

Professional Conduct Committee  
Saskatchewan Association of Social Workers  
And  
Benjamin King (SASW Reg. # 4292)

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## **Decision**

Of the  
Discipline Committee  
Saskatchewan Association of Social Workers

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Appearing for the Professional Conduct Committee: Connor Clyde

Appearing for Benjamin King: Himself

Members of the Discipline Committee:

David Rivers, MSW, RSW (SK) – Chairperson

Katherine Potts, HBSW, RSW (SK)

Charlene Cameron, BSW, MA, RSW (SK)

Gary Prediger, BSW, RSW (SK)

Lynda Kushnir-Pekrul, RN, BScN, MScAdmin (Public Representative)

Counsel for the Discipline Committee: Alma Wiebe, Q.C.

Date(s) of the Hearing: April 9, 2019

## Introduction

A hearing of the Discipline Committee of the Saskatchewan Association of Social Workers ("SASW") pursuant to Section 28 of the *Social Workers Act* was conducted in Regina Saskatchewan on April 9, 2019 with respect to a complaint against Mr. Benjamin King.

## Background

On August 14, 2018, the SASW received a letter of complaint from Andy Field, Director of Clinical Services, Saskatoon and North Battleford, Eagle's Nest Youth Ranch (ENYR) dated August 3, 2018 alleging that Mr. King may be guilty of a prohibited relationship with a minor who was a former client.

After reviewing the complaint, the Chair of the Professional Conduct Committee proceeded with a formal investigation pursuant to Section 26(1) of the *Social Workers Act*.

After consideration of all matters disclosed during the investigation of the complaint, the Professional Conduct Committee recommended the matter be referred to the Discipline Committee to hear and determine the following charges as set out in Appendix A to the Notice of Discipline Hearing dated March 19, 2019:

1. While being employed at Eagles Nest Youth Ranch, you crossed professional boundaries with M.P., a 14-year old former client, by:
  - a. Engaging in multiple inappropriate conversations with M.P. through Facebook Messenger, which included:
    - i. Expressing that you love M.P.;
    - ii. Encouraging M.P. to send pictures of herself to you;
    - iii. Commenting on M.P.'s physical appearance; and,
    - iv. Inappropriately providing details of your personal life to M.P.
  - b. Meeting with M.P. away from Eagles Nest Youth Ranch on at least two occasions.
  - c. On multiple occasions, you telephoned M.P. after she had left Eagles Nest Youth Ranch.
2. Further to paragraph 1, you took advantage of the 14 year- old former client for your own personal benefit and interest.

### **Preliminary Matters**

At the commencement of the hearing on April 9, 2019, Counsel for the Professional Conduct Committee filed proof of service of the Notice of Discipline Hearing on Mr. King pursuant to Section 28(1) of *The Social Workers Act*.

No issues or objections to the composition of the Discipline Committee or its jurisdiction to hear and decide this matter were raised.

### **Agreed statement of facts**

The SASW Professional Conduct Committee and Benjamin King submitted a written statement to the Discipline Committee which agreed to a number of facts as follows:

1. Benjamin King resides in the City of Saskatoon, in the Province of Saskatchewan. Mr. King first registered with the Saskatchewan Association of Social Workers (the "SASW") on June 28, 2017 and remained a member in good standing until the end of 2018. Mr. King did not renew his membership for the 2019 year.
2. On August 14, 2018 the SASW received a complaint letter from Andy Field, Director of Clinical Services, Saskatoon and North Battleford, Eagle's Nest Youth Ranch ("ENYR") dated August 3, 2018 regarding Mr. King. Attached at **Tab A** (of the Agreed Statement) was a copy of the complaint letter. Attached at **Tab B** was a copy of the message thread which was attached to the complaint letter. Attached at **Tab C** was a copy of the MSS Child Protection investigation findings which was attached to the complaint letter.
3. The complaint letter and attachments were forwarded to the Professional Conduct Committee for review and investigation. The investigation by the Professional Conduct Committee has resulted in the charges set out in Appendix A to a Notice of Discipline Hearing dated March 8, 2019. Documents were gathered and Mr. King and employees of ENYR were interviewed regarding the complaint and Mr. King's interactions with the 14-year-old former client of ENYR and long-term ward of the Ministry of Social Services ("M.P.").
4. Mr. King acknowledges and admits to the charges identified in Appendix A of the Notice of Discipline Hearing dated March 8, 2019 and admits that his actions amount to a professional misconduct, as that term is defined in section 30 of *The Social Workers Act*, SS 1993, c S-52.1 (the "Act"), a breach of section 49 of the Act, and breaches of the SASW General Bylaws, Canadian Association of Social Workers Code of Ethics, Canadian Association of Social Workers Guidelines for

Ethical Practice, and Standards of Ethical Practice for Professional Social Workers in Saskatchewan provision particularized in Appendix A.

