

Social Workers Disciplinary Tribunal

Social Workers Registration Act 2003

BEFORE THE SOCIAL WORKERS DISCIPLINARY TRIBUNAL

REF **SWDT28/25P**

UNDER the Social Workers Registration Act (“the Act”)

IN THE MATTER of a disciplinary charge laid against a social worker
under Part 4 of the Act.

BETWEEN **A PROFESSIONAL CONDUCT COMMITTEE appointed
by the SOCIAL WORKERS REGISTRATION BOARD**
Applicant

AND **Ella Evans** of Nelson, registered social worker (Regn.
No. 1530393)
Practitioner

TRIBUNAL Ms C Garvey (Chair), S Jarvis, A McKenzie, I Nemani, F Wilson

REPRESENTATIVES Ms E Mok - for the Professional Conduct Committee (PCC)
Ms G Guy – for the practitioner

HEARING 31 March 2026 (on the papers) (by AVL)

DECISION - LIABILITY
13 April 2026

Introduction

1. The respondent, Ella Evans, faces a disciplinary charge of professional misconduct or alternatively, conduct unbecoming that reflects adversely on her fitness to practise as a social worker. The charge relates to Ms Evans' conduct with a client/recent former client between May 2022 and November 2022. The Professional Conduct Committee (PCC) laid a Notice of Disciplinary Charge on 25 August 2025. Following agreement on a summary of facts, an Amended Notice of Charge was filed on 19 December 2025 (the charge).
2. At the request of the parties the Tribunal conducted a liability hearing on the papers on 31 March 2026. The Tribunal was satisfied that both parties were represented by experienced counsel and capable of making such a request with knowledge of its implications. The Tribunal convened by AVL and considered an agreed bundle of documents comprising the agreed summary of facts, written submissions from the parties, and a small number of further documents evidencing communications between or about Ms Evans and Ms B.
3. Permanent non-publication orders are in place for Ms B's name and identifying details and interim orders for Ms Evans were made pending determination of penalty and final non-publication orders by the Tribunal. These orders are outlined below at [73] and [75]. Following the issue of this decision the Tribunal will liaise with counsel to determine a timetable for the next steps in relation to penalty, costs, and any further application for permanent non-publication orders.

The Amended Notice of Disciplinary Charge

4. The particulars of the charge read as follows:

Particulars of charge

1 Pursuant to s 72(3) of the Act, the PCC charges Ella Evans, a registered social worker, with:

- (a) professional misconduct pursuant to s 82(l)(a) of the Act, in that she engaged in conduct which breached the Code of Conduct issued by the Board pursuant to s 105 of the Act (**Code**) and/or conduct which brought, or was likely to bring, discredit to the social work profession; or
- (b) in the alternative, conduct unbecoming of a social worker that reflects adversely on her fitness to practise as a social worker pursuant to s 82(l)(b) of the Act.

2 In particular:

- (a) In or around May 2022, after resigning from her social work role at [REDACTED], Ms Evans took on a vulnerable client, [REDACTED] [Ms B], without [REDACTED] knowledge or consent:
 - (i) as a private client; and/or
 - (ii) continued to provide informal support to [REDACTED] [Ms B].
- (b) From around May 2022 to November 2022, Ms Evans allowed [REDACTED] [Ms B] (and at one point, [REDACTED] [Ms B's] daughter) to live in a caravan on her property.
- (c) In June 2022, after commencing a social work role with [REDACTED], Ms Evans failed to inform [REDACTED] that:
 - (i) she had taken [REDACTED] [Ms B] on as a private client; and/or
 - (ii) she was providing informal support to [REDACTED] [Ms B]; and
 - (iii) that [REDACTED] [Ms B] was residing with her.
- (d) While [REDACTED] [Ms B] was residing at Ms Evans' property, Ms Evans:
 - (i) continued to support and allow [REDACTED] [Ms B] to reside in a caravan on her property, despite being aware of [REDACTED] [Ms B's] deteriorating mental health due (in part) to issues with the living arrangement;
 - (ii) sent [REDACTED] [Ms B] inappropriate and/or unprofessional messages;
 - (iii) gave [REDACTED] [Ms B] six weeks' notice that she and her daughter could no longer reside at the property and that she would need to find alternative accommodation.
- (e) On one occasion in or around November 2022, Ms Evans engaged in a verbal altercation with [REDACTED] [Ms B] at a horse paddock in the presence of [REDACTED] [Ms B's] daughter.
- (f) After [REDACTED] [Ms B] made complaints about Ms Evans' conduct, Ms Evans:
 - (i) sent inappropriate and/or unprofessional communications to [REDACTED] [Ms B] on several occasions;

- (ii) told [REDACTED] [Ms B's] partner that she would make a report of concern to Oranga Tamariki about [REDACTED] [Ms B's] daughter residing with [REDACTED] [Ms B] when there was no proper basis for making such a report.

3 By engaging in the conduct above at paragraphs 2(a) to 2(f), Ms Evans breached any or all of Standards 1.1, 1.2, 1.5, 1.7, 4.3, 4.8, 4.12, 5.4, 5.8, 5.13, 6.1, 6.2, 6.3, 9.1 and 9.4 of the Code, and in doing so, she engaged in conduct that has brought, or was likely to bring, discredit to the social work profession.

4 The nature of Ms Evans' conduct, as set out above at paragraphs 2(a) to 2(f) also reflects adversely on her fitness to practise as a social worker.

