

Complaints and Disciplinary Tribunal

DECISION NUMBER: RSW2/D2/SWDT/2015

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

BETWEEN the Complaints Assessment Committee
Complainant

AND RSW Y
Respondent

BEFORE THE SOCIAL WORKERS COMPLAINTS AND DISCIPLINARY TRIBUNAL

Present: Ms. V Hirst (Chairperson)
Ms. S Dyhrberg, Mr. D Russell, Ms. Yvonne
Crichton-Hill, Ms. Toni Hocquard (Members)
Ms. Rachel Kent (Hearing Officer)
Mr. Ian Murray (Counsel for the CAC)

Hearing Held in Wellington on Tuesday 23 June 2015

Publication of Order

- 1 This hearing was held in private and as such it is inappropriate to publish the decision on the Board's website.
- 2 The Tribunal orders that, in the interests of educating the profession and transparency of procedure, the following summary be published on the Board's website:

Charge:

- A Complaints Assessment Committee duly appointed by the Chairperson of the Social Workers Complaints and Disciplinary Tribunal ("**Tribunal**") laid before the Tribunal a charge of misconduct against a social worker in that:
 - the social worker entered into a sexual relationship with a vulnerable former client;
 - the social worker hid this relationship from their employer; and
 - the social worker accessed personal information on the client on a work database after the professional relationship had ceased.

Findings:

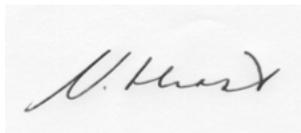
- The social worker knew the client to be extremely vulnerable and from a troubled background. The client undoubtedly would have placed trust in the social worker and looked up to them as a mentor.
- The social worker acknowledged that they had breached that trust, severely compromising their role as a registered social worker, and had caused the young person confusion and distress.
- The Tribunal was very troubled by the fact that the social worker did not raise with management or their supervisor the development of a personal relationship. This potential conflict of interest and role conflict should have been flagged immediately.
- In relation to the repeated breaches of privacy, the Tribunal accepted that this conduct also showed very poor judgement. The Tribunal considers the social worker showed total disregard for the bounds of the professional role.
- The Tribunal found the charges established and serious enough to warrant a disciplinary sanction. Further, the Tribunal concluded the conduct amounted to gross or severe misconduct.

- It was found that the conduct went to the heart of what a registered social worker is and does.

Penalties:

- The Tribunal censured the social worker and ordered they pay \$2,500 towards the costs of the proceedings.
- The Tribunal also ordered the social worker's registration be cancelled and outlined conditions to be met before the social worker could reapply for registration, no earlier than 5 years from the time of deregistration.

Dated this 14th day of August 2015

A handwritten signature in black ink, appearing to read 'V. Hirst', is centered on a light gray rectangular background.

V Hirst

Chairperson

Social Workers Complaints and Disciplinary Tribunal