

Social Workers Disciplinary Tribunal

Social Workers Registration Act 2003

BEFORE THE SOCIAL WORKERS DISCIPLINARY TRIBUNAL

REF **SWDT01/26P**

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 **Vakaafi Lafaiki** of Auckland, registered social worker
Practitioner

HEARING By AVL, 2 July 2026

TRIBUNAL Ms C Garvey, Ms N Geeson (lay member) Ms S Jarvis, Ms R
Sheppard, Ms F Wilson (Registered Social Workers)

REPRESENTATIVES Ms M Purcell, for the Professional Conduct Committee (PCC)
Mr Lafaiki, self-represented

Tribunal Executive Officer Ms D Latchman

Decision: Liability, Penalty, Non-Publication and Costs
5 August 2026

Introduction

1. The respondent, Vakaafi Lafaiki, faced a disciplinary charge pursuant to s 82(1)(c) of the Social Workers Registration Act 2003 (the Act), alleging professional misconduct arising from a conviction entered under s 131AB of the Crimes Act 1961. The parties prepared an agreed summary of facts and the matter proceeded with a hearing by audio visual link on 2 July 2026. Following the hearing the Tribunal issued a Minute giving an indication of its findings and allowing Mr Lafaiki time to provide evidence relevant to costs. This was received on 28 July 2026.
2. In summary, the Tribunal found the charge proved and imposed a censure, cancellation of Mr Lafaiki's registration, and costs. The Tribunal declined Mr Lafaiki's application for permanent non-publication orders. The reasons for these findings are set out below.

The Notice of Charge

3. Mr Lafaiki pleaded guilty and was convicted in the District Court at Manukau on one charge of grooming for sexual contact.¹ He was sentenced on 21 July 2025.² The conviction was notified to the Social Workers Registration Board (Board), and following investigation by the Professional Conduct Committee (PCC) the notice of disciplinary charge was laid on 13 April 2026. The particulars of the charge read as follows:

Particulars of charge

- 1 Pursuant to s 72(3) of the Act, the PCC charges Vakaafi Kapi Lafaiki, a registered social worker, on the basis that he was convicted by a court of an offence punishable by a term of imprisonment for three months or longer and the offence was committed in circumstances that reflect adversely on his fitness to practise as a social worker, pursuant to s 82(1)(c) of the Act.
- 2 In particular:

¹ Certified Copy or Extract of the Permanent Court Record. The respondent pleaded guilty and was convicted on 2 September 2024.

² Notes of Judge Y Yelavich on Sentencing CRI-2024-092-002990, [2005] NZDC 16853 21 July 2025.

- a. Between 2022 and 2023, Mr Lafaiki was employed as a Social Worker at [REDACTED] [employer]. In his role, he provided social work services to students at [REDACTED] [the School].
- b. On 21 July 2025, Mr Lafaiki was sentenced to three months' home detention in the Manukau District Court after pleading guilty and being convicted of one charge of grooming for sexual conduct with a young person under section 131AB of the Crimes Act 1961, an offence carrying a maximum penalty of three years' imprisonment. Specifically, the offending involved Mr Lafaiki grooming a 15 year old student at the College, Miss A, including:
 - i. Sending inappropriate and/or unprofessional communications to Miss A via Google Chat; and
 - ii. Engaging in inappropriate physical contact with Miss A during social work sessions.

3 The nature of Mr Lafaiki's offending as set out above reflects adversely on his fitness to practise as a social worker, including because it involved him breaching any or all of Standards 1.1, 1.2, 1.4, 1.5, 4.2, 4.3, 4.4, 5.4, 5.6, 5.8, 5.9, 6.2, 6.3, 9.1 and 9.4 of the Board's Code of Conduct.

The Facts

4. In addition to the agreed summary of facts the Tribunal received a certified copy of the Court record and the Sentencing Notes of Judge Yelavich. The following outline of the events underlying the disciplinary charge is based on these documents, as well as oral evidence provided by Mr Lafaiki in response to questions from the Tribunal.
5. Mr Lafaiki was first registered in September 2022, having previously been employed as a support worker by [REDACTED] [employer], who then employed him in a social work position. His first role was at [REDACTED] [the School]. Mr Lafaiki told the Tribunal that he had intended to work with adults, but that his employer required him to take up the role at the School. He said that he had a very heavy caseload of medium to high-risk students.
6. The student referred to as Miss A in the notice of charge was aged 15 years at the relevant time and was involved with various agencies, including Oranga Tamariki. Miss A required

support in relation to difficulties in her family life, substance use, and mental health concerns. Mr Lafaiki provided social work services to her at the School during 2022 and 2023. The frequency of their formal interactions is not described and nor was the Tribunal provided with any records kept by Mr Lafaiki in relation to Miss A.

