

Social work learning from Tribunal case – Kathleen Noble

The Social Workers Complaints and Disciplinary Tribunal (the Tribunal) recently considered a charge against a social worker laid by the Professional Conduct Committee (PCC) for professional misconduct. The charge alleged the social worker had breached Principles 1,4,5,6, and 9 of the SWRB Code of Conduct.

The social worker was accused of accepting an offer of \$1,000 from her client, driving her client to the bank to withdraw the money, and not making any arrangement to repay the money. The client told the Tribunal she had made the offer freely, after the social worker confided in her about concerns for the social worker's son's mental wellbeing. The social worker admitted to the PCC that she had accepted the loan without making arrangements to repay it. She stated that she assumed the money would be taken from her final pay by her employer, despite telling her client not to tell anyone about the money and failing to tell her employer about the loan. The borrowed money was repaid by the social worker's employer when they learned of the loan, and this was deducted from her pay. The social worker resigned soon after the loan was made.

The Tribunal noted the implicit power imbalance in the social worker/client relationship and that the social worker had not taken steps to rectify situation in the interests of her client. The money offered by the client as a result of the social worker sharing her story represented a blurring of professional boundaries, a breach of trust and a conflict of interest.

The Tribunal found that the social worker exploited the relationship she had with her client and took advantage of her vulnerability. It considered that maintaining appropriate professional boundaries is a fundamental skill, obligation, and professional discipline for all social workers, and that social workers who lack the ability to maintain appropriate professional boundaries complicate relationships with clients in a way that is likely to be damaging to the client.

Referencing the Code of Conduct, the Tribunal stated that where a potential or actual conflict of interest arises in our work, social workers are required to tell a supervisor or employer and seek support to address this. This action protects their client's safety, the social worker's reputation, and their employer.

The Tribunal also found that the social worker's actions put at risk, public trust and confidence in the profession. The Tribunal was concerned that the social worker had made no record of having received the money and she had taken steps to conceal the transaction. If the client had not disclosed it, the offending may never have come to light. The Tribunal thought that Ms Noble's behaviour in attempting to conceal conduct she knew to be inappropriate significantly aggravated the offending.

The Tribunal found that the charge of professional misconduct had been established, and the breaches of Principles 1, 4, 5, 6, and 9 of the Code of Code were considered to be acts or omissions that brought or would likely bring discredit to the social work profession.

In considering an appropriate penalty, the Tribunal considered the case in relation to the Act, and penalties imposed for similar cases – social work and other regulated professions. Wherever appropriate the Tribunal takes a rehabilitative approach. In this case the social worker had her registration suspended for six months, and she was ordered to complete a professional development programme approved by the SWRB Board on the Code of Conduct and ethical practise, emphasising professional boundaries, at her own expense. She was also ordered to pay 35% of the costs of the PCC and 50% of the costs of the Tribunal totalling \$22,781.00.