

## **RSW11/SWDT/2020 – Mr Jubert Moeke**

### **Charge**

On 1 March 2021 the Social Workers Complaints and Disciplinary Tribunal heard a charge laid by a Professional Conduct Committee, against Mr Jubert Moeke, registered social worker of Papamoa Beach (the social worker). The hearing was by way of an Audio Visual Link.

The charge alleged that the social worker:

- a. Between 5 July 2019 and 11 September 2019, sent inappropriate messages – via Facebook Messenger – to a 14 year old girl who was enrolled in a programme for vulnerable children run by the Trust.
- b. That at the time, the Social Worker was employed by the Trust as a social worker and that he worked on the programme the young girl was attending.
- c. The nature and extent of the Social Worker's conduct breached all or any of Principles 1, 5, 7, 9 and/or 10 of the Code of Conduct applying to social workers.

### **Background**

The Social Worker did not attend the hearing although prior to the hearing he had signed an Agreed Summary of Facts and filed written submissions and documentation relevant to his then current financial situation.

The young teenage girl was enrolled in a programme for vulnerable children run by the Trust that employed the Social Worker. The young girl complained to the Trust that the Social Worker had been sending her inappropriate messages. The young girl would often not respond but the Social Worker persisted.

In his role with the Trust, the Social Worker did not make any record of the messages between him and the young teenage girl.

### **Findings**

The Tribunal found the charge was established and amounted to professional misconduct.

The Tribunal also found the Social Worker breached the Code of Conduct in that he failed to act ethically, formed an inappropriate relationship with the young teenage girl, failed in the course of his messages to protect the privacy of another client's personal information, brought disrepute to the social work profession and he failed to set and maintain clear and appropriate personal and professional boundaries in his online communications with the young teenage girl.

There is an implicit power imbalance in a social worker and client relationship. A breach of trust that is involved where there is a breach of professional boundaries will likely adversely impact the client involved. Social workers who are involved in delivering courses or providing

professional services to vulnerable clients, particularly youth, cannot be 'friends' with those clients.

### **Penalty**

The Tribunal ordered:

- Censure;
- Cancellation of registration;
- Pay costs of \$4,480.00 to the costs and expenses of the hearing;
- Publication of the decision.

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