

Order for Cost Recovery Policy

Overview

Decisions of the Complaints and Inquiry Committees may include an order that a member, or former member, reimburse the College's costs of the investigation, hearing, panel and/or costs associated with monitoring compliance with conditions in the following circumstances:

- the Complaints Committee determines probable misconduct and makes a decision to accept a voluntary surrender of the member's registration; censure a member; refer the matter to mediation; or enter into an agreement with a member
- the Inquiry Committee makes a finding under section 51 of the *Social Work Profession Act*

Nature of Costs

The following are examples of costs that a member or former member may be ordered to reimburse:

- Investigator/auditor reports and hearing attendance costs
- Witness costs including travel and related expenses
- Court reporter fees including transcript costs, if applicable
- Reimbursements/honoraria to Committee members participating in a hearing
- Legal costs including provision of counsel to the College and the Committees
- Costs associated with monitoring compliance with conditions imposed on a member's right to practice social work

Guidelines for Determining Cost Recovery

The underlying principle of cost recovery is that the members at large ought not be responsible for the costs associated with the investigation, management and/or prosecution of the misconduct of an individual member. While not intended to be punitive, cost recovery is intended to ensure that the member responsible for the misconduct is accountable for the associated costs.

As a general rule, the College will consider **full recovery of costs** with exceptions for partial recovery of costs based on the following:

- The number of allegations/charges investigated that were found to be unsubstantiated or lacking evidence

- Aggravating or mitigating factors in the investigation/hearing process that were beyond the control of the member (i.e. delays)
- The member's willingness to enter into a voluntary agreement to resolve the identified issue(s)

Member's Financial Circumstances

If the Member is able to substantiate financial difficulty with appropriate documentation, consideration may be given to extending the payment of costs over a longer period of time.

Social Work Profession Act – Part 7