

Complaints and Disciplinary Tribunal

DECISION NUMBER: RSW1/D1/SWDT/2016

IN THE MATTER of a charge laid under the Social Workers
Registration Act 2003

BETWEEN the Complaints Assessment Committee
Complainant

AND **Ann George Kuruvilla**
Respondent

**BEFORE THE SOCIAL WORKERS REGISTRATION BOARD COMPLAINTS AND
DISCIPLINARY TRIBUNAL**

Present: Catherine Garvey (Chairperson)
Phil Comber, Lareen Cooper, Toni Hocquard,
Darryn Russell (Members)
Fleur Nicholas (Hearing Officer)
Dale LaHood (Counsel for the Complaints
Assessment Committee)
Aaron Kashyap (Counsel for Ms Kuruvilla)
Ms Kuruvilla

Hearing Held in Auckland on 7 March 2016

The Tribunal reconvened on 1 April 2016 to consider penalty

Introduction

1. Ms Ann Kuruvilla holds a Bachelor of Arts in Sociology (2004) and a Masters in Social Work (2006), attained in India. Ms Kuruvilla registered with the Social Workers Registration Board ("the Board") on 1 December 2011, having previously obtained competence certification through the Aotearoa New Zealand Association of Social Workers in 2009.
2. From March 2009 to the date of hearing Ms Kuruvilla has been employed by Auckland District Health Board ("ADHB") in the role designated Community Support Worker in an outpatient service. Ms Kuruvilla was not required by her employer to hold a professional qualification or to be registered in order to perform this role.
3. Ms Kuruvilla held an annual practising certificate ("APC") for the periods 1 December 2011 to 30 June 2012, 1 July to 30 June 2013, and 1 July 2013 to 22 April 2014. Ms Kuruvilla's certificate of competence expired on 22 April 2014. As a consequence her APC was rendered invalid on that same date.
4. A Complaints Assessment Committee ("CAC") appointed under the Social Workers Registration Act 2003 ("the Act") laid a charge pursuant to section 82(1)(b) in relation to Ms Kuruvilla practising without a current practising certificate between 22 April 2014 and 1 September 2015.
5. The charge reads as follows:

"Pursuant to section 72(3) of the Act the Complaints Assessment Committee charges that Ann Kuruvilla, registered social worker, of Auckland:

(a) Between 22 April 2014 and 1 September 2015 was employed or engaged as a social worker without a current practising certificate;

(b) And that this conduct amounts to conduct that is unbecoming of a social worker and reflects adversely on her fitness to practise as a social worker pursuant to s82(1)(b) of the Act."

Legal principles

6. The burden of proving the charge rests with the CAC. The standard of proof is the balance of probabilities.
7. Relevant to disciplinary proceedings, the purpose of the Act includes the protection of the safety of the public by prescribing or providing for mechanisms that ensure that social workers are both competent to practise, and accountable for the way in which they practise: section 3(a)(i) and (ii).

8. Section 3(d) further provides that the Act is to “*enhance the professionalism of social workers.*”
9. Section 25 of the Act requires all registered social workers who are employed or engaged as a social worker to hold a current practising certificate. This requirement persists unless the social worker is recorded as non-practising or is otherwise removed from the register.
10. Section 44 of the Act requires all registered social workers to complete a competency assessment every five years. If a practitioner’s competency certification expires, then the practitioner’s practising certificate immediately becomes invalid.
11. The Tribunal must be satisfied that the following elements of the charge laid in reliance on s82(1)(b) are established:
 - a. That at all material times Ms Kuruvilla was a registered social worker; and
 - b. That at all material times she was employed or engaged as a social worker; and
 - c. That Ms Kuruvilla’s conduct in failing to ensure that her competency certification was maintained and that she was therefore able to hold a current practising certificate, amounts to conduct unbecoming a registered social worker; and
 - d. That this conduct reflects adversely on Ms Kuruvilla’s fitness to practice.
12. In defending the charge it was argued on behalf of Ms Kuruvilla that she was not employed as a social worker.
13. The terms “*social work*” and “*employed or engaged as a social worker*” used in section 25 are not defined in the Act. It is clear on the face of the section that the requirement to hold a current practising certificate is not restricted to employment in a role titled “social worker.” It envisages circumstances in which a registered social worker may not be formally employed as a social worker but nonetheless is engaged in tasks and undertaking responsibilities that can properly be considered social work. This is consistent with the broad purpose of the Act.
14. In every case where the Tribunal is required to determine whether the registered social worker is employed or engaged in social work, this will require an assessment of the facts including the Job Description of the social worker and their day to day tasks.
15. The Tribunal was referred by counsel for the CAC to a Crown Law opinion jointly obtained by the Social Workers Registration Board and Ministry of Social Development, which commends a broad approach be taken to what constitutes social work. This opinion concludes that a registered social worker is “*employed or*

engaged as a social worker” and required to hold a current practising certificate if he or she:

