

Social worker: David Hopkins
Registration number: SW27160
Fitness to Practise
Final Hearing

Dates of hearing: 16 January 2023 to 20 January 2023

Hearing venue: Remote hearing

Hearing outcome: Fitness to practise impaired, warning (3 years)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (the regulations)
2. Mr David Hopkins attended and was represented by Mr Ray Short from Unison.
3. Social Work England was represented by Mr Jordan Santos presenting officer instructed by Capsticks LLP.

Adjudicators	Role
Sally Berlin	Chair
Rachael Kumar	Social worker adjudicator
Angela Duxbury	Lay adjudicator

Hannah Granger	Hearings officer
Stacey Yeardley, Loren Mace	Hearings support officer
Sinead Roberts	Legal adviser

Service of Notice:

4. Mr Hopkins attended and was represented. The panel of adjudicators (hereafter “the panel”) was informed that notice of this hearing was sent to Mr Hopkins and his nominated representative Mr Short by email. A hard copy was also sent to Mr Hopkins by special delivery to an address provided by the social worker namely their registered address as it appears on the Social Work England register.
5. The panel of adjudicators had regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of the final hearing dated 15 December 2022 and addressed to Mr Hopkins at the address he provided to Social Work England.
 - An extract from the Social Work England Register detailing Mr Hopkin’s registered address.
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 15 December 2022 the writer sent by email and Royal Mail special delivery to Mr Hopkins at the address referred to above: Notice of Hearing and related documents.
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” collection from Manchester South West DO at 11.28 on 22 December 2022.
6. Mr Short confirmed that no issues were raised in relation to service. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to Rules 14, 44 & 45 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served

on Mr Hopkins in accordance with the Fitness to Practise Rules 2019 (as amended) (the Rules).

Preliminary matters

Redaction of material

8. Mr Short made an application to redact information recorded within an investigation summary contained within the exhibit bundle, which alleged that an inappropriate request had been made by Mr Hopkins to use the service user's home for filming. The application was made on the basis that it was an unsupported allegation and the panel would not hear evidence supporting it.
9. Mr Santos objected to this proposed course of action on the basis that this information was supported and relevant to the panels' determination. Mr Santos referred to Mr Hopkins admission that he engaged Service User A in activities outside of the professional relationship in that he had asked Service User A to complete editing of a video for the Carlton Club, he also referred to exhibit DC05 which recorded a welfare call to Service User A on 19 August 2020 in which it is noted Service User A states, *'I've got recording equipment and he wanted people to come around to my flat and sit under the bay window where the light is good and be interviewed there and for me to record it. I felt really anxious about it thought(sic) and kept cancelling so he ended up recording somewhere else..'*
10. Mr Santos also referred the panel to exhibit DC06 which exhibits the minutes of a safeguarding meeting which took place on 24 August 2020, within this exhibit it is recorded that Service User A had alleged Mr Hopkins had asked for help on a private project and use his flat which he had felt uncomfortable with.
11. The panel accepted legal advice and determined that it would be appropriate for this material to remain in the bundle.

Missing Documents

12. During pre-hearing discussions, Mr Short highlighted that exhibit DC6 was not as described. Mr Santos made enquiries with those instructing him and upon further investigation it became apparent that due to an administrative error the actual exhibit AP6 had not been uploaded to the Bundledocs system, instead it had been replaced with another document which recorded minutes of a meeting the Social Work England witness AP had been invited to attend. Arrangements were therefore made for the correct documents to be uploaded to the Bundledocs system, all parties were provided time to consider these and it was confirmed that a new bundle was to be issued to witness AP. It was determined that when giving evidence AP would be questioned as to

whether he had read the erroneous document and if so whether what he had read had in anyway altered the parameters of his evidence. In the event that his evidence was altered the parties would be at liberty to make any relevant applications. Mr Short confirmed that he was content to proceed as proposed.

Character Evidence

13. Mr Short requested that the panel be provided with access to character references at Stage 1 on the basis that these were important when assessing the credibility of Mr Hopkins. Mr Santos was of the opinion that such references were more relevant to Stage 2 and in particular the issue of impairment. However, he was not of the opinion that Social Work England's case would be prejudiced by consideration of this material at an earlier stage in proceedings.
14. The panel obtained legal advice and was directed to the case of *Donkin v Law Society* (2007) EWHC 414 (Admin) which stated "cogent evidence of positive good character" is relevant to consideration of dishonesty, although the weight to be attached to it is in the end a matter for the Tribunal and also the case of *Wisson v Health Professions Council* (2013) EWHC 1036 (Admin) which established that good character evidence can also go to credibility and propensity to act in a particular manner. Decisions as to the weight to be attached to particular parts of evidence are a matter for the panel. The panel accepted the legal advice and determined that they would consider Mr Hopkins' character evidence at the fact finding stage.