Agreed Summary of Facts

5. The Agreed Summary of Facts (summary of facts) dated 17 December 2025 attaches copies of text messages between Ms Evans and Ms B, Ms Evans and Ms B's partner, a transcript of a videoed interaction between Ms Evans and Ms B in early November 2022, and Ms B's letter of complaint to [REDACTED] dated 31 October 2022.
6. Sadly, Ms B died during the investigation by the PCC. The PCC did not obtain a statement from Ms B prior to her death.
7. The following narrative is taken from the summary of facts and annexed documents. The Tribunal observes that the only evidence of Ms B's understanding of the basis on which her relationship with Ms Evans was to continue after 12 May 2022, is as stated in her complaint (discussed below). Ms Evans takes a different view, neither of which can be tested. The Tribunal was not provided with case notes relating to the respondent's engagement with Ms B at B [REDACTED], other than a brief extract of her final case note which is quoted in the summary of facts.
8. Ms Evans commenced work as a social worker for [REDACTED] in October 2021 and became provisionally registered with the Board in February 2022. Her prior training and work experience was not outlined. Ms Evans remains provisionally registered and at the time of the hearing did not hold a current practising certificate.¹

¹ In reliance on the Social Workers Registration Board online Public Register details.

9. In January 2022 Ms Evans was assigned as the social worker for Ms B. Ms B presented with complex needs relating to her mental health and wellbeing, and her family and social circumstances. As well as support from [REDACTED], Ms B was engaged with other agencies. One significant stressor was that on 7 March 2022 Ms B was given notice that she was required to move from the trailer park where she lived in a house bus. The summary of facts intimates that there were also ongoing issues in relation to custody of her children.
10. As Ms B's social worker, Ms Evans attended appointments and engaged with individuals and agencies on her behalf in relation to accommodation, Ms B's children, and her medical and mental health needs.
11. In April 2022 Ms Evans resigned from [REDACTED] with her last day being 12 May 2022. In consultation with Ms Evans' service manager, it was agreed that Ms B's case would be closed and a referral made to Women's Refuge. Together with Ms B, Ms Evans attended the local Women's Refuge on 10 May 2022 and arranged for a lawyer to take on Ms B's case. The summary of facts records:

[12] Following the meeting with Women's Refuge, Ms Evans asked [REDACTED] [Ms B] if she wanted to be referred to another social worker at [REDACTED], contrary to the plan made at Ms Evans' supervision meeting. [REDACTED] [Ms B] said no. Ms Evans' notes of that meeting record that "[REDACTED] *doesn't think she wants to get another social worker at this time. She is having personal counselling through ACC, has a SASH worker, and is seeing AOD so she feels she has enough going on at the moment. I told her that she can always re-engage with [REDACTED] at any time if she feels she needs to.*"

[13] On 12 May 2022, Ms Evans offered to provide [REDACTED] [Ms B] ongoing support to ensure continuity of care and to help ensure she continued to engage with other appropriate supports. [REDACTED] [Ms B] perceived Ms Evans' offer of continued support to be that of a social worker, though this was not Ms Evans' intention.

12. Ms B's letter of complaint dated 31 October 2022 states:²

I can't remember when I first met Ella, but it would have been earlier this year. She became my social worker through [REDACTED]. Not long after she told me she was going to leave. She gave me a decision, either to carry on with another SW at [REDACTED]. Or she could continue to see me. I was and still am in a vulnerable position. Me not wanting to have a big change and wanting the continuity of care said I'd like to carry on with her.

² BOD Tab5 pp57-8.

- 13.** Having offered Ms B ongoing support on her final day of work at [REDACTED], Ms Evans documented in the case notes that she had closed Ms B's case and that they had "*said [their] farewells.*"³ That same day, Ms Evans sent a text message to Ms B to provide her with her personal phone number. Ms B responded and confirmed the time of a doctor's appointment the following morning. Ms Evans replied asking if Ms B wanted her to meet her there, which Ms B confirmed.⁴
- 14.** On 13 May 2022 Ms Evans provided her home address in response to a request from Ms B, and Ms B stayed the night.⁵ Ms B then moved into a caravan on the property and continued to stay there in her own caravan until early November 2022. There was no formal lease or rental agreement, and Ms B did not pay rent, but on occasion assisted with housework and other tasks to help out Ms Evans. For a short period of time from mid-October, Ms B's [REDACTED] daughter also lived with her.⁶
- 15.** In June 2022 Ms Evans commenced employment as a social worker at [REDACTED]. Her employer was unaware that Ms B (as a former client) was residing with her or of the challenges that arose from that relationship until Ms B's letter of complaint was received by [REDACTED] on 31 October 2022.
- 16.** The summary of facts outlines Ms Evans' interactions with Ms B while she was living at her property including that Ms Evans:⁷
- a. provided support and advice similar to that which she provided when Ms B was her client at [REDACTED].
 - b. occasionally attended professional appointments with health professionals and others, including during her working hours.
 - c. supported Ms B at appointments with a family lawyer.
- 17.** The summary of facts records that Ms B became emotionally reliant on Ms Evans, and this is evidenced in various text messages exchanged between the pair. Some show Ms Evans providing

³ Agreed summary of facts at [14], BOD Tab 5 p14.

⁴ BOD Tab 5 pp21-2.

⁵ BOD Tab 5 p23.

⁶ Agreed Summary of Facts at [17]-[21].

⁷ Agreed Summary of Facts at [25].

encouragement and support and expressing her family's love and care for Ms B in response to Ms B expressing her struggles. Ms B referred to Ms Evans as [REDACTED] and expressed gratitude.⁸ The respondent and Ms B also discussed plans for Ms B to continue living with the family if a planned move went ahead.

