011;
9. Assisting [Client] with moving on one occasion and assisting [Client] with home repairs on one occasion;
10. Engaging in close physical contact with [Client] while providing counseling and/or psychotherapy services including as listed below. If the Member were to testify he would explain that the close physical contact with [Client] described below arose as a result of the Member's attempt to counsel [Client's] dissociated "child" parts. That said, the Member acknowledges in hindsight that such closeness/contact was inappropriate and ill-advised;
  - (i) Holding hands;
  - (ii) Hugging;
  - (iii) Stroking her hair and face;
  - (iv) Permitting her to sit in his lap on 2 – 3 occasions. If the Member were to testify, he would testify that these interactions were brief in duration;
  - (v) Permitting her to listen to his heartbeat and fall asleep while the Member held her; and,
  - (vi) Engaging in close facial contact wherein the Member's face would rub against hers.
11. Sharing personal information with [Client] about his home, marriage, family, church and friends. If the Member were to testify, he would explain that his relationship with [Client] was also as her Pastoral Counselor and therefore, in this context, it was permissible to share some of his personal details with her. However, the Member now realizes in hindsight that he should have maintained professional boundaries and not shared such information;
12. Becoming drowsy during the course of two counseling sessions where [Client] believed that he had fallen asleep. If the Member were to testify, he would state that he did not fall asleep;

13. Hiring [Client] to complete the Member and his wife's personal tax returns; and
  14. Placing an ad for a roommate for [Client] and screening applications.
6. During the course of providing counseling to [Client], the frequency and duration of contact increased and she became increasingly emotionally dependent on the Member.
  7. If he were to testify, the Member would state that in April of 2013, he made a professional judgment decision to increase the boundaries of his professional relationship with [Client] from those of pastoral counselling to those more in line with RSW like boundaries. This was seen as rejection by [Client] despite thorough explanations and even mediation with [Client] and another counsellor and this change in boundaries lead to emotional confusion and despair on her part.

### **Decision**

The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding that the Member committed acts of professional misconduct, and in particular, that the Member's conduct violated:

1. Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.1.1, 1.5, and 1.6) by failing to set and evaluate goals with the client including the enhancement of a client's functioning and the strengthening of the capacity of the client to adapt and make changes, by failing to maintain awareness of the Member's own values, attitudes and needs and how these impact on his professional relationship with the client, and by failing to distinguish his needs and interests from those of his client to ensure that his clients' needs and interests remained paramount;
2. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.5, 2.2, 2.2.1 2.2.3 and 2.2.8) by failing to engage in the process of self-review and evaluation of his practice and seek consultation where appropriate, failing to maintain clear and appropriate boundaries and engaging in boundary violations, by engaging in professional relationships that constitute a conflict of interest or in situations in which he ought reasonably to have known that the client would be at risk in any way, by using information obtained in the course of his professional relationship with the client to coerce or improperly influence his client and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work; and
3. Section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by

members as unprofessional.

### **Penalty Order**

The Panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the terms of the Joint Submission as to Penalty. The Discipline Committee made an order that:

1. The Member shall be reprimanded in person by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.
2. Registrar shall be directed to suspend the Member's Certificate of Registration for a period of eight (8) months, the first four (4) months of which shall be served commencing on the date of the Discipline Committee's Order herein. Upon completion of those first four (4) months of the suspension, the remaining four (4) months of the suspension shall be suspended for a period of two (2) years, commencing on the date of the Discipline Committee's Order herein. The remaining four (4) months of the suspension shall be remitted on the expiry of that two year period if (on or before the second anniversary of the Discipline Committee's Order herein) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3(a) and (b) below. For greater clarity, the terms and conditions imposed under paragraph 3 below will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the full suspension in place of performing those terms and conditions. If the Member fails to comply with the terms and conditions, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms and conditions.
3. The Registrar shall be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register, requiring the Member to:
  - a. at his own expense, participate in an successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within four (4) months from the date of the Order;
  - b. at his own expense, engage in insight oriented psychotherapy as directed by a therapist, approved by the Registrar of the College, for a period of one (1) year to be completed no later than one (1) year from the date at which the Member returns to practice from the mandatory four (4) month suspension, with semi-annual written reports as to the substance of the psychotherapy and the progress of the Member to be provided to the College by the therapist. The Member must additionally provide to the approved therapist the Notice of Hearing as well as the final decision of the Discipline Committee and must provide written confirmation,

signed by the therapist, of receipt of the documents to the Registrar within 15 days of the beginning of the psychotherapy. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the one (1) year period, direct that the psychotherapy be discontinued;

- c. at his own expense, receive supervision of his social work practice with an approved member of a Regulated Health Profession for a period of one (1) year from the date at which the Member returns to practice from the mandatory four (4) month suspension. The Member must additionally provide to the approved supervisor (and any other approved supervisor pursuant to section (c) or (d) of this Joint Submission as to Penalty) the final decision of the Discipline Committee and must provide written confirmation, signed by the supervisor, of receipt of the documents to the Registrar within 15 days of returning to practice under supervision (and within 15 days of the approval of any subsequent supervisor). In the event that the Member operates a private practice, the Member must seek consent from prospective clients to share personal health information with his supervisor in order to allow the supervisor to review client files and engage in review; and
- d. in the event that the Member obtains future employment engaging in activities that fall within the social work scope of practice during the two (2) years following the date that the Member is able to return to practice after his mandatory suspension:
  - i. at least 72 hours prior to resuming practice, the Member shall advise the Registrar of the name and address of his employer, the position in which he will be working and the start date;
  - ii. at least 72 hours prior to resuming practice, the Member shall advise the Registrar of the name of the person who will be providing supervision of his social work practice within his place of employment;
  - iii. the Member shall receive supervision of his social work practice within his place of employment, from the supervisor identified to the Registrar, for a period of 1 year;
  - iv. if the Member's employment ends, or the Member changes employers and/or supervisors, he shall forthwith advise the Registrar of the termination of or change in his employment and/or the name of his new supervisor;
  - v. Forthwith upon completion of the supervision referred to above, in subparagraphs 3(d)(i)-(iv), the Member shall provide to the Registrar written confirmation from his supervisor(s) of such completion

4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register.
5. The Member shall pay costs to the College in the amount of \$2,500 to be paid in accordance with a fee schedule.

The Discipline Committee Concluded that:

- The penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public.
- The joint penalty proposed was reasonable, ensures the maintenance of high professional standards, and serves and protects the interest of the public. The aggravating and mitigating circumstances submitted by both counsel were considered. In addition, the Committee also considered the fact that that the Member, understanding the nature of the allegations that have been made against him, cooperated with the College, agreed to the facts, voluntarily admitted to the allegations of misconduct, and accepted responsibility for his actions.
- The penalty provides both specific and general deterrence to demonstrate to the Member and members of the profession that engaging in similar misconduct is unacceptable. The publication of this decision (including a summary on the College website and the terms of the order on the College Register) will further communicate a clear message to the membership that conduct of this nature is intolerable. The verbal reprimand administered to the Member by his peers will be recorded on the Register.
- The penalty also has a rehabilitative function, including the need for the Member to participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College. Further the penalty requires the Member to engage in insight oriented psychotherapy and to receive supervision of his social work practice, as prescribed.