Allegations

15. *Whilst registered as a social worker you:*

Allegation 1: Between February 2019 and August 2020, you failed to maintain professional boundaries with Service User A in that:

- 1.1 You introduced Service User A to a personal contact, namely a lawyer.*
- 1.2 You introduced Service User A to a personal contact, namely a health care professional.*
- 1.3 You introduced Service User A to a personal contact, namely a T-shirt businessman.*
- 1.4 You looked after, Service User A's drone.*
- 1.5 You returned Service User A's drone damaged.*
- 1.6 You made one or more disclosures about your personal/private life to Service User A.*

1.7 You engaged Service User A in activities outside of the professional relationship in that you asked him to complete the designing of posters for the Carlton Club.

1.8 You engaged Service User A in activities outside of the professional relationship in that you asked him to complete editing of a video for the Carlton Club.

1.9 You corresponded with Service User A via your personal email account.

The matters at allegation 1 above amount to the statutory ground of misconduct. Your fitness to practise is impaired by reason of misconduct.

Admissions:

16. Rule 32c(i)(aa) Fitness to practise rules 2019 (as amended) (the rules) states:

Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.

17. Following the reading of the allegations the panel Chair asked whether the social worker admitted any of the allegations and whether they admit that their fitness to practise is currently impaired.

18. Mr Short confirmed that Mr Hopkins admitted allegations 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.8 and 1.9 he confirmed that the issue of whether the allegations amounted to the statutory ground of misconduct and consequently whether Mr Hopkins fitness to practise was impaired was a matter for the panel to determine.

19. The panel therefore found allegations 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.8 and 1.9 proved by way of Mr Hopkins's admissions.

20. The panel noted that Mr Hopkins denied allegation 1.5.

21. In line with rule 32c(i)(a) of the rules the panel then went on to determine the disputed facts.

Background

22. On 1 September 2020 Social Work England received a referral from Greater Manchester Mental Health Trust ("GMMH") regarding Mr Hopkins. At the time of the alleged concern Mr Hopkins was an agency social worker who had been placed with GMMH within one of their Community Mental Health Teams.

23. The Social Worker was Service User A's allocated Care Coordinator from 20 February 2019 until August 2020. The Social Worker was responsible for implementing the package of care Service User A was receiving for their mental health. Service User A was under the care of GMMH with a diagnosis of PTSD and was a veteran serviceman.
24. Service User A had a meeting with a British Legion advocate, where he raised concerns with her about a compensation claim he was applying for. During the course of this meeting, Service User A made complaints about Mr Hopkins. On 7 August 2020, the advocate raised a complaint on behalf of Service User A, to GMMH. Due to the fact that the Social Worker was employed as an agency social worker, the agency conducted an investigation into the complaints. This was conducted by AP, Social Work Recruitment Team Manager. GMMH also conducted their own internal investigation into the complaints raised from Service User A. This investigation was undertaken by DC Operational Manager for Central Community Mental Health Services at GMMH.
25. Following the GMMH investigation, a decision was taken to not give the Social Worker any further shifts, and an offer for him to work with them permanently was rescinded.

Summary of Evidence in relation to facts:

26. The panel heard oral evidence from two witnesses; DC on behalf of Social Work England (Social Work Recruitment Team Manager) and AP (Operational Manager for Central Community Mental Health Trust). Mr Hopkins also gave evidence. DC and AP gave evidence under affirmation, Mr Hopkins gave evidence under oath administered in accordance guidance contained within the Equal Treatment Bench Book February 2021.

DC Evidence

27. In oral evidence DC confirmed that he had made 2 witness statements, the first on 1 November 2021 and the second on 16 August 2022. The written statements were verified by a statement of truth, DC confirmed that he was happy for these to stand as evidence.
28. During oral evidence DC confirmed that prior to his current role he had worked as an early intervention manager for 18 months and a team manager for approximately 8 or 9 years prior to that.
29. DC confirmed that he had a conversation with Service User A on 19 August 2020 regarding Service User A's drone. During the conversation Service User A had conceded that when distressed he would have a 'purge' of his belongings during which items were thrown away. He had recently thrown all of his crockery away.