18. However, other messages indicate a high level of stress arising from conflict between Ms B and a third person living at Ms Evans' home.⁹ Ms B continued to struggle with her mental health while living at Ms Evans' property, including expressing [REDACTED] on several occasions. The summary of facts records that:¹⁰

...Despite being aware that [REDACTED] [Ms B's] mental health was deteriorating, in part due to issues with the living arrangement, Ms Evans continued to allow [REDACTED] [Ms B] to reside at her address, and continued providing her support.

19. A series of text exchanges referring to Ms B's [REDACTED] were included in the bundle, [REDACTED] (b) (5) DPP

[REDACTED]

[REDACTED] Ms Evans reacted to Ms B's [REDACTED] with such comments as:

a. [REDACTED]

[REDACTED]

[REDACTED]

b. [REDACTED]

[REDACTED]

[REDACTED]

c. [REDACTED]

[REDACTED]

⁸ BOD Tab 5 p27 (11 July 2022).

⁹ BOD Tab 5 at pp 33-35, 45-47.

¹⁰ Agreed summary of facts at [31].

¹¹ BOD Tab 5 p37.

¹² BOD Tab 5 p 38.

¹³ BOD Tab 5 p 39.

- d. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] 14
- e. [REDACTED]
[REDACTED]
[REDACTED] 15
- f. [REDACTED]
[REDACTED] 16

20. In one lengthy message to Ms B, Ms Evans stated that she did not intend to be her social worker or fix everything for her, and that she had spent a lot of time on Ms B while off work, including taking her to appointments. The summary of facts records that Ms Evans:¹⁷

...later reported feeling out of her depth at this time, and that she needed [REDACTED] [Ms B] to move out but that she did not know how to do this without setting off her [REDACTED]. Despite this, she did not seek help, support or guidance from others (for example, her supervisor).

21. In October 2022 as a consequence of the conflict and Ms B's fluctuating mental health and [REDACTED], Ms Evans told Ms B that she could no longer reside at the property and gave her and her daughter six weeks' notice. Ms B was hospitalised for a [REDACTED] shortly after and on 27 October 2022 while an in-patient at a mental health unit, wrote a letter of complaint to the Board. Further complaints were made to [REDACTED] and to [REDACTED].¹⁸ The complaint includes the following comments:

I understand Ella's intentions weren't from a place of malice. And she wanted to help. But she didn't have the resources and strength to follow through with helping me. It [became] a bunch of false

¹⁴ BOD Tab 5 p40.

¹⁵ BOD Tab 5 p 41.

¹⁶ BOD Tab 5 p 42.

¹⁷ Agreed Summary of Facts at [35].

¹⁸ Above n 2.

promises. And consequently it broke me. Eventually I became completely oppressed, I couldn't talk to her about anything, and she didn't want to know about the bullying that was going on in her home.

22. Ms Evans was suspended from her employment at [REDACTED] on 2 November 2022 pending investigation of the complaint, and was subsequently dismissed on 21 December 2022.¹⁹ Shortly after the complaint was made Ms Evans and Ms B were involved in a verbal altercation while Ms B was feeding horses in a paddock at the respondent's property. Part of this was filmed by Ms B's daughter and a transcript of the video is included in the agreed bundle.²⁰ The interaction includes Ms Evans and Ms B swearing at one another, and Ms Evans demanding that Ms B remove her things and leave. The summary of facts records that Ms B is "*in a state of obvious distress.*"²¹ (The Tribunal did not receive a copy of the video).

23. After this incident Ms B did leave the respondent's property to live elsewhere. Ms Evans contacted Ms B's partner by text message asking him to remove Ms B's caravan. She stated that she was sorry to have become involved with Ms B and that "*I will have to follow thru with a report of concern to oranga tamariki*" about Ms B's child living with her.²² Ms Evans acknowledges that she knew there was no proper basis for a report of concern.²³

24. Ms Evans engaged with the Board and the PCC investigations into Ms B's complaint, providing written responses. A brief summary of these responses is included in the summary of facts and states that Ms Evans:²⁴

- a. accepted that she allowed Ms B to live at her property, saying that she wanted to help her but that she had failed to maintain proper professional boundaries and ought to have sought advice when Ms B first visited her.
- b. said that she acted as Ms B's support person in a non-professional context.
- c. accepted that Ms B was experiencing difficulties while living at her property, including issues with other members of the household and [REDACTED] several times.

¹⁹ Agreed summary of Facts at [48]-[50].

²⁰ BOD Tab 5 at pp 63-4.

²¹ Agreed Summary of Facts at [45].

²² BOD Tab 5 at p 65.

²³ Agreed Summary of Facts at [47].

²⁴ Agreed Summary of Facts at [55].

- d. said she was under immense stress at the time of the communications (as attached to the summary of facts) and the horse paddock incident.
- e. stated that she did not make a report of concern and that this had been a misjudged comment.

Professional Conduct Committee – Liability Submissions

25. Dealing first with the nature of the relationship between Ms Evans and Ms B, the PCC contend that this remained one of social worker and client after the respondent ceased her employment with [REDACTED]. The PCC referred to the scope of practice and services described by the Board pursuant to s 5A of the Act and notified in the *Gazette*²⁵. The PCC outlined the high level definition of the scope of social work as Gazetted, and the definition of social work practice provided in the International Association of Schools of Social Work Joint Global Definition of Social Work.²⁶ In reliance on these documents the PCC submit that in assessing the nature of Ms Evans’ relationship with Ms B after 12 May 2022, the Tribunal should consider:

- a. the nature of the services provided.
- b. the nature of the relationship and the power dynamic.
- c. the source of knowledge/theory on which the respondent was drawing if any in engaging with Ms B.