7. In relation to particular 2(b)(i) of the charge Mr Lafaiki exchanged messages with Miss A via the Google Chat platform, which the School used for communications between students and staff.³ These messages included discussion around Miss A's drug use, with Mr Lafaiki initially encouraging her not to use drugs. However, he also asked what she would be willing to do in order to procure drugs, which he subsequently claimed to the PCC was for the purpose of *"getting a feeling of where [Ms A] was at, because she was asking about drugs all the time. She would message me and ask for drugs"*. Examples of some of the messages sent by the respondent are documented in the summary of facts, including:⁴

...

"You owe me hugs now"

"So u would literally do anything for a cone [cannabis]...To anyone? ...Interesting"

"Here's a scenario ...So just in theory, if I was a dealer, and said head for a cone. You would? Even though you know me well."

"Would you feel awkward doing it to me. It might change our relationship?"

"Do you care for me"

"What we talk about is between us [winking emoji]"

"Your boyfriend might get jealous lol" (when discussing meeting each other in Manukau).

8. Several other messages were also referred to in the summary of facts and Police Summary of Facts and were considered by the Tribunal. In or about October 2023 an acquaintance of Miss A saw some of the messaging and contacted Mr Lafaiki to confront him. Very shortly after this, Mr Lafaiki deleted a *"large number"* of messages with Miss A from Google Chat.⁵ He also contacted the School to forewarn them of a complaint.

9. In relation to the physical contact described in particular 2(b)(ii) of the charge, the summary of facts records:

³ The Police Summary of Facts refers to this as occurring in October 2023.

⁴ Agreed Summary of Facts at [12].

⁵ Police Summary of Facts.

- 9 At some point during this period, Miss A noticed that Mr Lafaiki was using more physical touch when interacting with her during social work sessions. During one session, Mr Lafaiki asked Miss A to stand back-to-back with him to compare their heights. Mr Lafaiki then turned around to face Miss A, and lent his face closer to hers until their noses almost touched. Miss A pulled away due to feeling uncomfortable.
- 10 Mr Lafaiki attempted to compare heights in a similar manner during another session, but Miss A refused.
- 11 On two other occasions, Mr Lafaiki asked Miss A to compare their hand sizes by pressing their hands together. He then interlocked his fingers with Miss A's, holding her hand in an intimate manner.

10. A disciplinary investigation was commenced by Mr Lafaiki's employer, but he resigned on 14 December 2023 before this was completed. Mr Lafaiki's employer made a mandatory report to the Board on 12 March 2024. The Board imposed conditions on the respondent's practising certificate prohibiting him from practising social work with children or young people up to the age of 18. Mr Lafaiki's conviction was notified to the Board in June 2024, and an interim suspension was imposed in October 2024. This remained in place at the time of the hearing.

11. Mr Lafaiki pleaded guilty in the District Court and was sentenced to a three-month period of home detention and conditions for 12 months requiring Mr Lafaiki to:⁶

- a. Attend and complete appropriate counselling, treatment and programmes to the satisfaction of a probation officer, including the SAFE Network programme;⁷
- b. Notify a probation officer prior to commencing, terminating or varying any employment or voluntary work;
- c. Not associate with or contact Miss A without the prior written approval of a probation officer; and

⁶ Above n2, and summary of facts at [16].

⁷ The SAFE programme is

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- d. Not associate with or otherwise have contact with any person under 16 years of age except in the presence of and under the supervision of an adult with the written approval of a Department of Corrections probation officer.

Liability – principles and submissions

- 12.** Section 82(1)(c) of the Act provides that a social worker is guilty of professional misconduct if they have been convicted by a court of an offence that is punishable by imprisonment for a term of three months or longer and the offence was committed in circumstances that reflect adversely on the social worker's fitness to practise under the social worker's individual scope of practice. As set out in the charge, an offence under s131AB of the Crimes Act carries a maximum term of three years' imprisonment.
- 13.** While Mr Lafaiki did not defend the charge, the Tribunal must still be satisfied on the balance of probabilities that the charge is proved. Proof of the conviction is established by the certified copies of the permanent court record. Accordingly, the Tribunal focussed its attention on the second limb of s 82(1)(c). It is not necessary for the PCC to prove that the respondent is in fact unfit, but that the conduct reflects adversely on his fitness to practise. The Tribunal will consider the conduct against legal, professional, and ethical standards, and the Code of Conduct issued under s 105 of the Act.⁸
- 14.** The PCC submits that Mr Lafaiki's conduct plainly reflects adversely on his fitness to practise, highlighting that:
- a. it occurred in the course of his work as a social worker.
 - b. Miss A was a 15 year old student to whom he was providing one on one support.
 - c. the respondent was aware of Miss A's vulnerabilities due to her mental health challenges, self-harm, and instability in her home life.

⁸ Social Workers Registration Board Code of Conduct March 2016.

