

## *Evidence of harm caused by social workers: Australian and overseas examples*

The following table outlines examples of incidents where social workers formally regulated and registered in their countries of practice, have been the subject of complaints through the relevant authority. The table outlines the details of the misconduct and the powers available to the relevant authorities in imposing consequences following misconduct. These examples occurred between 2011 and 2014.

### Evidence of misconduct in countries where social work is formally regulated

	Country	Details of complaint and harm caused	Outcome
<b>Example 1.</b>	England (Health and Care Professions Council [HCPC]) June 2014 <sup>1</sup>	<ul style="list-style-type: none"> <li>• Child protection social worker</li> <li>• SW charged and convicted with 16 count of distributing indecent photographs of children</li> <li>• SW convicted of possessing indecent photographs</li> <li>• Children in photographs were the same age as clients SW worked with.</li> </ul>	Struck off the HCPC register in England – unable to practice as a social worker.
<b>Example 2.</b>	England (Health and Care Professions Council [HCPC]) May 2014.	<ul style="list-style-type: none"> <li>• Child protection social worker</li> <li>• Proven that SW did not follow statutory requirements with respect to several children in terms of conducting visits, seeing children in absence of parents and acting on reports from 3<sup>rd</sup> parties regarding risk</li> <li>• Children concerned were at risk of sexual abuse, violence and neglect.</li> </ul>	Struck off the HCPC register in England – unable to practice as a social worker.
<b>Example 3.</b>	England (Health and Care Professions Council [HCPC]) May 2014.	<ul style="list-style-type: none"> <li>• Allocated social worker to a vulnerable client</li> <li>• Formed sexual relationship with client</li> <li>• Exploited client sexually</li> <li>• Informed client sexual relationship could continue when no longer the allocated social worker</li> <li>• Continued to contact client, after a request from the client to cease contact, with sexually explicit text messages.</li> </ul>	Struck off the HCPC register in England – unable to practice as a social worker.

<sup>1</sup>Health Care Professions Council, *Hearings and Decisions*, Accessed 1<sup>st</sup> September, <http://www.hcpc-uk.org/complaints/hearings/index.asp?EventType=H&category=18&month=6&year=2014&SubmitButton=GO>

	Country	Details of complaint and harm caused	Outcome
<b>Example 4.</b>	Care council for Wales - April 2013 <sup>2</sup>	<ul style="list-style-type: none"> <li>• Qualified social worker formed a sexual relationship with a service user.</li> <li>• Failed to inform employer</li> <li>• Sent a text message to the service user stating words to this effect: 'I am about to be suspended. There will be an investigation. I will tell them we developed a friendship but it wasn't sexual'</li> <li>• Service user experienced significant change in mood after relationship came to light, resulted in child being placed in care and service user attempted suicide (hearing did not comment on a direct link between the relationship and these events, though commented that the social worker's conduct did not lead to positive outcomes for the service user.</li> </ul>	Register Removal Order (equivalent of being struck off).
<b>Example 5.</b>	Ontario College of Social Workers and Social Service Workers - December 2013 <sup>3</sup>	<ul style="list-style-type: none"> <li>• Social worker worked at a correctional institution and was allocated a client who was incarcerated after being convicted of aggravated sexual assault</li> <li>• The Member provided the Client with counseling and/or psychotherapy to assist the client with managing anger and frustration and to deal with depression, anxiety, childhood victimization and shame/guilt over the offense for which the Client was incarcerated</li> <li>• Engaged in a sexual/intimate relationship with the client</li> <li>• Engaged in personal phone contact with the client</li> <li>• Allowed the client access to confidential records concerning other clients</li> <li>• Discussed detail of relationship with the client in sessions rather than focusing on client's therapeutic needs</li> <li>• Shared the substance of the initial mandatory report received by the College with the Client and told the Client that they 'had to get [their] stories</li> </ul>	Twelve month suspension and ordered to complete a boundaries and ethics course, engage in insight oriented psychotherapy, supervised practice for a period of 2 years.

