

PCC Charge

On 12 March 2020 the Social Workers Complaints and Disciplinary Tribunal issued a decision in response to a charge laid against Mr Harrison, registered social worker (the social worker), by a Professional Conduct Committee (PCC).

Charge 1 alleged that:

1. During November 2015 the social worker was providing social work services to a [teenage girl], A, whom he met through a Waka Ama programme he ran. In December 2015 he gave her gifts which included perfume, a mobile phone and money for lunches.
2. In January or February 2016 he sent A text messages that said “I love you oi” and “I miss you oi”.
3. The social worker did not receive professional supervision or seek guidance about the appropriateness of him providing social work services to A when he had prior connections with her through other activities they had been involved in.

The social worker’s conduct was found to be in breach of principles 4 and 5 of the Code of Conduct That is his conduct amounted to:

- a) Professional misconduct pursuant to s 82(1)(a) of the Act, or;
- b) Conduct that is unbecoming of a social worker that reflects adversely on his fitness to practice pursuant to s 82(1)(b) of the Act.

Charge 2 alleged that:

1. Between 1 July 2016 and 11 November 2016 Mr Harrison was employed or engaged as a social worker without a current practising certificate

The Tribunal found the social worker’s conduct amounted to conduct that is unbecoming of a social worker and reflected adversely on his fitness to practice as a social worker pursuant to s 82(1)(b) of the Act.

Background

Charge 1

An agreed statements of fact between the social worker and the prosecution included that:

From 2015 the social worker was seconded from Child, Youth and Family to Ngā Waka O Te Tai Tokerau Trust (the Trust), through which he was involved in a waka ama programme. During this programme he met A. The social worker had a whakapapa connection with A.

The waka ama programme was to help young people at risk and help teach them skills for transition to employment.

In November, A reached out to the social worker through the Messenger app because of abusive (bullying) messages that were posted on her Facebook page, and he provided her immediate support. He called her and, using his social worker training, assessed her to have a moderate suicide risk. He referred her to a female mentor at the Trust as he identified a conflict of interest and the Trust's policy was to have female participants with female mentors.

For up to three weeks following this the social worker continued to have contact with A on the Messenger app as he said it was "my work" and he wanted to follow through and stay in touch.

In late December the social worker provided gifts to A that included perfume, a mobile phone and money for lunches. The social worker contended these were koha in acknowledgment of work done, but also reflected these could have been seen as from him personally rather than the trust and were therefore inappropriate.

In January or February 2016 the social worker sent A text messages saying "I love you, oi" and "I miss you, oi". It was conceded that while these were intended to prevent A from feeling rebuffed and were common language for a social worker in Northland, that these texts had blurred the lines between professional and personal boundaries.

The social worker was not engaged in any formal or informal supervision during the period covered by this charge.

Findings

Charge 1

The tribunal considered that:

The social worker to have been in breach of Rule 1, as he had not discussed his conflict of interest due to his whakapapa connection with A with his supervisor. They considered the steps he did take not appropriately rigorous, transparent or safe.

The social worker giving gifts such as a mobile phone to A was not appropriate. They considered the risk of misperception of the gift, the risk of misuse and the lack of parental knowledge and consent to all be relevant factors. They referred to Principle 6 of the current Code, and while this did not exist in the old Code from when the event occurred, it was still in breach.

The tribunal did not consider giving money for lunches to be inappropriate, as reference was made to the social worker being reimbursed by the Trust and the social worker was not taking lunch with A alone.

The text messages sent were viewed as inappropriate. There was no alleging of a sexual relationship between the social worker and A, however they consider the language of “I love you” to be blurring the lines of professional boundaries, and therefore in breach of the Code.

They also considered the social worker to have a responsibility to engage in supervision during his secondment as he was still practising as a social worker.

Cumulatively the above conduct was a moderate departure from what is acceptable.

Background

Charge 2

On 30 June 2016 the social worker’s annual practising certificate (APC) expired. The Board invoiced Child Youth and Family for the social workers’ practising certificate. This was paid in a bulk payment and then reversed on the same day. Further, no Practising Certificate Declaration was made by the social worker.

The social worker advised he deliberately did not make such a declaration as he considered his seconded role to be non-social work.

During the period from 1 July to 11 November 2016 the social worker continued to carry out tasks such as project management. He also conducted training, supervising a largely unqualified team and had direct contact with young people (such as providing risk assessments).

Findings

Charge 2

The tribunal was satisfied that:

- a) The social worker was registered with the Board, and;
- b) Did not hold a practising certificate between 1 July and 11 November 2016, and;
- c) Was employed or engaged as a social worker in the above period.

They considered evidence from the PCC’s expert that as the social worker was engaged in tasks that required him to make casework decisions, and was providing senior/supervisory services to an organisation that worked with and around young people, that he was engaged in social work services.

The tribunal considered the social worker’s uncertainty about whether his role was a social work role but advised that he is obliged to contact the Board to clarify whether his role at the trust amounted to social work. They also said it would have been sensible to speak to a senior colleague at Child, Youth and Family.

They found as he was engaged in social work he was required to hold a current APC.

Penalty

The tribunal ordered that the social worker:

- was censured;
- was to undertake a course of education or training approved by the board covering areas of professional boundaries and cultural competence
- For a period of two years must only practise as a social worker under supervision from a supervisor approved by the Board
- was to pay costs of \$500

The Tribunal also directed publication of the decision.