- d. the respondent abused his position of trust by engaging in inappropriate physical contact and inappropriate messaging.
- e. the offending involved a *“breach of professional boundaries of the most serious kind, involving him grooming her for sexual conduct.”*
- f. the conduct was in breach of numerous standards in the Code, specifically 1.1, 1.2, 1.3, 1.4, 4.2, 4.3, 4.4, 5.4, 5.6, 5.8, 5.9, and 6.3.

15. The PCC also refers to evidence set out in the Sentencing Notes of the adverse impact of the offending on Miss A. Counsel submits that the respondent’s conduct introduced an expectation of physical intimacy, contained sexual connotations, was unprofessional and was *“wholly inappropriate in a social worker-client context and were plainly intended as a sexual or romantic advance.”*

16. Mr Lafaiki did not make any submissions on liability.

Liability Findings

17. The Tribunal is satisfied that the charge is proved, in reliance on the certified copy of the court records, and the factual matters agreed by Mr Lafaiki. The Tribunal accepts the submissions by the PCC. We have highlighted below some specific principles in the Code.

18. A conviction for an offence punishable by imprisonment of three months or more is a matter which the Board may consider when assessing whether a person is a fit and proper person to practise as a social worker.⁹ The nature of the conviction is inevitably significant, and some offending may arguably have little or no bearing on a social worker’s fitness to practise. A case-specific determination is required. In the Tribunal’s view a conviction for grooming or any other offending against a child will always warrant inquiry by the Board, and the referral to the Tribunal was wholly appropriate.

⁹ Section 47 Social Workers Registration Act 2003.

19. It is also worth noting that Mr Lafaiki's role at the School met the definition of a children's worker under the Children's Act 2014. For social workers employed in a children's worker role, there must always be an assessment of the safety of that person to practise with children. Perhaps surprisingly, an offence under s131AB is not a specified offence under Schedule 2 of the Children's Act, which would require an exemption to work as a children's worker, but in our view certainly should prompt scrutiny.¹⁰

20. The preamble to the Code of Conduct issued by the Board provides:

This Code of Conduct (Code) sets out the minimum professional standards of integrity and conduct that apply to Registered Social Workers and to the social work profession in general. This Code also lets clients and the public know the standards of conduct that they can expect from social workers.

21. As pleaded in the notice of charge, several parts of the Code are relevant to this case, which we can deal with succinctly. First, principle 1 requires social workers to act with integrity and honesty. Mr Lafaiki fell short of this expectation by substantially eroding professional boundaries with Miss A, and in deleting messages when he became aware that his conduct was likely to be investigated.

22. Principle 4 expects that social workers will be competent and responsible for their own professional development. Mr Lafaiki was a relatively newly registered social worker, and we accept his evidence that he was engaged in a very demanding role. However, he is middle aged, and by his own account came to social work with experience as a support worker. The Tribunal considers that the respondent did not work in a safe way and acted in breach of principle 4.4 when he engaged in messaging with Miss A that went well beyond basic matters such as arranging appointments; failed to respond appropriately to her disclosures of drug use or intended drug use, and sent messages that can clearly be interpreted as having sexual undertones. It seems clear that greater efforts to ensure that he obtained guidance should have been made by Mr Lafaiki (principle 4.8).

¹⁰ Section 131AB was introduced to the Crimes Act in April 2023 by virtue of s 4 of the Crimes (Child Exploitation Offences) Amendment Act 2023. It is not included as a specified offence of Schedule 2 of the Children's Act 2014 meaning there is no mandatory prohibition on employment as a children's worker (subject to any exemption under that Act), but nonetheless such a conviction must give rise to a careful assessment of the risk posed, given the purpose of Part 3 of the Act (Children's Worker Safety Checking) is to reduce the risk of harm to children by requiring people employed or engaged in work that involves regular or overnight contact with children be safety checked.

23. Principle 5 expects that social workers will protect the rights and promote the interests of clients. Mr Lafaiki's conduct was not in Miss A's best interests and was highly unprofessional. In particular:

- a. Principle 5.1 expects that a social worker will *"advocate for the human, legal and civil rights of your client while also making sure that their behaviour does not harm themselves or others."* While initially Mr Lafaiki expressed some concern to Miss A in Google Chat about her comments around drug use, he persisted in messaging with her about this to the point of asking whether she would consider performing a sexual act on him for the purposes of procuring drugs. Hypothetical (as Mr Lafaiki stated), or not, this was completely inappropriate.
- b. Principle 5.4 requires social workers to recognise and use responsibly the power that comes from any social work role, keeping the dignity of the client front of mind. The respondent's conduct offends against this principle.
- c. Principles 5.6 and 5.7 both expect social workers not to engage in any exploitative behaviour. Offending under s 131AB exemplifies an intention to exploit a young person.
- d. Principle 5.8 expects social workers to maintain professional boundaries and not form inappropriate relationships with clients or those close to them. The Tribunal is clear that this includes physical and emotional relationships and conduct that occurs in person or via digital means of communication. There was a significant power imbalance between the respondent and Miss A, with a marked difference in age and experience and given Mr Lafaiki's role as a social worker. Based on the limited messages that were retrieved and available to the Tribunal, the respondent's communications were inappropriate. This includes (in reliance on the Police Summary of Facts) the respondent writing *"Your bf might get jealous lol"* and declining to meet Miss A at a mall on the grounds that he was *"broke"* instead of establishing clear and professional boundaries.