26. The PCC submits that such an approach is consistent with the consumer-protection focus of the Act rather than focussing on a contractual or fees-based arrangement. Further, the PCC submits that even after Ms Evans was no longer working at [REDACTED] she continued to take on a role with Ms B that was intended to ensure her safety and wellbeing and to prioritise such goals as social workers are trained to do, including the custody of children and engagement with other professionals. The PCC submits:

²⁵ “Aotearoa New Zealand Social Work General Scope of Practice” (4 February 2021) New Zealand Gazette No 2021-gs111.

²⁶ International Federation of Social Workers “Global Definition of Social Work” (July 2014).

...in light of the continuity of the services provided, the nature of the support provided, Ms Evans ongoing reliance on her professional skills in managing and supporting [Ms B], and the absence of any clear termination or redefinition of the relationship, the Tribunal ought to find that the social worker / client relationship continued in substance and in practice.

27. In support of finding a 'private client' relationship the PCC refers to Ms B's reliance on Ms Evans; that Ms Evans held a position of power and responsibility; Ms B's perception of Ms Evans as providing support as a social worker, and Ms Evans' reference to "*continuity of care*."²⁷

28. In the event that the Tribunal does not find that a professional social worker-client relationship continued, the PCC submits that nonetheless the core obligations outlined in the Code applied to Ms Evans. This is because she engaged with a recent former client which "*necessarily has implications for her professional practice as a social worker and the reputation and good standing of the social work profession*."

29. The PCC outlined the established two-step analysis required to determine whether a charge of professional misconduct has been met, as follows:

- a. the first step involves an objective analysis of whether or not the registered social worker's acts or omissions can reasonably be regarded by the Tribunal as constituting a breach of the Code; and
- b. the second step requires the Tribunal to be satisfied that the social worker's acts or omissions require a disciplinary sanction for the purposes of protecting the safety of the public and/or enhancing the professionalism of social workers by maintaining professional standards.

30. The PCC outlined the various standards relied upon in the Code (as pleaded in the charge) and submits that Ms Evans' conduct is in breach of the Code in the following respects:

- a. In reliance on 1.1, 1.2 and 1.5:

²⁷ Agreed Summary of Facts at [13].
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- i. Ms Evans' non-disclosure to her employers at [REDACTED] and [REDACTED] led to a reasonable inference that she knew her ongoing relationship with Ms B would be viewed as inappropriate.
 - ii. Ms Evans' communications with Ms B were at times highly unprofessional and inappropriate and risked causing harm to Ms B's mental health and wellbeing.
- b. that Ms Evans acted in a situation where there was a conflict of interest - 1.7.
- c. that Ms Evans' failed to seek appropriate advice and support despite being provisionally registered and with limited social work experience - 4.3, 4.8 and 4.12.
- d. that Ms Evans did not recognise and use responsibly the power that came from her social work role and did not set and maintain professional boundaries or appropriately end the relationship – 5.4, 5.8.
- e. that Ms Evans did not treat Ms B with dignity and respect particularly with respect to Ms B's [REDACTED] and her communications after Ms B made a complaint – 6.1, 6.2 and 6.3.
- f. that Ms Evans failed to maintain a high standard of professional and personal behaviour and to protect herself and others from unnecessary risk – 9.1, 9.4.

31. The PCC submits that the respondent's actions meet the threshold for an adverse disciplinary finding in that they showed a sustained lack of judgement and care in circumstances where Ms Evans was aware that the mental health of Ms B was deteriorating. In *PCC v Moeke* the Tribunal discussed the importance of maintaining professional boundaries noting that this is a fundamental skill, obligation and professional discipline for all social workers.²⁸ In reliance on this the PCC submits:

It is clear that here, Ms Evans' conduct had a considerable and detrimental effect on [REDACTED] [Ms B], particularly after Ms Evans gave her notice that she and her daughter needed to move out from her property, Ms Evans also failed to appreciate that she needed to seek professional guidance

²⁸ *Professional Conduct Committee v Moeke* SWCDT RSW 11-D2-SWDT-2020 at [35].
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and/or support in order to be able to provide appropriate care for [redacted] [Ms B] so her needs were met.

32. In the alternative, the PCC submits that Ms Evans' conduct amounts to conduct unbecoming on the basis that there was a serious departure from professional standards through a failure to maintain professional boundaries and to work in the best interests of Ms B as a recent former client.²⁹ The PCC submits that Ms Evans demonstrated a lack of regard for the impact of her conduct on Ms B, noting that being over familiar and treating her as family could be confusing, particularly when that level of support waned.

33. As for the deterioration of the relationship, the PCC submits that Ms Evans' communications could be described as *"vindictive, disparaging or blaming"* in circumstances where, as a professional, she was obliged to conduct herself in accordance with the standards expected of a social worker. The PCC expanded on this in reply, submitting that Ms Evans' well-meaning intentions did not remove the ability to make an adverse disciplinary finding, on the grounds that:

On the issue of threshold, Ms Evans' position is that a disciplinary response is not warranted as her conduct stemmed from a well-intentioned offer made in a personal capacity, which occurred after Ms Evans ceased employment with [redacted]. Ms Evans further maintains that she was not dishonest in failing to disclose the relationship to [redacted] and [redacted], because she did not consider herself to be providing professional support. The PCC's position is that these factors do not support that a disciplinary response is unwarranted. Dishonesty is not required to warrant a disciplinary response, and well-intentioned conduct can amount to a serious breach of the Code. Further, while Ms Evans' conduct may well have been initially well-intentioned, that is difficult to reconcile with the later aspects of her actions, particularly once the relationship had deteriorated.

