

RSW16/SWDT/2021 – Ms Alazay Wairua Noble

Charge

On 13 September 2021 the Social Workers Complaints and Disciplinary Tribunal (the Tribunal) heard a charge laid by a Professional Conduct Committee (PCC), against Ms Alazay Wairua Noble, registered social worker of Tauranga (the social worker).

The charge alleged that:

On or around 12 March 2019, the social worker dishonestly obtained \$500 from a contractor to her then employer (Te Runanga O Ngai Tamawhariua Incorporated (TRON)). At the time, the social worker was serving an electronically monitored sentence following a conviction for theft and was subject to an employment risk management plan which restricted her access to funding and cash.

The alleged conduct amounted to professional misconduct, reflected adversely on the social worker's fitness to practise and breached principles 1, 8 and 9 of the Code of Conduct issued by the Social Workers Registration Board (the Board) under the Social Workers Registration Act 2003.

Background

The social worker registered with the Board on 20 April 2018. Her registration was cancelled on 4 June 2021 by order of the Tribunal (differently constituted) in relation to an earlier disciplinary charge. That charge related to the social worker's conviction for theft from a Liquorland store where she was a casual worker.

The conduct relating to this charge occurred between March and September 2019, when the social worker was registered and practising.

The social worker was employed by TRON and because of the conduct around the conviction for theft, she had signed a risk management plan with her employer requiring her to practise in a way that did not jeopardise the standing of TRON with service providers and the community.

Contrary to the plan, the social worker was given a cheque for \$3,586 to pass on to a contractor. When handing the cheque over, the social worker alleged the cheque was overstated by \$500 due to an administrative error. This was not correct. The social worker asked the contractor to refund the \$500 in cash to her which he did.

The contractor raised the issue of the \$500 with TRON at a later meeting with TRON representatives who knew nothing about the matter. The social worker when contacted denied any wrongdoing but did repay the \$500 to the contractor.

Finding

The hearing proceeded via audio-visual link. The social worker did not attend the hearing.

The Tribunal established that the social worker's actions breached principles 1, 8 and 9 of the Code. The social worker deprived the contractor of funds he was entitled to, for her own benefit. This breached the trust that had been placed in her by her employer and by the contractor as a colleague. The social worker did not act openly or honestly with the contractor nor TRON when she fraudulently obtained the \$500.

The Tribunal found that it was relevant that these events were within one month of the social worker signing her risk management plan.

In addition to breaching the Code, the Tribunal also found that the social worker's conduct amounted to professional misconduct and brought or was likely to bring discredit to the social work profession.

Penalty

The social worker's registration was already cancelled due to the earlier disciplinary charge. This had implications for the penalty orders that the Tribunal could impose. Had the social worker still been registered, the Tribunal was satisfied that cancellation would have been an appropriate penalty.

The Tribunal also considered whether to impose a fine. The Tribunal found that the cumulative effects of the previous registration cancellation, a second disciplinary finding relating to dishonesty and publication of the same, and the imposition of costs orders meant that this would not add anything to meeting the purposes of the Act.

The Tribunal ordered that the social worker:

- Be censured;
- Pay costs totalling \$10,887.00 in contribution to the hearing.

The Tribunal directed publication of this decision and a summary.