- e. Principle 6 expects social workers to strive to establish and maintain the trust and confidence of clients. This includes treating clients with respect and dignity (6.1), behaving in a professional manner (6.2), and never abusing the trust of a client (6.3).
- f. Principle 9 expects social workers to maintain public trust and confidence in the social work profession. This includes with the use of social media and electronic forms of communication. The Tribunal considers that an offence of grooming is conduct that is likely to damage the reputation of the profession, in particular when the victim is a client. The commentary to principle 9 includes:

Some convictions will obviously reflect adversely on the social work profession (for example, violence or sexual offences). Some convictions may be less clear-cut (for example, a one-off drink-driving offence).

24. Finally, counsel for the PCC referred the Tribunal to several relevant cases for comparison, which we discuss below. For the purposes of liability, the Tribunal is satisfied that conduct including sexual grooming by a social worker of a young person will call their professionalism into question and reflect adversely on their fitness to practise.

PENALTY - Principles and Submissions

25. Once the Tribunal has found a charge under s 82 proved it must consider whether to impose one or more of the penalties set out under s 83 of the Act. The Tribunal must consider whether it can impose other penalties before making a finding that cancellation of registration is appropriate.¹¹ Where the charge arises from the referral of a criminal conviction the Tribunal may not impose a fine.¹²

26. The principles of penalty in disciplinary proceedings are well-established. The Tribunal is one mechanism by which the purposes of the Act may be met, namely, the protection of the public by ensuring that social workers are competent to practise, accountable for the way in

¹¹ Section 83(2)

¹² Section 83(3).

which they practise and enhancing the professionalism of social workers.¹³ If a penalty less than cancellation can achieve the purposes of the Act (which will often be the case) then a lesser penalty must be imposed.

27. When determining an appropriate penalty the Tribunal may have regard to a number of considerations including:¹⁴

- a. the protection of the public.
- b. setting professional standards.
- c. penalties may have a punitive function, but this is a by-product other than in the case of a fine.
- d. the rehabilitation of the practitioner, where appropriate.
- e. penalty should be comparable to those imposed in similar cases.
- f. the most severe penalties should be reserved for the worst offenders.
- g. the Tribunal should impose the least restrictive penalty that is appropriate in the circumstances.
- h. penalty should be fair, reasonable, and proportionate in all the circumstances.

28. Cancellation of registration is reserved for cases where no other penalty will protect the public, or reflect the seriousness of the misconduct that has been proven in terms of the social worker's fitness, the way in which the conduct reflects on professional standards and the reputation of the profession, and/or the Tribunal is not satisfied that there is sufficient evidence of insight, rehabilitation or rehabilitative prospects to allow a lesser penalty to be imposed. The Tribunal will consider any relevant aggravating and mitigating factors.

¹³ Section 3 Social Workers Registration Act 2003.

¹⁴ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand*, High Court Wellington, CIV-2012-404-003916 12 December 2012, Collins J.

29. The PCC seeks censure and cancellation. Counsel submits that the respondent's conduct was highly serious, referring to Miss A's age and vulnerability, the significant age disparity, the repeated nature of the breach of boundaries, significant breach of trust, and the adverse impact on Miss A including physical discomfort and leading her to disengage from school. The PCC submits that regardless of Mr Lafaiki's personal circumstances *"it was his professional obligation to seek the necessary supports and ensure he was practising proper self-care to ensure his practice was not adversely impacted."* The PCC does acknowledge Mr Lafaiki's cooperation with the disciplinary process and acceptance of responsibility for his conduct and the rehabilitative work he has done since his conviction.

30. The PCC submits that a comparison with four cases from this Tribunal and a further example from the Health Practitioners Disciplinary Tribunal (HPDT), supports a finding of cancellation. In *PCC v Moeke* the social worker was found guilty of professional misconduct for sending inappropriate messages on social media to a 14 year old who was enrolled in a programme run by Mr Moede's employer over a period of two months.¹⁵ He used inappropriately familiar language, ended messages with "xxx", did not respond professionally to disclosures by the young woman that she was taking drugs, and amongst other things, said he *"wished she was older so that he could date her"*. The Tribunal noted that in light of the young person's age and vulnerability there was a need for caution and strict adherence to boundaries.¹⁶ The Tribunal held that:¹⁷

[35] Maintaining appropriate boundaries is a fundamental skill, obligation, and professional discipline for all social workers...Social workers like Mr Moeke who are involved in delivering courses or providing professional services to vulnerable clients, particularly youth, cannot be 'friends' with those clients.