34. The PCC submits that the respondent's breaches were not minor or technical but were of fundamental obligations core to the practice of social work and which had serious implications for Ms B's welfare.

²⁹ *B v Medical Council* High Court Auckland, HC 11/96, 8 July 1996; [2005] 3 NZLR 810 (HC).
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Respondent's submissions

35. Ms Evans accepts the particulars of the charge with the exception of the allegation that she took on Ms B as a private client. However, the respondent submits that the conduct as pleaded does not constitute a serious departure from professional standards.

36. The respondent's submissions rely heavily on Ms Evans offering to provide informal support in a personal capacity and as a friend to Ms B at the end of their professional relationship, and that this went awry because:

Unfortunately, as time passed [redacted] [Ms B's] struggles became too significant for Ms Evans to support without professional assistance. [redacted] [Ms B] was unwilling to seek professional support, as recommended by Ms Evans. The relationship deteriorated. [redacted] [Ms B] began to expect more from Ms Evans than had ever been the intended nature of the relationship. Towards the end of the relationship Ms Evans stated on one occasion "*I did not intend to be your therapist or social worker.*"

37. In support of Ms Evans' position that her continued relationship with Ms B was personal in nature, counsel relies on the following submissions, in summary:

- a. that Ms B indicated that she did not want social worker support when Ms Evans was leaving [redacted].
- b. that Ms Evans provided her personal phone number to offer ongoing support in a personal capacity only.
- c. the scope of practice of social work and supports included in the International Federation's definition of social work share similarities with supports that would be offered by a personal friend.
- d. Ms Evans did not take notes or other actions that would be taken in a professional client relationship.
- e. any assertion that Ms B perceived the relationship to be one of Ms Evans providing social work support is speculative.

- f. other than on limited occasions Ms Evans avoided contact with Ms B during work hours and expressly requested that Ms B not contact her at those times for the purposes of maintaining boundaries.
- g. no referrals were made to other services, as would characterise a professional relationship.
- h. the professional relationship had ended at the time Ms Evans offered to provide continued support to Ms B, and that:
 - i. no earlier offer was made; and
 - ii. Ms Evans considered that at the end of her employment with [REDACTED] there was *"sufficient separation so as not to give rise to professional boundary concerns."*

38. Despite the foregoing, Ms Evans accepts that she failed to maintain proper professional boundaries with Ms B as a former client.

39. Counsel for the respondent also refers to the test for professional misconduct and addresses the provisions of the Code relied upon by the PCC. By and large counsel submits that these do not pertain to Ms Evans' conduct, on the basis that the relationship with Ms B was not a professional one. Ms Evans does accept that it would have been prudent (per principle 4.12) to seek supervision in relation to her own stress caused by the relationship with Ms B. Ms Evans also accepts that her conduct may have overstepped professional boundaries in relation to a former client in reference to principles 5.4 and 5.8, but that she did not recognise this at the time. In reference to principle 9, Ms Evans regrets some of her personal behaviour once the relationship with Ms B deteriorated.

40. As for threshold, counsel submits that Ms Evans' conduct does not warrant a disciplinary response for the following reasons (again, summarised):

- a. she was well intentioned and assisted Ms B in a personal capacity.
- b. she was no longer an employee when she entered a personal relationship with Ms B.

- c. there was no dishonesty in not telling [REDACTED], [REDACTED] or a supervisor that she was continuing to support Ms B, as Ms Evans did not consider this was relevant.
- d. Ms Evans did not attempt to exploit the personal relationship.
- e. Ms Evans did not consider it appropriate to refer Ms B to further services but did attempt to direct Ms B to other personal and professional supports.
- f. Ms Evans was unaware that Ms B viewed the nature of the relationship differently.

41. The respondent refers to the test for conduct unbecoming articulated in *B v Medical Council*.³⁰

Whether the threshold for discipline is met is assessed in relation to the following considerations:

- a. conduct which attracts discipline must be conduct which departs from acceptable professional standards.
- b. the departure from acceptable standards must be significant enough to attract sanction for the purposes of protecting the public.
- c. the best guide to acceptable professional conduct are the standards applied by competent, ethical and responsible practitioners. The inclusion of lay members on a tribunal indicates that may not always be determinative.
- d. the rider that the conduct 'reflects adversely on fitness to practice' does not necessitate that the conduct demonstrates that the practitioner is unfit to practice but rather the conduct needs to be of a kind that is inconsistent with the expected standards generally observed.

42. In reflecting on her conduct, Ms Evans acknowledges that it may be considered conduct unbecoming by the Tribunal.

³⁰ Above n 29.

Liability – Discussion

43. Having considered the facts of this case, and the Tribunal’s role in setting and maintaining professional standards we observe that for all social workers and especially newly registered social workers it is important:

- a. To appreciate that the Code is a document which provides a practical not theoretical framework and guide for practising in accordance with professional standards, and should be an integral part of social work education and practice.
- b. To engage in quality supervision. This is critical, including to assist with challenging and checking any practices that arises out of personal values rather than being guided by the role and responsibilities of a professional social worker.
- c. To understand that the requirement to maintain professional boundaries does not end the moment a professional relationship is terminated, or the moment a practising social worker steps from their professional role into a personal sphere.

44. The Tribunal has considered the first particular of the charge separately, dealing with the nature of the relationship between Ms Evans and Ms B from 12 May 2022 onwards. The subsequent particulars represent a related series of events which we have considered cumulatively with an indication of those matters that represent a serious departure from professional standards.

