

RSW6/SWDT/2020 – Mr Sioeli Vaiangina

Charge

On 20 March 2020 the Social Workers Complaints and Disciplinary Tribunal received a charge of professional misconduct laid by a Professional Conduct Committee (PCC), against Mr Sioeli Vaiangina, registered social worker of Auckland (the social worker).

The charge alleged that the social worker:

1. Indecently assaulted a young woman under the age of 16 on multiple occasions.
2. In 2016 received a formal warning from the police for an indecent act on a young person under 16.
3. In 2017 did not disclose the police investigation or warning when renewing his practising certificate.
4. Has not co-operated with the PCC's investigation in any meaningful way.
5. Breached principles 1.1, 1.2, 9.1, 9.6 and 9.8 of the Code of Conduct issued by the Social Workers Registration Board pursuant to s105 of the Act (the Code) in respect to paragraph 1 above.
6. Breached principles 1.1, 1.2 and 9.1 of the Code in respect of paragraph 2 above.
7. Breached principles 1.1, 9.1 and 9.6 of the Code in respect of paragraph 3 above.
8. Breached principle 9.7 of the Code in respect of paragraph 4 above.

That the conduct above individually or cumulative amounts to professional misconduct or conduct that is unbecoming of a social worker.

On 18 May 2020 the Tribunal convened a telephone conference call to consider a recommendation from the PCC for interim suspension of the social workers' registration. On 28 May 2020 the Tribunal made an order for interim suspension of the social worker's practising certificate pending the hearing of the charge as set out above.

On 14 and 15 September 2020, the Tribunal considered the charge of professional misconduct. The social worker was not represented by counsel at the hearing and did not himself attend the hearing.

The complainant, the victim of the social worker's offending did not attend the hearing as a witness.

Finding

The Tribunal found Particulars 1 and 5 of the charge not made out. Particular 1 of the charge relied wholly on the complainant's evidence which the Tribunal found to be inadmissible in the

absence of the complainant attending as a witness and the Tribunal not being satisfied that she was unavailable. As a consequence of this, Particular 5 was not proved.

The Tribunal found that Particulars 2, 3 6 and 7 to be made out. The Tribunal considers that the fact and circumstances of the Police warning are sufficient to undermine the trust and confidence the community must be able to hold in a registered social worker. A social worker must demonstrate good decision making and ethical conduct in their own life. Clients they work with place significant trust in them as a social worker.

Particulars 4 and 8 were not made out. The full co-operation of social workers who are under investigation is to be encouraged. A social worker can miss the opportunity to influence the deliberations of and recommendations made by the PCC if they do not engage in the investigation process. However, the Act does not impose an obligation on the social worker to fully engage but requires the PCC to provide opportunities for the social worker to receive information and to be heard.

Penalty

The social worker was censured and his registration cancelled. The Tribunal ordered the social worker to pay \$1,000 towards the costs and expenses of and incidental to the investigation, prosecution and hearing of the charge noting that this sum while only a very small proportion of the actual costs incurred, will be a significant amount to the social worker given his financial circumstances.

The Tribunal directed that the decision and a summary of the decision be published.

The full and reasoned decision can be found at <https://swrb.govt.nz/public-and-employers/tribunal-decisions/>