<sup>2</sup>Care Council for Wales, *Hearings*, Accessed 28<sup>th</sup> August, <http://www.ccwales.org.uk/hearings/2013/04/04/mark-john-hamer/>

<sup>3</sup> Ontario College of Social Workers, *Discipline Committee Decisions*, Accessed 4<sup>th</sup> September 2014 <[http://www.ocswssw.org/en/cd\\_discipline\\_decisions.htm](http://www.ocswssw.org/en/cd_discipline_decisions.htm)>

	Country	Details of complaint and harm caused	Outcome
		<p>straight'</p> <ul style="list-style-type: none"> <li>Continued to visit, embrace and touch the client at the institution after leaving her employment at the institution.</li> </ul>	
<b>Example 6.</b>	Ontario College of Social Workers and Social Service Workers - December 2013	<ul style="list-style-type: none"> <li>Had numerous non-clinical contacts with a client both alone and in the presence of SW's family and friends</li> <li>Had the client in her home on numerous occasions</li> <li>Made personal disclosures to the client about familial and financial affairs</li> <li>Gave gifts to client</li> <li>Accepted gifts, goods and services from the client, including the including the client</li> <li>Tidying, cleaning, painting and decorating the social worker's house; purchasing or providing the social worker with home furnishings and groceries and cooking, driving and babysitting for the social worker and her family.</li> </ul>	Revoke social worker's certificate of registration.
<b>Example 7.</b>	England (HCPC) July 2013	<ul style="list-style-type: none"> <li>Child protection social worker</li> <li>SW was allocated a case of a newborn baby with a mother with alcohol issues</li> <li>SW was instructed to visit the mother within the week and failed to do so</li> <li>Baby had been dropped by its mother within this time</li> <li>Failed to maintain professional boundaries in that SW did not promptly and adequately declare a conflict interest to a colleague with regard to a person who she had a sexual relationship with who was under police investigation for rape / assault.</li> </ul>	Struck off the HCPC register in England – unable to practice as a social worker.
<b>Example 8.</b>	England (HCPC) April 2013	<ul style="list-style-type: none"> <li>Making indecent photograph or pseudo-photograph of a child x 4</li> <li>Possession of extreme pornographic Images x 1</li> <li>Possession of extreme pornographic Images x 1.</li> </ul>	Struck off the HCPC register – unable to practice as a social worker

	Country	Details of complaint and harm caused	Outcome
<b>Example 9.</b>	England (HCPC) March 2013	<ul style="list-style-type: none"> <li>• Social worker in youth justice area</li> <li>• Conducted inappropriate relationship with a service user for a period of longer than a year beginning when the service user was 16 years old</li> <li>• Gave service user gifts</li> <li>• Undertook high level of home visits to service user's home. Visited 2-4 times a week when recommended visit volume for this particular service user was once a month</li> <li>• Allowed service user to drive SW personal vehicle – service user did not have a license</li> <li>• Hired a car and allowed service user to drive the car. Service user was involved in a car accident while driving this car.</li> </ul>	Struck off the HCPC register – unable to practice as a social worker.
<b>Example 10.</b>	England (HCPC) May 2013	<ul style="list-style-type: none"> <li>• Social worker worked as a child protection practitioner</li> <li>• Working with a vulnerable parent whose child had been removed from her care for a period of 5 weeks</li> <li>• Parenting concerns required to be addressed</li> <li>• When the child was returned to the care of the parent, the social worker began a sexual relationship with the parent following a disclosure from the parent that she loved the social worker</li> <li>• The social worker moved in with the parent and the baby</li> <li>• The social worker kept confidential information and case records at the home of the parent</li> <li>• It was proved that the parent/client had accessed confidential information about other clients brought into the home.</li> </ul>	Struck off the HCPC register – unable to practice as a social worker.
<b>Example 11.</b>	Alberta College of Social workers – March 2013 <sup>4</sup>	<ul style="list-style-type: none"> <li>• Failed to obtain consent from parents to complete assessment report on children</li> <li>• Did not interview specific people in your assessment report</li> <li>• Did not present evidence to support conclusions in report</li> <li>• Did not keep appropriate records</li> </ul>	Reprimand issued Practice prohibited in areas of access and custody until such time as below orders have been completed

<sup>4</sup> Alberta College of Social Workers, *Discipline Decisions*, accessed 4<sup>th</sup> September 2014  
[http://www.acsw.ab.ca/public/complaints/discipline\\_decisions](http://www.acsw.ab.ca/public/complaints/discipline_decisions)