30. He explained that Service User A struggled to regulate his emotions and had been supported by the crisis team due to issues with his mental health. When Mr Hopkins visited Service User A, he was told by Service User A that he was going to get rid of his drone and intended to stamp on it.
31. Mr Hopkins had told Service User A that rather than Service User A stamping on it, he would look after the drone for him. It was Service User A's understanding that Mr Hopkins would mind the drone for him, when it was provided to Mr Hopkins the drone was in full working order and in a box. However, when he contacted Mr Hopkins later via phone and asked him to return the drone it was no longer in a box and was not working.
32. DC confirmed that his notes of the incident would have been written up contemporaneously and were accurate. He also confirmed that he had collected emails from Service User A as part of his investigation.
33. DC was unsure how long Service User A had been supported by the crisis team but it was possible that it was in the region of 2 years. The crisis team often work with individuals who require a significant package of care including the delivery of food parcels. Prior to the incident with the drone Service User A had been complimentary in relation to Mr Hopkins describing him as 'brilliant' and was grateful for the food parcels he had brought.
34. DC was questioned in relation to his description of Mr Hopkins behaviour which he had said represented a 'blurring of boundaries' and was on 'some level exploitative'. DC was of the opinion that this was accurate as Mr Hopkins was aware of Service User A's skill set and was using him for free or cheap labour, whilst Mr Hopkins may have been trying to bring Service User A out into the community to use his skills, in his opinion, there were more appropriate official channels for doing this which would offer suitable protections to Service User A and prevent any exploitation.
35. In many respects Service User A's account mirrors that of the account given by Mr Hopkins.
36. Upon being informed that he would not be given more work by the Trust, he states that Mr Hopkins acted unreasonably toward him, raising his voice and hanging up on him.
37. The concerns raised in relation to Service User A met the threshold for a safeguarding enquiry to be opened, details of this were recorded on a Datix incident form completed by DC.
38. DC explained that the threshold for opening a safeguarding enquiry was quite low, wherever an incident 'could lead to harm'. The Datix incident form records that the safeguarding enquiry opened in relation to Service User A was 'insignificant' with no obvious physical or psychological harm caused to the Service User. DC explained that

the Datix form was not free text and often no boxes were ideal, therefore he would just pick the best option from those available which may not always be accurate.

39. DC accepted that the social worker's caseload was very high and that service capacity was outstripped by demand. Although there are records of 4 supervision sessions with Mr Hopkins DC accepted that this was below minimum expected requirements. Currently all staff have laptops and phones, but he accepted that it was possible at the time of the incident Mr Hopkins may have had a malfunctioning Nokia phone and may not have been provided with a work laptop.

AP evidence

40. AP confirmed he had made a witness statement on 26 July 2021 which he had verified with a statement of truth. He was happy for this to stand as evidence.
41. At the outset of his evidence AP was able to resolve a preliminary matter which had arisen in respect of incorrect exhibit having been sent to him. AP confirmed that he had received two bundles but had at the request of Social Work England deleted the first bundle prior to reading it and relied only on the second bundle which contained the correct material. On this basis that parties were happy to proceed and accepted that the error in relation to exhibits which had resulted in incorrect material being disclosed to him had not tainted his evidence.
42. AP interviewed Mr Hopkins as part of a fact-finding internal investigation following complaints in relation to Mr Hopkins behaviour toward Service User A. Notes of this meeting were taken by a HR professional, he believed the notes taken to have been taken contemporaneously.
43. AP confirmed that Mr Hopkins had informed him when interviewed as part of the fact-finding investigation that he had checked the drone worked properly prior to returning it to Service User A and had also offered to replace the drone.
44. AP had limited recollection of the initial investigation and relied upon documentary evidence to refresh his memory of events. AP gave evidence that Mr Hopkins had been co-operative with the internal investigation, had accepted at an early stage that he had acted unprofessionally, overstepped boundaries and had expressed feelings of deep embarrassment that the relationship he had allowed to develop with Service User A was inappropriate.

