

PCC Charge

The Social Workers Complaints and Disciplinary Tribunal (The Tribunal) issued a decision in response to a charge laid against Mr Robert John Puletagaloa Luisi, registered social worker (the social worker), by a Professional Conduct Committee (PCC).

The charge alleged that between 2 July 2016 and 31 April 2019 the social worker was employed or engaged as a social worker without a current practising certificate. That conduct was alleged to amount to conduct that is unbecoming of a social worker and reflects adversely on his fitness to practise as a social worker.

Background

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

In 2015 the social worker was seconded for 12 months to Ranui135 Trust (Ranui135) from his social work position at the Anglican Trust as a “Youth Work Broker”. The purpose of this role was to support young people getting in to work. The social worker remained in full time employment from the date of his secondment to the date of the Tribunal decision. Over time his role developed in to managing a team of youth workers.

The social worker APC lapsed in 2016 when he left his employment as a social worker at the Anglican Trust and commenced full time work at Ranui135, as the social worker did not consider he was practising social work. He was contacted by the Board in September 2016, and after sending his job description to the Board he was advised it was considered social work and he needed to hold an APC.

Findings

The Tribunal found the Social Worker’s conduct amounted to conduct that is unbecoming of a social worker pursuant to s 82(1)(b) of the Act.

The Tribunal considered that based on the description of the social worker’s role at Ranui135, and the opinion of an expert witness called by the PCC, Ms Douglas, the social worker was engaged in social work. Tasks performed by the social worker that are found in social work and requiring social work skills and knowledge to perform were:

- Direct engagement with young people;
- Contact with the families of young people;
- Work which involves relationship building, networking and evaluation of programmes;

- Research in a liaison role;
- Community engagement including facilitating networking and encouraging collaborative approaches to projects to meet the needs of young people;
- Involvement in planning and coordinating community events for young people;
- Support, supervision and training of staff, volunteers and students, and;
- Programme development.

The Tribunal found that the social worker's actions were a significant departure from the standards reasonably expected of a social worker. The fact he had failed to renew his APC after repeated requests from the Board was an aggravating factor. They considered the conduct reflected adversely on his fitness to practise as a social worker.

Penalty

The counsel for the PCC submitted that there are two aggravating factors:

- Firstly, that Mr Luisi practised as a social worker without holding an APC after being informed by the Board he was required to do so, and;
- Secondly that Mr Luisi failed to engage with the Board throughout the period from September 2016 to January 2018.

They further submitted that because of this the Tribunal should impose a fine and award costs against Mr Luisi.

The counsel for Mr Luisi submitted:

- Mr Luisi had shown genuine remorse and insight in to his conduct;
- His mistake was erroneous but a genuinely held belief he did not require an APC;
- Mr Luisi did not pose and risk to the public and no harm occurred;
- He is experiencing financial hardship, and;
- He engaged with the PCC and Tribunal during their processes

They submitted that a censure and a modest fine (if any) is the appropriate penalty.

The tribunal considered the primary factor is what penalty is required to protect the public and deter similar conduct. The need to punish the practitioner can be considered but is of secondary importance.

The Tribunal ordered that the social worker:

- Be censured;
- pay a fine of \$400, and;
- pay costs of \$2,550.

Publication

Mr Luisi sought permanent name suppression. He requested based on the grounds that:

- The disciplinary process was distressing, stressful and humiliating, and had a significant impact on himself, his family, colleagues and employer;
- That the publication of him may cause his employer, Rainui135 to lose funding or cause him to lose his job, and;
- Mr Luisi is genuinely remorseful and regrets his actions.

The tribunal considered that stress, embarrassment and reputational concerns are common to all tribunal cases. This alone is not sufficient to outweigh the public interest in publication. Further, the concerns regarding Mr Luisi's employment at Rainui135 and the funding of Rainui135 are purely speculative.

Therefore, The Tribunal ordered publication of this decision and a summary.