	Country	Details of complaint and harm caused	Outcome
		<ul style="list-style-type: none"> <li>Allowed the complainant to assist you re-write part of the report</li> <li>Misrepresented qualifications – claimed to be a registered psychotherapist and certified clinical social workers in a US state which was not correct</li> <li>Disclosed personal information about yourself and your client on a public blog</li> <li>Failed to receive supervision though claimed this occurred</li> <li>Provided professional services when personal wellness was compromised.</li> </ul>	<p>Subject to supervised practice for a period of 3 years</p> <p>Approved courses relating to access and custody</p>
<b>Example 12.</b>	Alberta College of Social Workers	<ul style="list-style-type: none"> <li>SW submitted receipts to employer for non-work related activities</li> <li>SW misrepresented his credentials – stated on an application that held a degree in social work when only had a diploma</li> <li>Made inappropriate comments to a client with a foetal alcohol syndrome and made these comments in front of a student on practicum.</li> </ul>	<p>Supervised practice for 12 months</p> <p>Required to complete a course approved by the complaints director of the ACSW and at applicant's expense.</p>
<b>Example 13.</b>	Alberta College of Social Workers (Canada)	<ul style="list-style-type: none"> <li>Social worker supervising student on practicum</li> <li>While driving in a car with the student, the supervisor pulled over in a field – stating that he needed a nap</li> <li>Student asked SW to move from this location and SW refused</li> <li>SW touched student's leg, hair and tried to undo her trousers</li> <li>Made jokes to other office staff on return about taking the student to this location</li> <li>Said the student's complaint was 'bullshit' and that she was unstable</li> <li>Sent a sexually inappropriate email to staff.</li> </ul>	<p>\$2000 fine</p> <p>Voluntarily resigned from registration as a SW</p> <p>Conditions placed on SW if chose to re-register</p>
<b>Example 14.</b>	Ontario College of Social Workers 2011	<ul style="list-style-type: none"> <li>SW provided counselling to a client with an eating disorder</li> <li>Kissed the client on the cheek and hugged the client</li> <li>Made sexually inappropriate comments to the client and disclosed personal information about his own sex life and told the client, as a man, he would like to</li> </ul>	<p>Was not a member at the time of the hearing, so could not be struck off.</p> <p>SW reprimanded in writing and details of the reprimand remain on the</p>

	Country	Details of complaint and harm caused	Outcome
		have sexual intercourse with her.	register (publicly available) for an unlimited period of time. Finding and order published on the website with identifying the SW.
<b>Example 15.</b>	Ontario College of Social Workers 2013	<ul style="list-style-type: none"> <li>• SW saw a client in counselling for a period of one month</li> <li>• Client currently spending a lot of time on own, drinking wine in the house with few social supports</li> <li>• SW began inviting client to social events (including a wine tasting), introducing client to friends and driving client to and from these events</li> <li>• SW invited client over to his house to watch a film</li> <li>• Watched part of the film downstairs and then suggested to go upstairs to watch the remainder of the film</li> <li>• SW and client kissed, touched and performed sexual acts to one another</li> <li>• SW told the client that she was beautiful</li> <li>• Client stayed the night and was driven home by the SW the next day.</li> </ul>	SW requested to resign registration from the college. College Registrar wrote to the SW advising that she would not accept his request for resignation. Instead his registration was revoked by the college. Reprimanded in person and reprimand details on register for unlimited period.

**The Australian context**

Without formal regulation and mandatory registration of social workers, no such sanctions, as listed in the English, Welsh and Canadian examples, are available for Australian authorities with respect to social workers who have breached professional codes of ethics/practice.

In 2012, the AASW became aware via information in the public domain that one its members had been charged and convicted of possessing child pornography. The AASW Board promptly expelled this member from the Association and formally determined the social worker as being ineligible for membership – the most severe consequence available for the AASW to impose. However, as long as social work remains unregistered in Australia, this social worker, while ineligible for AASW membership, could potentially set up as a private practitioner, where neither police checks nor registration with an authority are required.