“3.1 is engaged with casework decisions at any level; and/or

3.2 in the context of performing his or her role, expressly or implicitly holds himself or herself out as a registered social worker, or is held out in that way by his or her employer or colleagues.”

16. As for the test of conduct unbecoming which reflects adversely on a practitioner’s fitness to practise, there are a number of decisions of this Tribunal where s82(1)(b) has been considered. The Tribunal adopts the approach of the Health Practitioners Disciplinary Tribunal (“the HPDT”) and High Court appeals from that Tribunal in which an identical provision was considered under the Medical Practitioners Acts 1968 and 1995.

17. In *B v Medical Council*,¹ Elias J discussed the test as follows:

“There is little authority on what comprises “conduct unbecoming.” The classification requires assessment of degree. But it needs to be recognised that conduct which attracts professional discipline, even at the lower end of the scale, must be conduct which departs from acceptable professional standards. That departure must be significant enough to attract sanction for the purposes of protecting the public...

The structure of the disciplinary processes set up by the Act, which rely in part upon judgment by a practitioner’s peers, emphasises that the best guide to what is acceptable professional conduct is the standards applied by competent, ethical and responsible practitioners. But the inclusion of lay representatives in the disciplinary process and the right of appeal to this court indicates that usual professional practice, while significant, may not always be determinative: the standards applied must ultimately be for the court to determine, taking into account all the circumstances including not only usual practice but also patient interests and community expectations, including the expectation that professional standards not be permitted to lag. The disciplinary process in part is one of setting standards.”

18. In *Zauka* ² the HPDT held:

“It is not necessary that the proven conduct should conclusively demonstrate that the practitioner is unfit to practise. The conduct will need to be of a kind that is inconsistent with what might be expected from a practitioner who acts in compliance with the standards normally observed by those who are fit to practise medicine. Not every divergence from recognised standards will reflect adversely on a practitioner’s fitness to practise. It is a matter of degree.”

¹ [2005] 3 NZLR 810

² Re Zauka, 236/03/103C, Health Practitioners Disciplinary Tribunal

Facts

19. The Tribunal considered an Agreed Summary of Facts, a bundle of documents produced by the CAC (without objection); additional documentation from Ms Kuruvilla including her original Position Description, and oral evidence from Dr Janet Duke for the CAC, and Ms Kuruvilla.
20. Ms Kuruvilla qualified in India with a qualification recognised as equivalent and capable of supporting her registration with the Social Workers Registration Board (“the Board”). Ms Kuruvilla obtained competency certification through Aotearoa New Zealand Social Workers Association in 2009. She was at the time working as a community support worker in a non-government organisation. She confirmed that she was able to use her work experience in that role for the purposes of preparing material for certification. Ms Kuruvilla was then registered with the Board on 1 December 2011, by which time she was employed as a Community Support Worker by Auckland District Health Board (“ADHB”).
21. Ms Kuruvilla advised she paid the APC renewal fee personally. She was unable to recall who had counter-signed her applications in 2012 and 2013 and whether this was someone within ADHB. Following the hearing the Tribunal subsequently obtained copies of the relevant applications. The 2012 declaration was countersigned by a social worker also employed by ADHB. The 2013 declaration was not countersigned as the Board’s requirements for this had then changed. Both parties were provided with copies of these declarations. Nothing further needs to be said about these documents.
22. Ms Kuruvilla commenced employment with ADHB in March 2009. Ms Kuruvilla produced a Position Description and offer of employment as a Community Support Worker dated February 2009. Her role was and is to work with community mental health services in Central Auckland. Ms Kuruvilla remained in this role at the time of the hearing. Ms Kuruvilla advised that she had applied for positions in which she would be formally employed as a social worker, but had been unsuccessful.
23. Ms Kuruvilla was not required by her employer to hold a formal qualification in social work, or to be registered. However Ms Kuruvilla accepted that her qualification and training provided skills which she inevitably brought to her role working directly with high needs clients. In her statement to the Tribunal Ms Kuruvilla advised that her role included the following:

*“-driving clients to engage in exercise activities like the gym or walking groups
-driving clients to the local banks, work and income WINZ, food shopping, doctors appointments, Hospital appointments,
-getting clients to participate in the community by helping them to find work and build their understanding of community resources that existed.”*
24. For two periods of time in 2013 and 2014 Ms Kuruvilla was seconded to a role within a team of social workers. Under cross-examination Ms Kuruvilla

acknowledged that during the first secondment in late 2013 to early 2014 (which she recalled may have been a 6 month period) she was introduced as a social worker, and was practising as a social worker. Ms Kuruvilla held a current practising certificate during this period of secondment. There is no direct evidence before the Tribunal as to whether Ms Kuruvilla's registration with the Board, and holding of an APC was material to this secondment. The second secondment that took place in late 2014 is discussed below.

25. Ms Kuruvilla advised the Tribunal that when she was due to renew her competency certification in April 2014 she spoke to her Team Leader. She stated that she was advised that *"ADHB will neither support nor endorse my recertification."*³ The Tribunal did not receive copies of any communications between the Board and Ms Kuruvilla in or around April 2014 relating to the requirement for renewal of the competency certificate. In the evidence before us however there was reference to some communication having occurred, suggesting that Ms Kuruvilla was advised in April 2014 of the need to urgently complete her recertification.⁴
26. By email dated 1 July 2014 the Board's Social Work Advisor Barbara Gilray wrote to Ms Kuruvilla referring to a telephone discussion of the same date, and advising Ms Kuruvilla as follows:

"As your competency expired on 14th April this year you need to urgently get your competency re-certification done so that you can apply for your Annual Practising Certificate, and in light of what is outlined below it may be useful to have a fairly urgent discussion with your manager. Subsequently to your discussion can you please get back to me as soon as possible so that the SWRB can look at how we can support you to renew your competency as quickly as possible."

27. The reference to *"what is outlined below"* is to an extract from the Crown Law opinion and Board's view as to the scope of the phrase *"employed or engaged as a social worker."*
28. Ms Kuruvilla had no further correspondence with the Board until 24 November 2015. She stated to the Tribunal that between July and November she was working on completing the documents required for competency certification, referring in particular to a Continuing Professional Development ("CPD") log, and a supervision log. She further advised the Tribunal that she had sought assistance in the nature of supervision within her employment, and endorsement of her CPD documentation. Ms Kuruvilla stated that she *"...would like to put in my documents and apply for my APC."*⁵

³ Statement of Evidence of Ann George Kuruvilla at [14].

⁴ Tab 4 CAC Bundle of Documents, email Barbara Gilray Social Work Advisor to Ms Kuruvilla dated 24 November 2014.

⁵ Tab 4 CAC Bundle p 5.

29. Copies of any documentation prepared by Ms Kuruvilla in anticipation of obtaining recertification were not provided to the Board, and nor was the Tribunal provided with the documentation to which Ms Kuruvilla referred.
30. On behalf of the Board Ms Gilray replied on the same day, 24 November 2014, stating that Ms Kuruvilla was practising in breach of s25 of the Act and urging her to provide her competency certification documentation to the Board *“as a matter of urgency.”* Ms Gilray went on to advise Ms Kuruvilla that her matter was to be referred to the Board for consideration of further action. The possibility of disciplinary proceedings was noted.⁶
31. Shortly after, on 27 November 2014, the Registrar of the Board wrote to Ms Kuruvilla advising that she had been referred to the Chair of the Tribunal pursuant to s59(3)(d) for determination of a referral to a Complaints Assessment Committee⁷.
32. On 1 December 2014 there were a series of emails between Ms Kuruvilla, the Chief Executive of the Board, and Barbara Gilray. Ms Kuruvilla forwarded to the Board a copy of an email dated 13 August 2014 from the Social Work Professional Leader of Allied Health Services at ADHB to her Team Leader and a senior social worker discussing Ms Kuruvilla’s desire to be employed as a mental health social worker, perceived challenges to this, and discussing a planned secondment for the purposes of enabling Ms Kuruvilla *“to strengthen her social work skills and provide much needed social work support at [the secondment site]”*⁸.
33. Ms Kuruvilla relied on this email to confirm her employer’s view that she was not required to be registered; and that her employer was not supportive of her recertification. In this regard, the email included the following statement:
- “In my view this secondment cannot include Anne [sic] regaining her competence or APC, rather it is an important step on her journey back to being able to demonstrate social work competence.”*
34. Ms Kuruvilla did not provide any direct evidence from her employer as to the nature of her role or the reasons for which she was not supported in attaining her recertification. Mr Kashyap was critical of the CAC for not obtaining such evidence however the Tribunal considers that this criticism is unfounded. The CAC relied upon the Position Description provided by Ms Kuruvilla and her communications with the Board (and with the CAC through the Board). It was not until the day of the hearing that Ms Kuruvilla produced a written statement containing further detail about her work tasks.
35. Ms Kuruvilla advised the Tribunal that it was her belief that her employer was aware of her registration, based on her discussions regarding her need to renew her