31. The Tribunal was not satisfied that Mr Moeke showed sufficient insight into his misconduct or provide evidence of satisfactory rehabilitative steps and therefore cancelled his registration.

¹⁵ *Professional Conduct Committee v Moeke* RSW 11/03/SWDT/2020, 1 March 2021.

¹⁶ Above n 15 at [33].

¹⁷ At [35].

32. The PCC also relies on *PCC v Name Suppressed*, a charge arising out of the exchange of sexual messaging and photographs between a female social worker and a male Year 12 student at a school at which the social worker was employed (although the student was not a client).¹⁸ The social worker was very experienced and attributed the misconduct to significant upheaval and difficulties in her personal life. The Tribunal identified several breaches of the Code, and emphasised the clear guidance provided in the Code around the use of digital technology. An order for cancellation and censure was made, with the Tribunal also imposing conditions on the social worker's future registration.

33. Both *PCC v Capper* and *CAC v Harrison* involved male social workers engaging in non-sexual but inappropriate relationships with teenaged female clients.¹⁹ Both were experienced social workers, and the Tribunal found significant breaches of professional boundaries. The Tribunal was concerned at the absence of records, noting in *Capper* that undoubtedly any employer would expect records to be kept of interactions with clients.²⁰ However, the Tribunal stepped back from cancellation, having heard from both practitioners at the hearing and being satisfied by the evidence of insight, remorse, and rehabilitation.

34. Finally, the PCC also relies on *PCC v Curry*, a charge before the HPDT involving a registered nurse who created a fake social media identity as an 18-year-old man and used that to engage in behaviour that led to a criminal conviction for sexual grooming.²¹ The HPDT found that the conduct reflected adversely on Mr Curry's fitness to practise as a nurse, and imposed an order for cancellation as it considered that this was the only way to protect the public and maintain public confidence in the profession.

35. Mr Lafaiki's Reflective Statement expresses remorse for his offending and the impact on Miss A and her family.²² Mr Lafaiki states:

I fully accept responsibility for my actions. My behaviour fell well below the standards expected of a social worker and a member of the community. I understand that social workers hold positions of trust, and I acknowledge that my actions have contributed to a loss of confidence in the profession.

¹⁸ *Professional Conduct Committee v [Name Suppressed]* SWCDT27/25P, 10 February 2026.

¹⁹ *Professional Conduct Committee v Capper* SWCDT 24/24P, 10 February 2025; *CAC v Harrison* RSW3/D1/SWDT/2019, 20 February 2020.

²⁰ Above n 19 at [41].

²¹ *Professional Conduct Committee v Curry* NZHPDT 386/Nur11/174P, 8 June 2011.

²² Reflection Letter 28 May 2026.

I also acknowledge the harm and distress caused to the young person affected and their family. I deeply regret the pain, loss of trust, and emotional impact that may have resulted from my behaviour. I recognise the effects of offending can be long-lasting and cannot be undone. Accepting this has been an important part of my reflection and rehabilitation.

- 36.** Mr Lafaiki refers to experiencing significant stressors in his work and personal life that affected his professional judgement and his wellbeing at the relevant time. He outlines the rehabilitative steps that he has taken since his conviction which include counselling and the SAFE Network programme, and men's support programmes. Mr Lafaiki acknowledges that rehabilitation is an ongoing process. The Reflective Statement concludes:

Despite my offending, I continue to value the core principles of social work - integrity, respect, service, and the protection of vulnerable people. I understand that the Tribunal's primary responsibility is to protect the public and uphold confidence in the profession. If I am permitted to remain registered under conditions, I will comply fully with any supervision, restrictions, or monitoring imposed.

- 37.** Mr Lafaiki also provided a letter from Ms Perkins, the clinician that he is working with at SAFE Network, and who supported Mr Lafaiki at the hearing. Mr Lafaiki has been actively engaged in therapeutic sessions with SAFE since 28 May 2025 and is said to have shown a willingness to understand the factors that contributed to his offending and to *"develop strategies to prevent any recurrence."* Ms Perkins' states that Mr Lafaiki is remorseful and that he has a comprehensive safety plan.

- 38.** In response to questions from the Tribunal, Mr Lafaiki said he was a support worker for 5-6 years prior to gaining his social worker registration. He said he initially worked with a senior colleague/mentor at the College but that his colleague was present only some of the time and that he received irregular internal supervision and no external supervision, despite seeking support to receive this. He stated that he did not have supervision in relation to Miss A and considered that a female social worker would have been preferable but one was not available.