Particular 1(a)

45. The parties did not refer to a definition of a “private client” in the social work context. As outlined above, the PCC relied upon the Scope of Practice as notified in the *Gazette*, and the Global Definition of Social Work published by the International Federation of Social Workers. Neither of these define the practice pathways open to social workers in New Zealand, and in what contexts a social worker may be considered to be working in a private role.

46. The word ‘client’ commonly refers to a person who receives professional services from a person or organisation, ordinarily with the expectation of payment.³¹ The Act does not define a client but refers to social work services as follows:³²

Social work service means a service provided for the purposes of assessing, supporting, improving, or protecting the well-being of individuals, families, groups or communities.

47. On the basis of the evidence before the Tribunal, there was no formality to the continued relationship between Ms Evans and Ms B, no exchange of payment, and insufficient evidence to find that Ms Evans made a conscious decision to convey to Ms B that she would continue as her social worker rather than (misguidedly) as a friend who would provide support. The Tribunal cannot resolve the conversation that occurred between Ms Evans and Ms B on or before 12 May 2022 about the ongoing relationship that Ms Evans offered to maintain. It is clear that despite the assertion in Ms B’s case notes that they had said their farewells, both parties intended to remain in contact and did so immediately.

48. Social workers must be allowed to expect a personal life and to conduct themselves with family and friends as a private individual, including when providing support that draws on their social work skills. The distinction in this case is that the relationship between Ms Evans and Ms B arose solely from Ms Evans’ role as a social worker employed by [REDACTED]. This fact, and the absence of any gap or intervening circumstances that might have superseded that relationship means any claim to proceeding in a purely personal capacity is flawed.

49. However, in light of Ms Evans’ stated intentions, the absence of any agreement or payment, and a lack of evidence as to how Ms Evans held herself out to others in relation to Ms B, we proceed on the basis that there was an informal relationship with a recent former client. That relationship was inappropriate by virtue of a substantial breach of professional boundaries.

50. In the Tribunal’s view Ms Evans’ actions in offering continued support to Ms B were incredibly naïve and inherently risky, especially given Ms B’s vulnerabilities and challenging circumstances. The respondent’s submissions show a lack of insight regarding the end of the professional relationship and the immediate commencement of a personal one. It is unrealistic to suggest

³¹ The Cambridge Advanced Learners Dictionary defines a client as “*a person who receives services, especially from a lawyer or other person who gives advice.*” The Collins Dictionary defines a client as “*a client of a professional person or organisation is a person or company that receives a service from them in return for payment.*”

³² Section 4, Social Workers Registration Act 2003.

that Ms Evans could seamlessly continue to support Ms B without any confusion of roles, ongoing power imbalance, or reflection on how that close personal relationship came to occur.

51. Following on from this there are several factors that underpin the finding of a breach of professional boundaries:

- a. that there was no break after the end of the professional relationship and the commencement of a personal one. On the balance of probabilities, it is likely that a close relationship developed between Ms Evans and Ms B during the preceding months when Ms B was a client of [REDACTED]. This also gives rise to concerns about the maintenance of appropriate boundaries during that time.
- b. Ms Evans provided her personal phone number to Ms B while still an employee at [REDACTED] and planned to meet her the following day. The text messages suggest that Ms B's contact and Ms Evans' attendance at the planned appointment was not unexpected.
- c. that there is a similarity between social work services and the support that may be provided by a close friend is true at a superficial level only. A social worker is required to bring their professional knowledge, advocacy, and an appropriate level of distance from a client in order to best advise and advocate for them.
- d. the support that Ms Evans offered, and which Ms B accepted, involved Ms Evans having intimate knowledge of Ms B's personal circumstances and mental health issues, with a high level of trust involved. This, coupled with Ms Evans being the owner of the property where Ms B resided, created a significant power imbalance.
- e. Ms Evans' actions in safety planning with Ms B's partner on the face of it is a professional task, and one which she would likely have brought her professional knowledge to, overstepping any personal relationship.

52. The Code contains several provisions that are relevant to Ms Evans' conduct in maintaining a close relationship with Ms B as a recent former client during the period May to November 2022. The Tribunal finds that Ms Evans' breaches of the Code were more than minor. First, in reliance on principle 1 Ms Evans ought to have disclosed to her employer [REDACTED] that she intended

to maintain contact with Ms B and sought advice about this. She was still employed on 12 May 2022, and made what appears to be a deliberately misleading note suggesting that the relationship had been ended. This conduct was in breach of principle 1.1, the expectation that social workers will act honestly and ethically in all personal and professional behaviour.

53. Secondly, principle 4 outlines the expectation that social workers will be competent and responsible for their own professional development. The following elements of this principle are apt in the present case:

- a. 4.3 – *work in a safe way*. As above the Tribunal considers that Ms Evans was very naive in offering to continue to provide support to Ms B. As is readily apparent from the text messages, the matters outlined in Ms B’s complaint, and the summary of facts, aspects of Ms Evans’ conduct were unsafe and not informed by good social work practice - in particular, her responses to Ms B’s [REDACTED] and [REDACTED].
- b. 4.8 – *know and work within the limits of your practice and seek supervision and guidance where necessary*. As the summary of facts records, Ms Evans was out of her depth and did not recognise the need to seek supervision from anyone at [REDACTED] about continuing in contact with Ms B, or from her supervisor or other suitable person at Stand when inevitably the significant stressors at home impacted on her work and wellbeing.