**Incongruity between regulatory status of psychology and social work in Australia**

Private Practice counselling and therapy services are becoming more and more prevalent in Australia for various different reasons, and are predominantly established by individual practitioners from backgrounds such as counselling, psychology, mental health nursing and social work. It is, again, a compelling point that in the recently released *Review of the National Registration and Accreditation*

*Scheme for health practitioners – Consultation Paper*<sup>5</sup> that the Psychology Profession is considered a profession where *due to their size and extent of notifications with potential impact on community safety, require the National Scheme’s full regulatory force and resources.*<sup>6</sup>

In the context of a Psychologist who is in private practice, in the absence of organisational policy, procedure and disciplinary proceedings, Psychologists are still legally accountable to a national government authority. Once again, social workers; who could be just as likely to enter private practice as Psychologists would; are not accountable to any regulatory body or agency (if they choose not to be an AASW member). Similarly, if a Psychologist was struck off by the Psychology Board for an incident of misconduct in an agency/organizational setting, it would be illegal for that person to set up in private practice and continue to operate as a Psychologist. Such a person could identify as a social worker, and be spared of any accountability or regulation. Social workers in Australia, who set up in private practice, could pose equal levels of risk to community safety. The gross disregard for this continues to mystify the AASW.

### **Incongruity between social work regulation internationally and in Australia**

It is of great concern that in example 1 (June 2014) and example 8 (April 2013) as outlined in Table 1., the similar conduct of these social workers in England involving possession of child pornography results in both social workers being struck off the register permanently and therefore unable to practice as social workers. In the publicly available committee finding for example 1, the panel stated when providing the rationale for the outcome of ‘striking off’, that ‘the nature, gravity and number of images involved; the fact that they had been distributed; and the age of those involved were such that the Panel came to the decision that the only proportionate and appropriate measure in this instance is to remove the Registrant from the Register. The Panel make this order for service user protection and wider public interest and to hold and maintain the reputation of the profession and the regulatory process. Similarly, in the second example from April 2013, the Panel stated when providing the rationale for the findings of this hearing, that ‘the nature and gravity of the allegations are such that any lesser sanction would lack a deterrent effect and would undermine public confidence in the regulatory process and the Social Work profession’ (HCPC 2013).

In the Australian example, no such consideration is given to deterrence, public protection and public confidence in the social work profession, beyond the limited powers of the AASW in this current self-regulated environment. Worse still, if the social worker had not been a member of the AASW, the AASW would not have had the power or authority to respond to this information, regardless of the fact that it was in the public domain. This is incongruous considering the very similar ethical and practice standards between Australian and English social work and the ability for Australian social workers to, in most instances, work in England and vice versa.

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<sup>5</sup> National Registration and Accreditation Scheme for health professions: Consultation Paper. Accessed 4<sup>th</sup> September 2014, [http://www.ahmac.gov.au/cms\\_documents/Consultation%20Paper%20-%20Review%20of%20the%20National%20Registration%20and%20Accreditation%20Scheme%20for%20health%20professions.pdf](http://www.ahmac.gov.au/cms_documents/Consultation%20Paper%20-%20Review%20of%20the%20National%20Registration%20and%20Accreditation%20Scheme%20for%20health%20professions.pdf)

<sup>6</sup> National Registration and Accreditation Scheme for health professions: Consultation Paper, p.8 Accessed 4<sup>th</sup> September 2014, [http://www.ahmac.gov.au/cms\\_documents/Consultation%20Paper%20-%20Review%20of%20the%20National%20Registration%20and%20Accreditation%20Scheme%20for%20health%20professions.pdf](http://www.ahmac.gov.au/cms_documents/Consultation%20Paper%20-%20Review%20of%20the%20National%20Registration%20and%20Accreditation%20Scheme%20for%20health%20professions.pdf)

The social workers in examples 3, 4, and 6 were struck off the relevant registers and are no longer able to practice in their respective countries due to serious sexual boundary violations. Similarly, the social workers in examples 5, 6, 9, 10, 13, 14 and 15 were all found to have seriously breached the professional boundaries, some of the examples demonstrating sexual boundary violations as well as client exploitation and failure to prioritise the best interests of clients. Four of these examples resulted in the social worker being struck off the register, one social worker voluntarily resigned and the social worker in example 14 was not a member at the time, and so could not be removed from the register.

