**SWCDT22/21P – (Ms H)**

**Charge**

On 7 February 2024 the Social Workers Complaints and Disciplinary Tribunal (the Tribunal) heard by way of audio-visual link, a conviction charge laid by a Professional Conduct Committee (PCC), against Ms H, registered social worker (the social worker).

The charge alleged that:

1. The Social Worker was convicted in the District Court of two offences of causing harm by posting digital communications against section 22 of the Harmful Digital Communications Act 2015 (causing harm by posting digital communication), each offence being punishable by a term of imprisonment of 3 months or longer in that she engaged in conduct that was threatening and/or harassing towards a colleague and a former colleague by:

 Sending 10 direct messages to her colleague on social media from her social medica profile.

 Sending 20 direct messages to her former colleague on social media using a fictitious account.

 The offences committed in circumstances that either separately or cumulatively, reflect adversely on the social worker’s fitness to practise as a social worker.

The social worker accepted the charge and that it reflected adversely on her fitness to practise as a social worker. The hearing proceeded by way of an agreed summary of facts.

**Background**

The social worker over approximately a year, published threatening and derogatory comments about her two former colleagues on her own Facebook profile as well as a false account such as:

 “Enjoy your sleepless night bitch lol” and “I will continue to bad mouth you to everyone that comes into contact with you professionally and personally.” And

“Still bullying people? Fabricating stories? Screwing Managers? To get what you want. You’re a piece of shit and karma is a bitch.”

The messages became more personal and included the full name of one of the colleagues.

The social worker had already faced a charge of professional misconduct before the Tribunal relating to these derogatory posts on Facebook and harassment of her colleagues and at that time ordered cancellation of the social worker’s registration.

The present charge relates to the conviction in the District Court in relation to the threatening and derogatory comments. The social worker’s counsel challenged the Tribunal’s ability to hear the conviction charge stating that the social worker was prejudiced by the PCC not prosecuting the conviction charge when it came to its attention and that no further action should be taken by the Tribunal.

The Tribunal ruled that it did have jurisdiction to hear the conviction charge. Their consideration is set out in the full decision.

**Finding**

The Tribunal found the conviction charge established and that it did amount to conduct that reflects adversely on the social worker’s fitness to practise as a social worker.

The Tribunal was concerned at the potential harm that can be caused by online harassment and abuse, and that social workers should be very aware of this through their training and practise and be careful to avoid engaging in such conduct.

**Penalty**

Given the serious nature of the offending, the Tribunal would have ordered cancellation, however, the social worker’s registration was cancelled in the previous proceedings. The Tribunal considered there was no evidence that a rehabilitative penalty would be appropriate in this case. Censure was ordered.

As to costs, given the significant costs award in the first proceedings (over $30,000) and that the conviction charge was not dealt concurrently with the first proceedings the Tribunal determined to let the costs lie where they fall. It did not make any finding in relation to whether the proceedings ought to have been consolidated with the previous proceedings but perceived there may have been an opportunity lost in this regard.

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