54. Third, principle 5 expects social workers to protect the rights and promote the interests of clients. Ms B was Ms Evans’ client for several months. The charge does not allege that Ms Evans did not provide professional services of an appropriate standard while she was employed at [REDACTED], and there is limited evidence about what supports or suggestions Ms Evans offered subsequently. On balance, however, it is likely that Ms B perceived that she did not need to obtain a social worker referral because of Ms Evans’ offer of continued support and Ms B’s letter of complaint reflects this view. Whether that impacted on the care she sought elsewhere is speculative. What is clear is that Ms Evans conduct was clearly in breach of principle 5.8 which expects that social workers will “*maintain personal and professional boundaries and not form inappropriate relationships with clients or those close to them.*”

55. Finally, principle 9 expects that social workers will maintain public trust and confidence in the social work profession in several respects, including:

- a. 9.1 – *maintain a high standard of professional and personal behaviour – avoid activities, work, or non-work that may in any way bring the social work profession into disrepute; the same standards of conduct are expected when using social media and electronic forms of communication.* Ms Evans’ conduct in maintaining and escalating her relationship with Ms B did not meet this standard. The reference to social media is also pertinent to her text messaging with Ms B.
- b. 9.4 – *protect yourself and other people from unnecessary risk.* In the Tribunal’s view, Ms Evans created risk to Ms B by fostering dependence and blurring the boundaries of her role as a social worker and their personal relationship. Ms Evans also placed herself at risk by bringing an extremely vulnerable person to her home and family and – despite her good intentions – being party to circumstances that escalated Ms B’s distress. The evidence also supports that the relationship impacted Ms Evans’ ability to function well at work.

Particular 1 (c)

56. As outlined in the summary of facts, Ms Evans commenced a social work position at [REDACTED] in June 2022, by which time Ms B had been living at her property for at least two or three weeks. That Ms Evans considered her home life not relevant will usually be a reasonable position to take. However, her conduct with Ms B reflected her approach to social work and her understanding of professional boundaries, which was information that was relevant to her employer (arguably), and to her supervisor. It is perhaps more apt to couch this as an evolving duty on Ms Evans to disclose her circumstances, certainly once they were impacting on her ability to carry out her work professionally. Principle 4 of the Code is relevant in this regard. Principle 4.3 has been referred to above. Further, principle 4.10 provides that social workers are expected to actively participate in supervision and critically reflect on practice, and principle 4.12 expects that social workers will “*take responsibility for your own emotional, mental and physical health and practise appropriate self-care – seeking help if your performance, practice or judgment is affected by health concerns*”. The Tribunal recently discussed this in *PCC v M*³³ and said:

³³ *Professional Conduct Committee v Practitioner* SWCDT 27/25P; 10 February 2026.
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In the Tribunal's view, supervision is not solely for discussion of casework and in-practice issues but should also address matters of wellbeing and stressors that may impact on a social worker's practise.

Particulars 1(b), (d), (e) and (f)

- 57.** These particulars refer to a series of events once Ms Evans had invited Ms B into her home and to live on her property. We have already addressed that it was inappropriate for Ms Evans to extend an offer of her ongoing support to Ms B in the circumstances. The complex nature of Ms B's situation made her extremely vulnerable, and in the Tribunal's view it ought to have been apparent to Ms Evans that she was assuming a high level of risk in conducting herself as she did.
- 58.** Of most concern to the Tribunal is Ms Evans' response to Ms B's deterioration in mental health and [REDACTED]. There may well have been conversations and messages that were supportive in nature but the messages provided in the bundle and which were sent by Ms Evans in response to Ms B's [REDACTED] are highly concerning and unprofessional.³⁴ The evidence did not disclose what steps Ms Evans took to obtain appropriate professional support for Ms B in circumstances where she could not (and should not) provide this herself, other than a text message suggesting that Ms B contact her GP or others.
- 59.** The difficulties that Ms Evans faced when the situation deteriorated emphasise some of the fundamental benefits and purposes of maintaining professional boundaries, for both the social worker and the client. It allows a social worker to acknowledge their limitations, to express that they do not have the answer, and to seek support, advice, and referrals as appropriate. Ms Evans expressed that she could not help Ms B but on the evidence before the Tribunal, this was done in a potentially harmful way.
- 60.** The Tribunal found some inconsistency in the charge with regard to the allegation that Ms Evans on the one hand failed to end the relationship when Ms B's mental state deteriorated but is criticised for giving Ms B six-weeks' notice (while leaving open an opportunity for later support). The issue in our view is that Ms Evans gave Ms B her personal contact details and allowed her to reside with and otherwise become reliant upon her. Having done that, a much earlier end to the arrangements was clearly required including assisting with referrals or other professional

³⁴ Above n11 – n16.

supports. When Ms Evans did tell Ms B of the need to move, Ms B reported that this had a significant impact on her wellbeing and precipitated an [REDACTED].³⁵

61. As for Ms Evans raising the spectre of a report of concern, the Tribunal understands this was communicated to Ms B's partner and not directly to Ms B. Nonetheless it was an inappropriate wielding of the power that the respondent held. As a social worker it would be expected that she 'knew the system' and an ordinary person might assume that any referral she made would be acted on. Ms Evans knew that Ms B's relationship with her children was significantly impacted by her living circumstances. Accordingly, we view this comment with seriousness.