⁶ Tab 4 CAC Bundle, p5.

⁷ Tab 5 CAC Bundle, p8.

⁸ CAC Bundle Tab 7 p 11

competency certification and APC. It was also Ms Kuruvilla's evidence that she had applied for a number of positions as a social worker; it is likely that her registration status was referred to in these applications.

36. On 5 December 2014 Ms Kuruvilla again wrote to the Chief Executive of the Board. In this email she advised that she was not continuing a secondment and was returning to the Community Social Work Service. (Ms Kuruvilla clarified in her oral evidence that the secondment referred to in this email was a second period of secondment commencing in or about October 2014). The Board's reply was to reiterate that Ms Kuruvilla required a practising certificate and a competence certificate; and requested a copy of her position description.
37. The next communication was on 8 January 2015 when Ms Kuruvilla wrote to the Chief Executive of the Board (and other office holders) explaining certain difficulties with supervision and completion of documentation for competency certification. Ms Kuruvilla's email refers to providing her position description but this does not appear to have been attached at this time.⁹
38. The next correspondence is an email on 18 March 2015 from Ms Kuruvilla to the Board attaching her position description. Ms Kuruvilla advised that she was "*currently seeking supervision from [her] line manager and an external supervisor*" in order to complete her competence assessment and regain an APC.¹⁰
39. The Registrar of the Board advised Ms Kuruvilla by letter dated 24 March 2015 that her matter had been referred to a CAC and detailed the composition of the CAC and potential outcomes of the CAC investigation.¹¹
40. By letter dated 31 March 2015 Ms Kuruvilla referred to her employment as a Community Support Worker and that she had not renewed her APC because it was not required in her job. She went on to say:

"I approached [the Board] for renewal of the APC with the intention of applying for social worker positions in the future. The practical work experience I gained was under the supervision of qualified social workers in the area where the work of a social worker overlaps with that of a Community Support Worker...

*...The brief period I worked with the social work department to fulfil the requirements of practical experience for registration, was under the close supervision of qualified social workers and not an independent practice. Moreover it was with the full knowledge of my superiors."*¹²

⁹ CAC Bundle Tab 11, p19

¹⁰ CAC Bundle Tab 11, p19

¹¹ CAC Bundle Tab 12, pp22-24

¹² CAC Bundle Tab 14 pp25-6

41. There were two further communications from Ms Kuruvilla to the Board prior to the notice of disciplinary charge. In June 2015 Ms Kuruvilla wrote that she tried to keep a CPD log and supervision log but that she was unaware that the experience she gained would not be endorsed by her supervisors/employer for the purposes of recertification¹³.
42. Ms Kuruvilla wrote again on 14 September 2015¹⁴ advising of a meeting with her employer that day, and attaching a letter dated 6 August 2015 from her employer stating that Ms Kuruvilla was not employed as a social worker and that registration or an APC were not required for Ms Kuruvilla's role.¹⁵
43. The Tribunal was required to consider whether Ms Kuruvilla was employed or engaged as a social worker. The Tribunal considered the background and correspondence set out above, the evidence of Dr Janet Duke on behalf of the CAC, and the written statement and oral evidence of Ms Kuruvilla. The Tribunal also considered Ms Kuruvilla's position description dated February 2009 which was current at the time of her commencing employment with ADHB and a revised position description dated July 2009. Both position descriptions outlined the role of a Community Support Worker in the relevant community services.
44. Ms Kuruvilla's position description included the following "Key Accountabilities":
- a. To work in partnership with clients/Tangata Whaiora and their family/whanau and the wider community to ensure that, via the delivery of culturally appropriate services clients are better able to meet their own needs;
 - b. To work in partnership to develop a support plan that reflects an accurate assessment of the client's needs, goals and aspirations;
 - c. To ensure effective liaison with clinical support services takes place on a regular basis;
 - d. To network effectively to ensure the cultural needs of Tangata Whaiora, Pacific peoples and mainstream clients and their family/whanau are met.
45. Under cross examination Ms Kuruvilla agreed that she did apply these key accountabilities.
46. Ms Kuruvilla characterised her role as largely one in which she implemented decisions made by a physically remote multi-disciplinary team, and drove clients to various appointments and places. However the Position Description includes the expectation that a Community Support Worker will "*maintain regular participation*