- 39.** The Tribunal asked Mr Lafaiki what strategies he has for managing his conduct in future. Mr Lafaiki said he would not put himself in that situation again and would seek supervision. He referred to having very good support from his Pastor. Ms Perkins spoke about identifying

triggers, and referred to Mr Lafaiki's heavy caseload at the time and her view to the effect that it was unacceptably high, saying:

So when the incident happened, he was under so much stress and so much pressure from school and there was no supervision. That, first of all, one of the things we unpacked was that he is never, ever going to put himself into a situation ever again where he's going to have such a high caseload of clients, which led partly to him feeling lost at the time...

- 40.** Ms Perkins went on to refer to techniques that she had worked on with Mr Lafaiki to deal with such difficult situations, including breathing, removing himself, and not being *"too personal with a client"*. Ms Perkins also said that Mr Lafaiki *"felt sorry for the girl"*. Reference was also made to work they had done on improving his communication and self-worth in the context of the respondent's personal relationships.

Penalty – Findings

- 41.** The Tribunal has carefully considered the charge and the evidence and finds that no outcome short of cancellation sufficiently meets the gravity of the charge, given the nature of the conviction and the residual concerns that the Tribunal holds regarding Mr Lafaiki's insight and rehabilitation. The Tribunal commends Mr Lafaiki for his commitment to appropriate counselling, therapy, and greater communication with others in his personal sphere. However, with regard to whether a rehabilitative approach is appropriate when considering the protection of the public, maintenance of professional standards, and the need for deterrence, we find that the evidence does not satisfy us that we can step back from cancellation.
- 42.** In response to questions from the Tribunal the respondent indicated that he would like to work in the community and with the homeless. This is a highly vulnerable population, and includes young women. The Tribunal held significant concerns about this.
- 43.** The Code sets out minimum standards of conduct. No amount of stress justifies grooming a young person or behaving in a manner that contributes to their disengagement from school. While the support of Mr Lafaiki's counsellor is important, the Tribunal was not reassured by

the reliance on his workload as a partial explanation for highly inappropriate conduct with a young woman. That conduct included messaging a 15 year old student/client about drug use without providing professional support or referral, allusions and frank references to sexual favours for drugs, and – while not captured by the conviction – the deliberate deletion of messages, leaving a question mark about what was written by the respondent. In this respect we note the Tribunal’s concern signalled in *Capper* and *Harrison* about undocumented interactions with the young people involved. In this instance the Tribunal did not have any evidence of the respondent’s recordkeeping for Miss A, but the act of deleting messages as soon as concerns were flagged leads to an inference that he was aware that they were, or might be perceived to be, inappropriate. Clear documentation is a fundamental requirement of good social work practice in respect of interactions with clients both in a face-to-face setting and digital communications.

44. With regard to the physical contact outlined, the Tribunal also considers that this was unprofessional and does not reflect an appropriate means of building rapport or interacting with a teenaged client. The summary of facts supports a finding that the contact made Miss A very uncomfortable. We note also that several of the messages refer to hugs, suggesting that physical contact did form a part of the routine interactions between Mr Lafaiki and Miss A. The Tribunal considers that this is not professional or appropriate.

45. The absence of supervision was clearly an issue for Mr Lafaiki, and he stated that he made attempts to address this, without success. The Tribunal consistently refers to the importance of supervision and notes that engaging in supervision is an expectation under the Code. A lack of suitable supervision does not mitigate the seriousness of the proven misconduct. In the Tribunal’s view, Mr Lafaiki ought to have established clear boundaries from the outset and recognised when his communications were becoming unprofessional. This should have been obvious for any adult, let alone a registered social worker.

46. For the reasons set out above the Tribunal finds:

- a. The disciplinary charge laid in reliance on s 82(1)(c) of the Act is proved. The Tribunal is satisfied that Mr Lafaiki has been convicted by a court of an offence that is

punishable by imprisonment for a term of three months or longer; and that the offence was committed in circumstances that reflect adversely on Mr Lafaiki's fitness to practise as a social worker.

b. Orders under s 83 of the Act will be made as follows:

i. Censure, pursuant to s 83(1)(b).

ii. Cancellation of registration, pursuant to s 83(1)(a)(i).

Costs

47. The PCC seeks an order that Mr Lafaiki contributes 40% of its reasonable costs, in reliance on s 83(1)(e)(ii) and (iii) of the Act. The PCC has filed a Costs Schedule in the total sum of \$18,617.86 of which 40% is \$7,447.14. This includes both the PCC's investigation costs and the prosecution of the charge. There is no challenge made to the reasonableness of these costs.

48. The Tribunal may also order costs in relation to the hearing in favour of the Board, in reliance on s 83(1)(e)(iv) of the Act. The Tribunal's costs total \$4,372.80.