The social worker in example 7 was found, amongst other things, to have been seriously negligent with respect to her responsibilities to a vulnerable client (new born baby) and in failing to act, placed the client at risk of significant harm. She was also struck off the HCPC register and is unable to continue practicing as a social worker. Identifying information about all of these social workers in the Canadian, English and Welsh examples is publicly available and very easily accessible on the internet – acting as an extra layer of protection to the public.

### **Limitations of the AASW Ethics Complaints Management Process and the implications for the public**

The AASW Ethics Complaint Management Process (ECMP) has dealt with complaints in recent years involving, in some cases, exactly the same, if not very similar or similar calibre breaches of professional practice as those outlined in table 1. The most severe penalty available to the ECMP is expulsion from the AASW and being listed (name only) as ineligible for membership on the AASW website.

Matters reported to the AASW which have involved serious sexual boundary violations, have all been perpetrated against young vulnerable women, all of whom had previous histories of sexual abuse. These women reported the psychological and emotional harm caused to them by these social workers as extreme, and all tested in the severe range for depression, stress and anxiety following the incidents of sexual boundary violations. One woman reported suicidal thoughts and hospital admissions as a result of the social worker's actions. All women reported that the incidents continue to affect their lives on a daily basis. In all cases, the harm was also financial. All the victims reported that the incidents affected their ability to attend or perform at work, and in turn, to meet their financial commitments, with one victim after having exhausted all her paid sick leave, felt she had no choice but to resign from a senior position in order to take a less well paid position with fewer responsibilities.

The AASW's process does not have the power to determine fitness to practice or prevent expelled members from ongoing social work practice; nor can the details of serious misconduct or the name and actions of the social workers be made available in the public domain, all of which mean a greater unintended risk to the public. It may also be reasonable to suggest that the limited powers of the AASW to prohibit unsafe or unethical social workers from continuing to practice, which may result in a failure to instill a sense of justice for the victims, might contribute to the serious impacts and perpetuating symptoms they experience. The reality is that in Australia, social workers known to have seriously breached professional practice standards, including serious sexual boundary violations are able to continue practicing and enjoy a high level of protection from public scrutiny and consequences.

On the contrary, in providing their rationale for the 'strike off' outcome in relation to case example 4, where it was noted that the social worker's misconduct '*did not lead to a positive outcome for the service user*' the Care Council for Wales stated '*The Committee has considered all the documentation contained in the bundle and has noted the effect that the relationship had on the service user.... in order to maintain public confidence in the social work profession the Committee has determined that a removal order is the only appropriate sanction in the circumstances*'. (Care Council for Wales 2013)



## **Risk associated with the lack of title protection**

A further issue to note relates to the details of the complaints outlined in examples 11 and 12, relating to misrepresenting credentials. In these examples, the relevant authorities consider misrepresentation of credentials as serious misconduct of social workers in these countries.

Conversely, in an Australian context, the AASW is continually made aware of instances where the social work title is misrepresented; people without formal tertiary qualifications in social work purporting to be social workers or being described as social workers in the media. Unlike regulatory authorities in countries where social work is registered, the AASW has no jurisdiction over misuse of the social work title. Not only does this cause significant confusion for the public, it also places the public at risk if they believe or assume they are accessing services from a university qualified professional, when in fact they might be seeing a person with a 1 year qualification, or quite scarily, with no qualification at all. This lack of title protection is yet another significant risk to the public and to public confidence in genuinely qualified social workers.

## **High representation of social workers amongst allied health and human service professions internationally and in Australia**

In England there are currently 89,992 social workers registered with the HCPC. This makes up nearly 28% of total registrants with the HCPC. Social workers form the largest representation of professions among those registered with HCPC. The next largest representations are Physiotherapists at 48,197 and Occupational Therapists at 34,799. Both of these professions are registered in Australia with AHPRA. Similar statistics exist in Australia with social workers forming the largest professional group of allied health professionals in health settings. While this is the case, social workers remain one of the few allied health professions who remain unregulated in Australia.