¹³ Tab 14 CAC Bundle p27, email dated 15 June 2015

¹⁴ Tab 15 CAC Bundle p 29

¹⁵ Tab 15 CAC Bundle p30.

in team meetings, planning groups and regular staff supervision...[and] accept joint responsibility for the decisions reached by these processes.”

47. At the conclusion of the evidence the Tribunal retired to consider the charge. An oral decision was delivered at the hearing that the Tribunal found the charge proved. The reasons for that decision now follow from paragraph 49 below.
48. Submissions as to penalty were invited at the hearing. Mr La Hood spoke to written submissions; Mr Kashyap made brief oral submissions. Evidence as to Ms Kuruvilla’s financial circumstances was not provided however Mr Kashyap indicated that Ms Kuruvilla was of limited means and would struggle with any financial penalty. Following discussion, it was agreed that a financial declaration would be filed and served within 7 days of the hearing, with the CAC given an opportunity to respond. Mr Kashyap subsequently sought and was granted further time for the filing of Ms Kuruvilla’s affidavit. This was filed on 21 March. Mr La Hood filed a memorandum in response on 24 March and the Tribunal reconvened to consider these matters on the papers. The penalty submissions and evidence is discussed below from paragraph 54.

Findings - liability

49. As above, the purpose of the Act includes the protection of the public, ensuring that social workers are accountable, and enhancing the professionalism of social workers. Registered social workers have a responsibility to meet the statutory requirements of registration and certification (both in terms of practising certificates and competency certification).
50. It is not necessary for a registered social worker’s job title to be that of “social worker” in order for that person to be employed or engaged in social work. The primary consideration in determining whether a person is employed or engaged as a social worker. With that said, this case highlights the potential for difficulties where the employer of a registered social worker does not require the person to be registered to carry out their role.
51. Ms Kuruvilla has direct involvement with clients of the service in which she is employed. She liaises with those clients and third parties including doctors, WINZ and accommodation services. Ms Kuruvilla advised the Tribunal that she assists clients to be organised, to develop routines, and with access to rehabilitation providers and others. Ms Kuruvilla readily acknowledged that she used her social work skills and training in her day to day tasks.
52. The Tribunal finds that the tasks described in the Position Description and on Ms Kuruvilla’s own evidence she was engaged in social work. As such, given that Ms Kuruvilla was at all material times registered she was required to hold a current practising certificate pursuant to section 25 of the Act. The Board was clear in its communications with Ms Kuruvilla about this.

53. Further, after registering with the Board in 2011, Ms Kuruvilla renewed her practising certificate on two occasions and therefore ought to have been familiar with what was required of her.

Findings-penalty

54. Following receipt of the affidavit of Ms Kuruvilla dated 21 March and the CAC's response to this the Tribunal considered the imposition of penalty. In addition to considering those documents, the Tribunal took into account the written and oral submissions by Mr La Hood, and the oral submissions made at the hearing by Mr Kashyap on behalf of Ms Kuruvilla.

55. The principles relevant to penalty in the disciplinary context are comprehensively set out by Collins J in *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand*.¹⁶ In summary the Tribunal role in determining the appropriate penalty in any case includes the following considerations:

- a. The protection of the public, which includes deterring other social workers from offending in a similar way;
- b. To set professional standards;
- c. That penalties have a punitive function, both directly (such as a fine) and as a by-product of sanctions imposed;
- d. Rehabilitation of the social worker, where appropriate;
- e. To impose penalties that are comparable to those imposed in similar circumstances;
- f. To reserve the maximum penalties for the worst offending;
- g. To impose the least restrictive penalty that can reasonably be imposed in the circumstances;
- h. To assess whether the penalty is a fair, reasonable and proportionate one in all the circumstances.