5. Mr. King began his employment with the ENYR in on January 19, 2015 on a casual basis. Mr. King was terminated on August 2, 2018, as a result of the conduct outlined in the complaint letter. Mr. King's employment status with ENYR is as follows:

<b>Date</b>	<b>Employment Type</b>
January 19, 2015 to June 22, 2016	Casual
June 23, 2016 to September 10, 2016	Part-Time
September 11, 2016 to April 23, 2017	Casual
April 24, 2017 to July 29, 2017	Full-Time
July 30, 2017 to August 2, 2018	Casual

6. At the time Mr. King was terminated from ENYR and during the period of time he was in communication with M.P. his job title was Youth Care Worker. Mr. King's employment responsibilities as a Youth care Worker were largely caregiver based, including cooking, cleaning, room checks, planning daily activities, diffusing conflict, and ensuring residents obtained their medication on time.
7. For the last approximately year Mr. King was employed with the ENYR he was also employed with Catholic Family Services ("CFS") as a counsellor and group facilitator.
8. By letter dated September 10, 2018, Mr. King was provided the complaint letter by the Professional Conduct Committee. Mr. King responded to the complaint on October 11, 2018.
9. Mr. King acknowledges that he is the individual referred to in the message thread attached at Tab B and that his messages appear on the left-hand side of the pages. M.P.'s messages appear on the right-hand side of the pages. The message thread attached at Tab B does not contain every message between Mr. King and M.P., rather the messages that were provided with the complaint and are not entirely in chronological order.
10. The messages contained at Tab B took place over several weeks.
11. M.P. was not a resident of ENYR when the message thread attached to Tab B took place.
12. If Mr. King were to testify, he would state:

- (a) His actions regarding M.P. were out of character and inconsistent with his values, knowledge, and priorities.
- (b) During the time he was communicating with M.P. he was overwhelmed mentally and emotionally due to issues in his personal and professional life.
- (c) The relationship did not consist of anything other than written and verbal communication. There was no physical contact.
- (d) He spoke with M.P. on the telephone five or six times and met in person on two occasions.
- (e) He was concerned for M.P.'s wellbeing throughout his time communicating with her.
- (f) He felt trapped and unable to extricate himself from his communication and relationship with M.P.
- (g) Once informed of the complaint, he ceased all communication with M.P. and blocked her from contacting him on social media.
- (h) He has been engaged with counselling since September or October 2018.

13. Mr. King has no previous discipline history with the SASW.

### **Penalty**

In light of the Agreed Statement of Facts and Mr King's admission of guilt, argument on behalf of both parties moved to the issue of penalty. In that regard, the parties filed a joint submission as to penalty. Upon careful review of the joint submission and upon hearing from counsel for Professional Conduct Committee and from the member, the Discipline Committee makes the following order:

1. Pursuant to section 29 of *The Social Workers Act* (the "Act"), Benjamin King shall not be entitled to reapply for admission with the Saskatchewan Association of Social Workers (the "Association") for a period of twelve months and until such time as the following conditions are met:
  - (a) Within one month of his intended return to practice, Benjamin King shall successfully complete an ethics and boundaries course and submit a written report to the Registrar that outlines how the ethics and boundaries course applies to his professional conduct and what he plans to change as a result of the course. This course shall be approved by the Registrar. Benjamin King shall bear any and all costs of the course and provide proof of successful completion to the Registrar.
  - (b) Within one month of his intended return to practice, Benjamin King will have completed a minimum of 10 sessions of psychotherapy as directed by a therapist approved by the Registrar. Before the first session, Benjamin King must provide to the approved therapist the Notice of Hearing, Agreed

Statement of Facts, and Discipline Committee decision. Benjamin King must provide written confirmation, signed by the therapist, of receipt of these documents to the Registrar prior to the beginning of psychotherapy. The following must be provided to the Association within one month of Benjamin King's intended return to practice:

- (i) a statement of fitness to practice as a Social Worker from the therapist;
  - (ii) confirmation of compliance with the psychotherapy from the therapist; and,
  - (iii) a written statement from Benjamin King outlining how the psychotherapy has impacted his professional framework and ways in which it has changed his social work practice.
2. Upon the expiry of the twelve months specified above, and in the event all the conditions are met in paragraph one and Benjamin King's license is reinstated, and pursuant to section 29(1)(d) of the *Act*, Benjamin King's license shall be subject to the following conditions:
- (a) For the first twelve months Benjamin King resumes employment in a social worker capacity, Benjamin King shall not work in any capacity where he is providing social work services to any individual under the age of 16.
  - (b) For the first twelve months Benjamin King resumes employment in a social worker capacity, Benjamin King shall receive supervision of his social work practice with a member of the Association approved by the Registrar. Benjamin King must provide to the approved supervisor the final decision of the Discipline Committee and must provide written confirmation, signed by the approved supervisor, of receipt of the final decision of the Discipline Committee to the Registrar within fourteen days of returning to practice under supervision. In the event that Benjamin King operates a private practice, he must seek consent from prospective clients to share personal health information with his approved supervisor in order to allow the supervisor to review client files and engage in review. If Benjamin King's supervisor changes, he shall forthwith advise the Registrar of the name of his new supervisor, who must be approved by the Registrar. Benjamin King shall bear any costs associated with this supervision. At both months six and twelve of Mr. King's supervised social work practice:
    - (i) the approved supervisor must provide a written report to the Registrar commenting on the supervisor's opinion on Benjamin King's fitness to practice based on ensuring that professional boundaries are maintained in Benjamin King's practice; and,

- (ii) Benjamin King must provide a written statement on how the supervision has changed his social work practice and professional outlook.
  - (c) For the first twelve months Benjamin King resumes employment in a social worker capacity and within fourteen days of commencing or resuming employment in any social worker position with any employer, Benjamin King shall notify the Registrar of the name, address, and telephone number of his social worker employer.
  - (d) When Benjamin King seeks to resume employment in a social work capacity, and for the following twelve months, Benjamin King shall provide his social worker employer(s) with a copy of the Discipline Committee's decision and order and provide verification to the Registrar that this has been done.
3. Pursuant to section 29(2)(a)(ii) of the *Act*, Benjamin King shall pay costs of the investigation and hearing in the amount of \$5,000.00. Such costs shall be paid on or before April 9, 2021. In the event Benjamin King is a Member in good standing as of April 9, 2021, and Benjamin King fails to make payment of the costs as ordered, his license shall be immediately suspended until such payment is made, pursuant to section 29(2)(b) of the *Act*.
4. A copy of the Discipline Committee's decision shall be published on the Association's website.

In supplement to the order, by way of guidance to the Registrar and not as an order, the Discipline Committee submits the following considerations:

1. (a) that consideration be given by the Registrar that the approved ethics course be provided by an accredited academic institution or continuing education provider;
- (b) that consideration be given by the Registrar to approve a therapist with specialization and experience in the assessment and treatment of issues of inappropriate boundaries and prohibited sexual, social or romantic relationships;
2. (a) that consideration be given by the Registrar to understand "social work services" to refer to various forms of human service work including youth care work;
- (b) that consideration be given by the Registrar to understand "operating or *providing*" a service within a private practice as being the same in regard to the need to seek consent from prospective clients to share personal health information as stated in 2 (b) of the above order.

3. that a copy of the Decision be published as per SASW General Bylaws and standard practices: published on the SASW website, summarized in a digest in the SASW newsletter, and distributed to the registrars of social work regulator bodies in Canada.

Members of the Discipline committee express their appreciation to Counsel and to Mr. King for their cooperation in supporting and developing an Agreed Statement of Facts and Joint Submission as to Penalty which helped expedite the discipline hearing and penalty decision process.



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David Rivers, MSW, RSW (SK)  
Chairperson – Discipline Committee

Date: April 18, 2019

For the Discipline Committee:  
Katherine Potts, HBSW, RSW (SK)  
Charlene Cameron, BSW, MA, RSW (SK)  
Gary Prediger, BSW, RSW (SK)  
Lynda Kushnir-Pekrul, RN, BScN, MScAdmin (Public Representative)