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**CASE SUMMARY: THIS APPEAL WAS BROUGHT BY A REGISTRANT OF THE ALBERTA COLLEGE OF SOCIAL WORKERS AGAINST A DECISION OF THE COLLEGE'S HEARING TRIBUNAL. THE HEARING TRIBUNAL FOUND THAT THE APPELLANT ENGAGED IN UNPROFESSIONAL CONDUCT WHEN SHE WAS RUDE, DISMISSIVE AND ABRASIVE. THE COLLEGE BROUGHT FOUR CHARGES AGAINST THE APPELLANT FINDING THAT ALL FOUR ALLEGATIONS HAD BEEN PROVEN.**

**Administrative law – Decisions reviewed – College of Social Workers – Failure to provide reasons – Judicial review – Appeals – Social workers – Professional misconduct or conduct unbecoming**

*MacLeod v. Alberta College of Social Workers*, [2018] A.J. No. 24, 2018 ABCA 13, Alberta Court of Appeal, January 12, 2018, R.L. Berger, P.T. Costigan and F.F. Slatter J.J.A.

The appellant argued that the Alberta College of Social Workers (the “College”) failed to provide her with particulars of the complaints, the Hearing Tribunal failed to provide adequate reasons, the Hearing Tribunal incorrectly interpreted the scope of the allegations, and the Hearing Tribunal made inappropriate evidentiary decisions.

The Court found that the allegations contained in the charges were too broad and did not contain sufficient, if any, particulars of the allegations, including the dates or locations of the alleged events. The Court also found that the Hearing Tribunal relied on unrelated events to support its finding of unprofessional conduct. Moreover, the Court held “[t]he Hearing Tribunal did not explain how it distinguished the first charge from the second charge, and seemed to treat them both as generally engaging a review of the appellant’s entire career. As noted in the previous section of these reasons, it was unfair to expect that the appellant to respond to allegations of this generality” (at para. 32).

In the result, the Court set aside the findings of professional misconduct on the first three counts. The first two counts were set aside on the basis that they were duplicitous and too general to form the proper basis for a hearing of professional misconduct. The third count was set aside as it went beyond the scope of the charge. The third count was remitted back to the College for reconsideration.

With respect to costs, the Court set aside the Hearing Tribunal’s award against the appellant and awarded her costs of this appeal but not the first hearing.

This case was digested by [Jackson C. Doyle](#), and first published in the LexisNexis® Harper Grey Administrative Law Netletter and the Harper Grey Administrative Law Newsletter. If you would like to discuss this case further, please contact Jackson C. Doyle at [jdoyle@harpergrey.com](mailto:jdoyle@harpergrey.com).