49. Costs are discretionary, and no statutory guidance is provided. However, it is well established in professional disciplinary proceedings that a wide range of factors may be considered. The starting point where the PCC has successfully prosecuted a charge is a 50% contribution. This is because the profession should not be expected to bear the full costs of disciplinary proceedings, and where a practitioner is found guilty of a disciplinary charge, it is appropriate that they are expected to meet costs. Notably, the Act does not preclude an order for costs where a charge arises out of a referral to the Board of a criminal conviction.²³

50. The Tribunal adopts the same approach as in other professional disciplinary settings and as confirmed by the High Court in *Professional Conduct Committee v Brown*.²⁴ The case involved

²³ Cf section 500(2) Education and Training Act 2003.

²⁴ *Professional Conduct Committee appointed by the Medical Council of New Zealand v Brown* [2024] NZHC 990.

a cross-appeal against costs ordered by the HPDT. After confirming that the starting point is 50% of reasonable costs, La Hood J outlined these further principles:²⁵

- a. Costs are highly discretionary and often require an assessment of a wide range of factors.
- b. Costs are not part of penalty. The mitigating features that are relevant to penalty are therefore irrelevant to any reduction in costs.
- c. A 10% reduction will usually reflect the practitioner's co-operation. Care should be taken to avoid double accounting, by considering mitigating factors already taken into account at the penalty stage.

51. Mr Lafaiki has cooperated with the proceedings in a manner which supports a contribution of 40% of the PCC's costs. A further adjustment downwards may be made, if for example the Tribunal has evidence of financial circumstances that establishes that the social worker will suffer hardship or is impecunious. While not precluding a costs award, it is also relevant to consider that Mr Lafaiki has been through criminal proceedings and engaged in counselling and other programmes required as part of his sentencing.

52. As well as giving oral evidence about his current situation, Mr Lafaiki filed an affidavit with supporting documents on 28 July 2026. Mr Lafaiki explained that he is currently unemployed following the loss of his social work role and his conviction, and because of more recent and significant physical health issues. Medical evidence was provided. The respondent explained that he lives with his wife and her parents and is reliant on his wife's income as he is ineligible for any JobSeeker or other benefit from Work and Income New Zealand at the present time. Other than a relatively modest KiwiSaver account, he has no savings. Mr Lafaiki requested that the Tribunal waive costs or "*reduce them to the lowest amount the Tribunal considers just*". Mr Lafaiki's affidavit indicates that any costs order will be difficult to meet and he is not in a position to make a lump sum payment.²⁶

²⁵ Above n 24 at [86] – [93].

²⁶ Affidavit of Financial Circumstances Vakaafi Kapi Lafaiki 28 July 2026.

53. Based on the evidence provided, the Tribunal accepts that an order for costs will create hardship, and likely this will impact Mr Lafaiki's family given the circumstances that he has outlined. While it is unfortunate that the bulk of costs will be borne by the profession in this case, we consider that we can only reasonably impose a nominal order. This will be \$2000, to be split with \$1500 to the PCC and \$500 to the Board. Mr Lafaiki may wish to approach the Board about payment arrangements.

Non-Publication Orders

54. The starting point is that hearings of the Tribunal are public in the interests of open justice and transparency of the disciplinary proceedings.²⁷ The Tribunal may make orders for non-publication if it is satisfied that it is desirable to do so, having regard to the interests of any person (including the privacy interests of a complainant) and to the public interest.²⁸ Whether it is 'desirable' to make an order is a lower threshold than the exceptional circumstances required in criminal proceedings. Where a charge is proved, a professional person is likely to find it difficult to establish that permanent non-publication is desirable, given the public interest in open justice and considerations such as the ability to choose who they receive professional services from.

55. We can deal quickly with Miss A, in relation to whom the PCC sought permanent non-publication orders. Miss A has the benefit of automatic suppression orders made by the District Court, and it is entirely proper that the Tribunal also makes an order for non-publication of her name and identifying particulars, which includes the School. Miss A's privacy interests outweigh any possible public interest in her identity being made public.

56. Mr Lafaiki applies for non-publication orders on the following grounds:²⁹

- a. that he acknowledges the seriousness of his actions and accepts responsibility for the harm caused.

²⁷ Section 79(1) Social Workers Registration Act 2003.

²⁸ Section 79(2) Social Workers Registration Act 2003.

²⁹ Application for Name Suppression 5 May 2026.

- b. to prevent disproportionate and long-term hardship for his whānau as he rehabilitates and works to rebuild his life.
- c. that he has undertaken various programmes and counselling as part of his rehabilitation and is compliant with probation requirements.
- d. that he has gained insight into the factors that contributed to his offending and developed strategies to ensure he does not repeat his mistakes.
- e. that publication of his name in relation to these proceedings would significantly affect his ability to secure stable employment, with a consequential financial and emotional impact for his whānau (including stigma and judgement) despite holding no responsibility for Mr Lafaiki's actions.