## **Recent International and Australian Statistics regarding misconduct and outcomes**

### **England**

From April 2012 and March 2013, seven social workers were struck off the HCPC Register (Registration of social workers was transferred from the General Social Care Council in July 2012, therefore some cases within this period would have been heard before this authority). Between June 2014 and August 2014, 5 social workers were struck off the register meaning that in a three month period; five social workers have been prevented from causing further harm in England.

### **Scotland**

In Scotland, the Scottish Social Services Council (registration authority for social care workers in Scotland) received 1291 referrals about registered workers of which 553 cases of alleged misconduct were investigated between April 2012 and March 2013. Of these, the SSSC heard 20 conduct cases where sanctions were applied. Of these sanctions, 15 (75%) resulted in removal orders. (Please note this data is in relation to all social care workers, which includes qualified social workers. There was no available data indicating of the 23 removals, which professions/roles were represented).

### **Wales**

The Care Council in Wales (registration authority for social care workers in Wales) during the 2012/2013 year referred 25 cases to an independent conduct hearing. In all of these cases, misconduct was proven. Seven workers were suspended, eight were admonished and ten (40%) were removed from the register. (As with the Scottish data, the Welsh data is in relation to all social care workers. Again, there was no available data indicating of the ten removed from the register, which professions were represented. The Care Council did report, however, that of the 25 cases referred to an independent

conduct hearing, qualified social workers made up the majority of these cases).

### **Australia**

Between 1st July 2013 and the 30th June 2014, the AASW Ethics Complaints Management Service received 50 potential complaint enquiries. Of these, 27 enquirers were informed that the AASW could not assist them due to either the social worker not being a member of the AASW or due to the nature of the complaint being outside the scope of the AASW process. This alarming figure indicates that 27 cases of alleged misconduct could potentially have gone unaddressed and 27 social workers (or people purporting to be social workers) may have engaged in behaviour constituting serious ethical misconduct.

### **New Zealand**

The New Zealand Social Workers Registration Board similarly reports that the number of potential complaints against unregistered social workers received is much more than the number of complaints received regarding registered social workers.<sup>7</sup> (Registration is currently optional in New Zealand). The Board is unable to act on complaints received about unregistered social workers.

The AASW became aware in 2013 of a newspaper article from New Zealand which reported that an unregistered social worker who was convicted of raping his own daughter was able to obtain employment as a social worker due to a legal loophole, possible because of his unregistered status.<sup>8</sup> The article reported that the Social Work Registration Board in New Zealand has so far in 2013 received 10 very serious complaints in 2013, but is unable to act due to the unregistered status of the social workers.

The Registration Board in New Zealand reports the same shortcomings, inadequacies and restrictions of their system as the Australian system in relation to the serious harm that is caused by unregistered social workers and practitioners who are unsuitably qualified. The Registration Board's Chair was quoted in this article as stating "*The concerning issue is that there is evidence to show that allowing unqualified, incompetent, inexperienced individuals to work with the most vulnerable members of society causes significant harm*". The Board Chair is also reported to have commented that due to the vulnerabilities of those who access social work services, the complaints they receive would only be the '*tip of the iceberg*'.

## **Conclusion**

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It is imperative that social workers in Australia like so many of their other allied health counterparts, are nationally regulated so as incidents of harm can be prevented and risk of harm reduced. The examples detailed in this paper demonstrate that social workers, sadly, are capable of causing harm to vulnerable people.

What is most astonishing in the Australian context is that even when these cases of serious misconduct are reported, these social workers can continue to practice, and potentially, continue to cause harm. The overarching and compelling argument is that in countries where social work is registered, unethical and unsafe social workers are prevented from continuing to practice and cause harm and so why aren't the Australian public offered the same level of protection?

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<sup>7</sup> Social Workers Registration Board, New Zealand *Annual Report 2011-2012*, accessed 25<sup>th</sup> July 2013 <<http://www.swrb.govt.nz/news-and-publications/publications>>

<sup>8</sup> All About Hawkes Bay 2013 Article, Accessed 31.07.13 <http://www.hawkesbay.co.nz/law-and-order-news-page/53288-man-who-raped-his-daughter-was-able-to-be-employed-in-hawkes-bay-after-leaving-prison-due-to-a-legal-loophole.html>>