

SWCDT21/18P – Ms Francesca Lynch

Charge

On 27 and 28 June 2022 the Social Workers Complaints and Disciplinary Tribunal (the Tribunal) heard a charge laid by a Professional Conduct Committee (PCC), against Ms Francesca Lynch, registered social worker of Christchurch (the social worker). A penalty hearing was held by audio-visual link on Monday 15 August 2022.

The charge alleged that:

Conduct following termination of employment with Canterbury District Health Board (CDHB)

Particular 1: Between 1 September 2019 and 31 December 2020, the social worker engaged in conduct that was threatening and/or harassing towards Mr X [name permanently suppressed], an employee of CDHB, namely by;

- i. Sending direct messages to Mr X on social media from a social media profile in the name of “Willie Morris”; and/or
- ii. Leaving voicemails on Mr X’s phone that were abusive and contained personal threats about Mr X’s job and personal safety.

Particular 2: Between 1 September 2019 and 31 December 2020, the social worker made posts on social media from a social media account in her name that made disparaging remarks about the reputation and character of CDHB and Mr X.

Conduct whilst employed by the Salvation Army

Particular 3: Between 1 March 2020 and 30 June 2020, the social worker engaged in an unprofessional and/or inappropriate relationship with a Salvation Army client, (Mr Z – name permanently suppressed), including by:

- iii. Spending a significant amount of time with Mr Z when he was not the social worker’s direct social work client but a client of the Salvation Army; and/or
- iv. sending a significant number of text messages and placing a number of calls to Mr Z’s phone, and receiving a number of text messages from Mr Z on her work phone.

Particular 4: alleged that the social worker’s conduct breached Principles 1, 5, 6, 8 and 9 of the Code of Conduct applying to social workers.

As at the date of the hearing the social worker’s registration and practising certificate as a social worker were suspended. Her registration and practising certificate were suspended by the Board on 24 July 2020 after it had received a notification of concern from the Salvation Army which included the matters which were the subject of particular 3 of the Charge. Her suspension has been renewed every ten days since then.

Background

The social worker did not participate in the proceedings. She did not attend the hearing or give any evidence about any of the allegations in the charge. She did not engage with the PCC as to the substance of the matters it investigated. What communications she did have with the Tribunal's hearing officer were, broadly speaking, highly inappropriate, unprofessional, and abusive.

Conduct following termination of employment with the CDHB (Particulars 1 and 2 of the charge).
The social worker was employed by the CDHB. On 13 March 2019, she was stood down from her employment pending an internal employment investigation to review alleged concerns about her. The social worker's employment was terminated following the investigation.

Mr X was at the time, a barrister and solicitor employed as an in-house Employment Relations Specialist in the People and Capability Team at CDHB. He was responsible for providing legal advice on employment matters and as such was involved in the investigation into the social worker's employment.

A couple of months after her employment was terminated the social worker began to harass and make threats against Mr X and publicly ridiculed his name on social media. The social worker took issue with Mr X and his conduct during the internal employment investigation.

Conduct whilst employed by the Salvation Army (Particular 3 of the charge).

The social worker was employed in the social work practice at the Salvation Army in the three-person Community Housing Team from November 2018 to July 2019, based at the Salvation Army hostel in Addington although her clients were in the community.

Concerns were raised by various staff and clients at the hostel about the social worker developing an inappropriate relationship with a hostel client who was not part of her caseload. The concerns were raised with the social worker who denied hanging out with the hostel client.

An investigation was carried out and the findings were subsequently conveyed to the social worker. A meeting was then arranged to discuss termination of her employment, however the social worker resigned from her employment before the meeting took place.

Finding

Particular 1 and 2. The Tribunal was satisfied that the social worker was responsible for the social media comments and posts, and the voicemails left of Mr X's phone. These messages were abusive and contained personal threats about Mr X's job and personal safety. The social worker's conduct was threatening and harassing towards Mr X. The charge of professional misconduct for each of the particulars was established. The Tribunal considered that the social worker's professional misconduct called into question her ability to practise social work ethically in the future.

Particular 3. The Tribunal was satisfied on the balance of probabilities that the social worker engaged in an unprofessional and inappropriate relationship with the client of her employer. This was a serious and significant departure from the professional standards which the public and profession expect of registered social workers. The Tribunal found that the hostel clients were equally clients of the Salvation Army as were the community clients. As a social worker employed by the Salvation Army she was expected to recognise and abide by that. There was an element of being in a position of trust and authority by virtue of the social worker being a Salvation Army social worker and the client being a client although not a direct client, of the Salvation Army.

Particular 4: In respect of Particulars 1 and 2 the Tribunal found that the social worker breached the Code of Conduct including principles 1.1, 1.5, 8.3, 8.7 and 9.1 in a manner that requires disciplinary sanction. In respect of Particular 3, the Tribunal found that the social worker breached the Code of Conduct, in particular principles 5.8 and 9.1.

Penalty

The Tribunal ordered:

- Cancellation of registration.
- Censure
- Pay costs totalling \$32,903 in contribution to the hearing.

The Tribunal directed publication of this decision and a summary subject to the suppression orders it imposed.