

8RSW6/SWDT/2020 – Mr Pomare Lumsden

Charge

On 14 October 2020 the Social Workers Complaints and Disciplinary Tribunal considered a conviction charge laid by a Professional Conduct Committee (PCC), against Mr Pomare Lumsden, registered social worker of Otariki (the social worker).

The charge alleged that the social worker was convicted in the District Court of two offences under the Misuse of Drugs Act 1975 (supplying a Class A controlled Drug, namely methamphetamine), each offence being punishable by a term of imprisonment for 3 months or longer in that the social worker:

- a. supplied a Class A controlled Drug (methamphetamine) to another person which the social worker and that person used together;
- b. supplied at his home, a Class A controlled Drug (methamphetamine) to another person, which the social worker and that person used together.

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

The hearing was held by audio visual link.

Background

The victim of the social worker's offending was a 16 year old who was under the approved care of the social worker. The social worker was aware of the victim's history and previous struggles with methamphetamine. The social worker also struggled with methamphetamine use and he on the one hand wanted to help the victim, thinking it safer for her to smoke it with him but on the other hand he wanted the methamphetamine for himself. There was no malicious intent with respect to the conduct of the social worker's.

The social worker accepted the charge and the hearing proceeded by way of an agreed statement of facts. The social worker sincerely apologised for his conduct and showed remorse and humility. The social worker has taken steps since his convictions to address his drug abuse issues and pleaded guilty and accepted the facts in the criminal jurisdiction.

Finding

The Tribunal found the charge made out and that the conduct reflected adversely on the social worker's fitness to practise. The Tribunal accepted that there was no malicious intent but were the result of 'poor judgement and self-gratification'. They were harmful actions which have 'undoubtedly had a serious effect' on the victim, breaching the significant trust that clients

place in the social worker that they will be properly cared for. A social worker must show self-restraint in his or her own life, and in how they deal with other people.

Penalty

The social worker was censured and his registration cancelled.

Given the unique circumstances of this case relating to the social worker's current financial means and health situation the Tribunal did not impose an order for a contribution towards the costs incurred by the PCC and the Tribunal.

The Tribunal directed that the decision and a summary of the decision be published.

The full decision of the Tribunal can be found at <https://swrb.govt.nz/tribunal-decisions/>