Mr Hopkins

45. In his oral evidence Mr Hopkins confirmed he had been working as a social worker for approximately the last 12 years during which time he had not faced any other disciplinary proceedings. He accepted that at the time of the incident he had a high-pressure caseload but found Service User A particularly challenging; he explained that

when he first met with Service User A he was in a 'bad way' and was 'essentially starving'.

46. He found it unusual that Service User A had been with the crisis team for such a long period of time, in his experience individuals would be with the crisis team for in the region of 6 weeks, whereas Service User A had been with the crisis team for a year and a half.
47. He described Service User A as being one of the only people he worried about, the 'meltdowns' Service User A had during which he would destroy his belongings rang massive alarm bells.
48. Mr Hopkins was taken to exhibit DC 11 which was an email interaction between himself and Service User A about the drone. Within the email chain Service User A challenged Mr Hopkins in relation to condition of the drone when it was returned to him, Mr Hopkins had responded by saying that he was sorry that he (Service User A) had felt let down, he told Service User A that 'box may have gone', he conceded that his step-son had played with it and felt that it may just need a charge.
49. During oral evidence Mr Hopkins stated that whilst he fully accepted sending the email to Service User A, the content of the email was not true. He explained that he had wished to placate Service User A and had intended to sort out the issue next time he saw him. Mr Hopkins reiterated that he had not been provided with the box for the drone at the time he collected it from Service User A notwithstanding what he had written in his email response to Service User A.
50. Mr Hopkins confirmed the drone definitely wasn't damaged and was in the state in which he had received it when he returned it. He expanded that the drone was received in a white plastic shopping bag, not a box and had been stored on a high shelf in his house.
51. Mr Hopkins accepted that he had allowed his stepson to play with the drone, which Service User A had agreed to, but fully accepted that this should not have happened. He also accepted that at the time his stepson played with the drone, he did not supervise him. However, he stated that he did check the drone after it had been played with and was satisfied that it was in working order.
52. Mr Hopkins had returned the drone upon the request of Service User A, transporting it back to him on his bicycle.
53. In response to questioning by the panel as to how he could be sure the drone had not been used Mr Hopkins stated that the high place in which the drone had been stored was somewhere no-one else could reach.

54. Mr Hopkins described his relationship with Service User A as being sometimes difficult, when things were difficult, he would seek to agree acceptable contact arrangements with him, he explained that he had discussed Service User A in supervisions and also sought to introduce him to one of the support workers who had a military background. He confirmed that if faced with a similar situation in the future he would act very differently, he acknowledged the negative impact his conduct had had on Service User A and indicated that following this incident he had reflected on his conduct, his written reflections were available to the panel and he had also undertaken further training. Following the incident with Service User A, he no longer worked in his local area, or in mental health.
55. Closing on behalf of Social Work England Mr Santos highlighted the contemporaneous material which contradicted Mr Hopkins' oral account of the state in which the drone was returned. He pointed out that Service User A had been clear that the drone was returned damaged, with no lens cap and without the box. Mr Santos questioned why if Mr Hopkins had not had the box for the drone, his written response to Service User A did not reflect this. He also pointed out that Mr Hopkins had accepted that when his stepson had played with the drone, he had not directly supervised him, he also questioned why if Mr Hopkins was confident that he had not damaged the drone he would offer to pay for it.
56. Mr Short took a different view, he highlighted to the panel that Mr Hopkins had been open and transparent in respect of his failings from the outset, fully accepting all other regulatory concerns. Mr Short highlighted Mr Hopkins' good character and advanced that his credibility should be very strong in the panel's minds. He pointed out that much of the evidence against Mr Hopkins was hearsay, Service User A had not been challenged in relation to the account given. He questioned why Mr Hopkins would accept all other allegations from the outset with the exception of this one if it were not that he honestly believed that the drone was returned undamaged, he advanced that it would be a cruel irony for the panel to rely upon Mr Hopkins' evidence to find all other facts proved but not rely on his evidence in relation to his account in respect of the state of the drone.
57. The panel accepted the advice of the legal advisor. The panel was reminded that the burden of proof rests with Social Work England, on the balance of probabilities i.e., that in order to find Allegation 1.5 proved the panel must be satisfied that it was more likely than not that the drone was returned to Service User A in a damaged condition.
58. The panel was advised that the evidence of Service User A was hearsay which would often carry less weight than oral evidence on the basis that it cannot be tested under cross examination. The panel was invited to consider whether the evidence of Service User A was inherently plausible, whether it is supported by other evidence, whether it

was consistent with other statements and how likely Service User A was to be mistaken as to the condition of the drone.

