
PURPOSE

By publishing this censure, the College endeavors to:

- Illustrate for social workers and members of the public, what does or does not constitute unprofessional conduct
- Provide social workers with direction about the College's standards of practice, ethics and professional conduct

SUMMARY

Gerry Payment (former Member) was registered with the Manitoba College of Social Workers (the College / MCSW) or the former Manitoba Institute of Registered Social Workers as a Registered Social Worker in the Practicing Category from June 2004 to December 2006 and from May 2015 to March 2019. On December 13, 2018, the College received a notification of discipline regarding the former Member from the former Member's Employer.

Upon evaluating this matter, the former Member engaged in a conversation about a client in a public area of his workplace which may have breached his client's right to confidentiality. In addition, the former Member did not consistently complete his documentation as required and did not maintain adequate client file recordings.

During the investigation, it was found that the former Member did not promptly notify the College when he received a verbal warning in June 2018 from his employer regarding a potential breach of client confidentiality. Also, it was found that the former Member did not notify the College that his practice may have been in breach of Standard 4.

APPLICABLE PROFESSIONAL OBLIGATIONS

The Complaints Committee considered the following sections of the College's Standards of Practice, General Operating By-Law and *The Social Work Profession Act*, and, in view of the available information, concluded the former Member failed to adhere to the following:

MCSW Code of Ethics

Guideline 1.5 Protect Privacy and Confidentiality

1.5.6 Social Workers take care to not discuss confidential information in public or semi-public areas such as hallways, waiting rooms, elevators, and restaurants.

MCSW Standards of Practice

Standard 4 – Social Work Practice Methods

Social Workers will ensure that services are provided competently and responsibly in accordance with established professional standards and procedures.

Standard 5 – Social Work File Records

The creation and/or maintenance of file records by Social Workers are essential components of professional practice. It is the responsibility of the Social Worker to ensure that client records are kept in accordance with formal documented policies of the employing agency, the MCSW Standards of Practice and all applicable legislation.

Interpretation

The preparation and organization of material for the file record provides a means for describing the client's unique situation and circumstances and for planning the ongoing Social Work interventions. The purpose of the Social Work record is to document the continuity of service, establish a means of accountability, and provide evidence of the services provided. Records are also used to evaluate services and provide data and information for approved research and education. Social Workers ensure that records are current, accurate, contain relevant information about clients, and are managed in a manner that protects client privacy.

Practice Directives

Record Content and Format

5.1 Social Workers keep accurate, continuous, dated, legible and signed records for each client or client system served.

5.5 The Social Work record should be minimally a document of clinical impressions, goals and objectives, a working hypothesis, a service plan, intervention and termination.

5.7 File information is recorded after the service is provided, or as soon thereafter as is reasonably possible.

Social Work Profession Regulation

Changes to be Reported

11 If there is a change in the information that a member provided under sections 4 to 9, the member must submit the new information to the registrar as soon as possible.

DECISION

The College is the regulatory body for Social Workers in Manitoba. Self-regulation is a privilege granted through legislation and each Member has a responsibility to adhere to recognized and approved standards of practice and ethical guidelines established by the profession.

The Complaints Committee formally records its disapproval of the lack of professionalism exhibited by the former Member in failing to adhere to *The Social Work Profession Act* and College's Standards of Practice and General Operating By-Law. Social Workers must conduct their professional practice with integrity. The failure to ensure client confidentiality and adequate documentation are contrary to the high standard of trust which the public expects of Social Workers. The Complaints Committee further notes that had the former Member promptly notified the College of a potential compromise to his professional practice and of the verbal warning from his Employer, the College could have intervened in a timely fashion to ensure public safety. Therefore, the former Member's actions are harmful to the public interest and the interest of the profession as a whole.

Although there is sufficient evidence to authorize charges of professional misconduct, the Complaints Committee acknowledges that the Member was registered from 2004 to 2006 and from 2015 until 2018 without a disciplinary record. The Complaints Committee has therefore determined that a censure will adequately protect the public interest in Social Workers maintaining a high level of professionalism in their social work practice.

The former Member was censured by the Complaints Committee on April 22, 2021, in accordance with paragraph 31(1)(d) and Subsection 33(1) of *The Social Work Profession Act* (the SWPA). Pursuant to that paragraph of the SWPA, the former Member agreed to accept the censure and the Complaints

Committee determined that no other action is to be taken against the former Member in respect of these matters. The Complaints Committee further determined that the interest in educating the public and deterring similar activity in the future weighed in favour of publishing this censure, pursuant to Subsection 33(2) of the SWPA.

In accordance with Subsection 33(3) the Complaints Committee endeavors to minimize costs to the membership of the College by ordering the repayment of complaints investigation costs by the censured Member/former Member. As such, the former Member agreed to repay \$200, as partial recovery of investigation costs.