57. [REDACTED]

58. The PCC opposes Mr Lafaiki's application. The PCC submits:

In terms of Mr Lafaiki's employment prospects, any potential difficulty Mr Lafaiki may face in securing employment does not meet the threshold required to justify permanent non-publication of his name. It is well-established that reputational harm and associated employment consequences are ordinary and foreseeable outcomes of a criminal conviction and a finding of professional misconduct. Such effects, without more, cannot warrant suspension.

Moreover...no permanent name suppression was granted in relation to Mr Lafaiki's criminal conviction. Accordingly, prospective employers are likely to become aware of the conviction through standard background checks irrespective of any non-publication order in these disciplinary proceedings. In those circumstances, suppression in these proceedings would offer little practical protection, and does not justify departing from the principle of open justice. There is also a legitimate public interest in employers being aware of whether prospective employees have engaged in such offending, particularly if the relevant role entails work with young people or vulnerable individuals.

59. With respect to the whānau of Mr Lafaiki, the PCC acknowledges the likelihood of some ‘fallout’ but notes the absence of any specific harm articulated that is likely to result beyond the ordinary consequences of publication.

60. Pursuant to s 79(2) the Tribunal has regard to the privacy interests of Mr Lafaiki and those close to him, and to the public interest. The public interest includes:³⁰

- a. openness and transparency of disciplinary proceedings.
- b. accountability of the proceedings.
- c. the public interest in knowing the identity of a practitioner facing a disciplinary charge.
- d. freedom of speech as enshrined in s 14 of the NZ Bill of Rights Act.
- e. the risk of unfairly impugning others.

61. The matters raised by Mr Lafaiki are legitimate concerns. In the circumstances however we find that they do not outweigh the public interest. We also accept the submission for the PCC that such an order will have limited utility given the need for disclosure of the criminal conviction and the absence of suppression orders made by the Court – noting that this does not inevitably preclude an order by the Tribunal.

62. In most if not all situations a practitioner will be concerned for the impact of adverse publicity on others close to them, however that is of limited assistance as a ground for non-publication unless the Tribunal is satisfied that the consequences will be likely harm of a nature that justifies an order. Some risk of discomfort or embarrassment are ordinary consequences of adverse publicity. An association with the social worker is likely to arise only to those who already know of the relationship, and as Edwards J said in *Beer v A Professional Conduct Committee*:³¹

³⁰ See eg *ANG v A Professional Conduct Committee* [2016] NZHC 2929.

³¹ *Beer v A Professional Conduct Committee* CIV 2020-404-000266; [2020] NZHC 2828 at [33].

[33] Association of a family to a named transgressor will arise in the minds of those who know him/her and the family, and it does not usually arise from the publication of the practitioner's name in the collective mind of the general public.

63. Her Honour went on to point out that orders could be made for non-publication of the names of family members, to provide a layer of protection (that is, for those who do not know of their association with the respondent). In the case of Dr Beer, the argument was made in support of suppression that because he was retired there was no need to be concerned with the protection of the public, but this was not determinative.³²

[40] I accept that the appellant's retirement mitigates the need for public protection to some degree. But that is just one of the relevant public interest principles, and the others are still engaged. The transparency and accountability of the disciplinary process is of key importance, particularly since the charge of professional misconduct was made out. That principle serves more than just a public protection purpose. It protects the integrity of the disciplinary process, and as Moore J said in *Johns*, openness tends to advance the objectives of the Tribunal.

64. In the present case the Tribunal finds that the public interest in open justice, the nature of the charge, and the importance of deterrence, outweighs the interests identified by Mr Lafaiki. The respondent's application for a permanent non-publication order is declined. However, the Tribunal will make orders in favour of the respondent's wife and parents in-law with whom he resides, and who are referred to in material provided to the Tribunal. Orders are also made for the name of Mr Lafaiki's former employer, and the names of Miss A and the College.

ORDERS

65. For the reasons set out above the Tribunal makes the following orders pursuant to s 83 of the Act:

a. Censure.

³² Above n 31 at [40], internal references omitted.

- b. Cancellation of Mr Lafaiki's registration.
- c. Costs in the sum of \$2,000, with \$1500 payable to the PCC and \$500 to the Board for the conduct of the hearing.

66. The Tribunal makes the following orders for permanent non-publication pursuant to s 79(2) of the Act:

- a. The name and identifying particulars of Miss A and her whānau.
- b. The name of [REDACTED] [the School].
- c. The names of the respondent's wife and parents' in-law.
- d. The name of the respondent's former employer, [REDACTED]

67. The parties' attention is drawn to s 88 of the Act, which provides for an appeal to the District Court against the whole or part of the Tribunal's decision or orders by way of a notice of appeal lodged in accordance with the rules of the court within 20 working days after notice of this decision or within any further time as the court allows.

DATED this 5th day of August 2026.



C Garvey
Chairperson
Social Workers Disciplinary Tribunal