Summary of Findings

62. For the reasons outlined above we find that the charge of professional misconduct in reliance on a breach of the Code is made out. In order to meet the threshold warranting an adverse disciplinary finding, we must be satisfied that the circumstances of the respondent's breaches of the Code are sufficiently significant to justify the imposition of a sanction.³⁶ In assessing whether Ms Evans' conduct did not meet acceptable standards the Tribunal is required to have regard to the purposes of the Act and the implications of a disciplinary finding for Ms Evans. Acceptable standards are to be determined by reference to the conduct of competent and responsible practitioners.³⁷

63. The disciplinary process is intended to meet the purposes of the Act which include the protection of the public by ensuring that practitioners are competent to practise, accountable for the way in which they practise, and to enhance the professionalism of social workers.³⁸

64. In and of itself the Tribunal considers that Ms Evans' decision to maintain and foster an informal relationship with Ms B that arose directly out of their professional relationship demonstrated a significant lapse of professional judgment with the potential to cause harm to Ms B and to Ms Evans herself. The maintenance and setting of standards require that this decision reflects:

- a. the importance of understanding and maintaining professional boundaries; and

³⁵ Above n 2.

³⁶ *Johns v Director of Proceedings* [2017] NZHC 2843 at [78], citing *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774.

³⁷ Above n 36 at [83].

³⁸ Section 3 Social Workers Registration Act 2003.

- b. being mindful of when boundaries are being eroded; and
- c. taking appropriate steps to avoid or remedy a breach of professional boundaries including self-reflection, supervision, and open discussion with clients and colleagues.

65. The Tribunal considers that the respondent's submissions that Ms Evans' personal relationship with Ms B commenced only after she had ceased to be her social worker do not reflect the expectations in the Code, or a realistic view of the circumstances. The implications and impact of the professional relationship are not erased the moment that relationship is formally ended. As we have concluded above, on the balance of probabilities the relationship evolved into a friendship or at the very least had characteristics that made this desirable to Ms B and Ms Evans, while Ms Evans was still employed at [REDACTED]. Ms B was still a client when Ms Evans provided her with her personal telephone number. She was a very recent former client from 13 May 2022 onwards.

66. There are protective reasons that a relationship with a former client may be considered inappropriate and in breach of professional boundaries including:

- a. an inherent power imbalance. This is exemplified by the degree of support that Ms B required from Ms Evans as a professional client and subsequently.
- b. there is a knowledge imbalance both in terms of information shared by client with the social worker to enable them to do their job, which is not reciprocated, and the social worker's status, knowledge and access to agencies and providers.
- c. the former client's perception of the social worker as a person with professional skills and knowledge.
- d. the vulnerability of a client. This is exemplified in the present case by Ms B's serious mental health issues, her fragile living circumstances, custody issues, and strong emotional connection with Ms Evans, to whom she referred as a mother figure.

67. Once Ms B was living at Ms Evans' property, we find that Ms Evans' communications did not meet acceptable professional standards, in particular with regard to Ms B's [REDACTED] [REDACTED].

68. In the Tribunal's view the threshold for an adverse disciplinary finding is clearly met. The departure from acceptable professional standards in relation to particulars 1(a)(ii), 1(b), 1(d), 1(e) and 1(f) are serious and the conduct outlined in particular 1 (c) also shows a breach of professional standards that warrants discipline, albeit at a lower level of seriousness.

Conduct unbecoming

69. Given the Tribunal's findings of professional misconduct in respect of breaches of the Code evident in Ms Evans' conduct, we have not addressed the alternative charge of conduct unbecoming at length. Two short points:

- a. although Ms Evans ended her employment at [REDACTED] on 12 May 2022, her professional obligations under the Code remain while she is a registered social worker. Even if the relationship could be characterised as an informal one with Ms B, Ms Evans shortly after commenced in a new role as a practising social worker. The obligations under the Code clearly attached to her at that time. The Code sets high standards for social workers and is broad ranging, capturing conduct outside of the strictly professional sphere.
- b. even if assessing the conduct as arising from an honestly held belief that Ms Evans was providing support as a personal friend to Ms B, we find that her conduct meets the threshold warranting a disciplinary response for the purposes of protecting the public. This reflects the need to set and maintain appropriate professional boundaries between social workers and current or recent former clients. The facts establish multiple shortcomings in Ms Evans' conduct outside of her role as an employed social worker which meet the threshold for an adverse finding, for the reasons already discussed at length.

Non-Publication Orders: Permanent and Interim

70. The starting point is that hearings of the Tribunal are public. The Tribunal may make orders for non-publication under s 79 of the Act, if, having regard to the interests of any person or the public interest, it is satisfied that it is desirable to do so.

71. The privacy interests of Ms B and her family clearly outweigh any public interest in her name and sensitive details being published in the context of these proceedings. In reliance on s 79(2)(c) and (d) of the Act the Tribunal makes permanent non-publication orders as follows:

- a. the name and identifying details of [REDACTED] (Ms B).
- b. the name and identifying details of [REDACTED] partner or former partner and her children.
- c. sensitive health information relating to Ms B.
- d. copies of Ms B's text messages and the transcript of the video recording between Ms Evans and Ms B.

72. The Tribunal may modify these orders to make any further or more specific permanent orders following the penalty hearing and submissions by the parties as may be necessary for the protection of the privacy of Ms B and her family.

73. In order to preserve Ms Evans' position pending determination of penalty and any application for permanent non-publication orders, the Tribunal makes interim non-publication orders as follows pursuant to s 79(2)(c) and (d):

- a. The name and identifying details of Ella Evans, including the names of her former employers, [REDACTED] and [REDACTED].
- b. The names and identifying details of Ms Evans' family members and others referred to in the bundle of documents produced to the Tribunal for the liability hearing.

Next Steps

74. A penalty hearing will be required. The Tribunal will convene a telephone conference with counsel to determine the mode of penalty hearing and directions for the filing of submissions and any other relevant material.

DATED this 13th day of April 2025.



C Garvey
Chairperson
Social Workers Disciplinary Tribunal