56. This Tribunal has recently considered a number of charges laid pursuant to s82(1)(b) in circumstances where a registered social worker has not renewed their annual practising certificate. While each case turns on its own facts, there are also a number of similarities that arise, including notification to the social worker by the Board of the requirement to renew the practising certificate; advice from the Board that it considers the social worker to be employed or engaged in social work (despite a job title or alternate view of an employer); relatively lengthy periods of

¹⁶ High Court Wellington CIV 2012-404-003916 [12 December 2012]

time during which the practising certificate is not held, and prior awareness of the renewal process.

57. On behalf of the CAC, Mr La Hood submitted that a censure, fine and contribution towards costs is appropriate, which the Tribunal accepts. Mr Kashyap referred to a minimal fine being appropriate but otherwise focused in his brief oral submissions on what he submitted were the mitigating features relevant to penalty in this case.
58. By way of aggravating features, the Tribunal accepts the CAC's submission that a period of 16 months is aggravating; we also accept that the lack of action in the face of reminders sent to Ms Kuruvilla by the Board as to the need to renew her APC and competency certificate is of concern. Oral submissions were made to the effect that there were question marks over Ms Kuruvilla's competence.
59. Mr Kashyap submitted that the Tribunal should consider the period over which Ms Kuruvilla undertook a brief secondment while not holding a current practising certificate as the culpable timeframe rather than the period set out in the charge. Having found that in her role as community support worker Ms Kuruvilla was engaged in social work, we do not accept that submission.
60. The CAC accepted that a mitigating feature is the evidence that Ms Kuruvilla was not well supported in terms of her efforts to renew her competency certificate and renew her practising certificate. Mr Kashyap also relied on the employer's actions as substantially mitigating Ms Kuruvilla's conduct. The Tribunal is conscious that no direct evidence was available from Ms Kuruvilla's employer on these issues. Ms Kuruvilla's evidence was that she was not actively supported to meet the requirements of her registration, by which she referred to a lack of regular supervision by a social worker and a lack of professional development opportunities relevant to her competency recertification. It was clear to the Tribunal that this was a significant factor in Ms Kuruvilla's perception of what she was able to achieve and the apparent lack of progress with the recertification process.
61. Given an indication that Ms Kuruvilla was of limited means (but unable to provide adequate details orally), the Tribunal received affidavit evidence from Ms Kuruvilla. The Tribunal notes that in his written submissions provided at the hearing Mr La Hood was very clear as to the financial information considered by the CAC to be relevant. The Tribunal confirmed to Mr Kashyap the details that may be of assistance. Unfortunately Ms Kuruvilla's affidavit is notable for its lack of detail. In short, Ms Kuruvilla advises that her outgoings (not detailed) exceed her sole source of income, being her salary; that she has a number of debts (not detailed), and that she is not able to seek further loans because of her current financial situation. Ms Kuruvilla states that she is a caregiver to her parents who reside overseas, whom she supports.
62. The Tribunal has previously outlined the importance of detailed financial information where a social worker intends to seek no, or reduced, fine and costs on the basis of impecuniosity. It is reasonably expected that this information be available at the time of hearing where time allows for the consideration of penalty.

This is most desirable to avoid delay and the further costs associated with an exchange of evidence and the need for the Tribunal to reconvene to consider penalty.

63. The Tribunal imposes the following penalties:
- a. Ms Kuruvilla is censured.
 - b. A fine of \$500.
 - c. A contribution towards the costs of the Tribunal and CAC in the sum of \$1,500.
64. A censure is an appropriate penalty to reflect the failure to comply with the mandatory requirements of registration as a social worker, and that this failure reflects on Ms Kuruvilla's professionalism.
65. With regard to the fine, the maximum available under the Act is \$10,000. In his written submissions Mr La Hood accepted the position taken recently by the Tribunal that this maximum means some adjustment is required when looking for guidance at decisions of the Health Practitioners Disciplinary Tribunal (where the maximum fine available is \$30,000).
66. The Tribunal considers that a fine of \$500 reflects the length of time over which Ms Kuruvilla continued to be engaged in social work without a current practising certificate and without taking demonstrable steps to renew her competency certificate (so that she could then renew her practising certificate).
67. The costs incurred by the CAC and the Tribunal totaled just over \$15,000. But for Ms Kuruvilla's financial position (as best this can be determined) a greater contribution towards cost would have been ordered.

Conclusion

68. The Tribunal finds the charge of conduct unbecoming that reflects adversely on Ms Kuruvilla's fitness to practise is proved.
69. The Tribunal directs the Executive Officer to publish a copy of this decision on the Board's website.



DATED this 19th day of April 2016

Catherine Garvey
Chairperson
Social Workers Complaints and Disciplinary Tribunal