59. The panel was advised that Mr Hopkins was of good character and had submitted a number of testimonials in support of this. Whilst good character is not a defence, it is a positive feature which supports credibility and should therefore be taken into account when deciding whether to accept what has been stated by Mr Hopkins in his evidence.
60. The legal advisor referred the panel to the cases of *Donkin v Law Society* (2007) EWHC 414 Admin “cogent evidence of positive good character” is relevant to consideration of dishonesty, although the weight to be attached is a matter for the tribunal and also the case of *Wisson v Health Professionals Council* (2013) EWHC 1036 (Admin) (paragraphs 41-44) which set out that good character evidence can go to credibility and propensity, the probability that an individual has misconducted themselves may be considered less likely if they have an otherwise unblemished record.

Finding and reasons on facts:

61. Having found all other allegations proved on the basis of Mr Hopkins’ admissions, the panel focussed on consideration of allegation 1.5:

1.5 You returned Service User A’s drone damaged.
62. In reaching their conclusion the panel carefully considered the oral evidence of the Social Work England witnesses, the evidence given by Mr Hopkins and the documentary evidence.
63. The panel found the Social Work England witnesses to be credible and their accounts consistent with the contemporaneous documentation. However, the panel had some concerns in relation to the account given by Mr Hopkins which caused them to question whether he had been entirely open and honest.
64. The panel was concerned that on his own account, as given under oath, Mr Hopkins accepted that he had not been honest in his email communication with Service User A in relation to the state of the drone upon its return.
65. Mr Hopkins accepted in his oral evidence before the panel that he had not been honest with Service User A as he wished to placate him, the panel was of the opinion that the social work role often involves having difficult conversations and the acceptance by Mr Hopkins that he had been dishonest in his interaction with Service User A on this issue caused the panel to question his professional integrity notwithstanding his previous good character.
66. The panel felt that there were inconsistencies in the information provided by Mr Hopkins e.g., he had previously accepted that the box for the drone may have gone but

he later revised his position to suggest that he had not taken possession of the box as the drone had always been stored in a plastic bag.

67. It was only during the course of oral evidence that it became apparent Mr Hopkins had not personally supervised his stepson when he played with Service User A's drone. The panel noted that the drone had been in the possession of Mr Hopkins for 6-8 months and during this time he did not believe that other people had accessed the drone on account of it being stored on a high shelf where no one else could reach it. The panel was of the opinion that it could not be ruled out that another individual could have accessed the drone over this time period and caused damage to it.
68. The panel was also concerned in relation to the chronology of the checking of the drone, it appeared to the panel that the drone may have been checked after the stepson had first played with it, but not immediately prior to being returned to Service User A.
69. The panel noted that there had been no evidence to suggest that when the drone was returned to Service User A he was in a destructive mindset. The panel noted that Service User A had raised concerns in relation to the condition of the drone with Mr Hopkins directly and Mr Hopkins had responded to these concerns in a manner which suggested that they were legitimate.
70. The panel questioned why Service User A would lie about the condition of the drone, or fabricate that parts were missing if he did not genuinely believe this to be true, the wording of the email he sent to Mr Hopkins around the time of the incident appeared to demonstrate genuine frustration in relation to the condition of the drone. Having weighed up all of the evidence and taken into account Mr Hopkins previous good character the panel was of the opinion that on the balance of probabilities it was likely that the drone was damaged when it was returned to Service User A and therefore found the allegation at 1.5 proven.
71. Following the finding of facts, in overall the interests of justice and to ensure the fairness of the proceedings pursuant to Rule 32, the panel released Mr Hopkins from the requirements of his oath to facilitate consultation with his appointed representative to prepare for the next stage. A discussion also took place in relation to previously redacted material, following agreement between the parties new bundles were made available to the panel containing a limited amount of material withheld at the fact finding stage.

Finding and reasons on grounds:

72. The panel had regard to the oral and written submissions made by Mr Santos and Mr Short, the evidence provided by Mr Hopkins, the evidence of the Social Work England witnesses and to the legal advice it received.

73. The panel recognised that the question of misconduct was a matter for its judgement in the light of the applicable standards. The panel also recognised that not every departure from those standards could properly be categorised as misconduct. A serious departure from generally accepted professional standards was required if a particular breach of standards was to be classified as misconduct.
74. The panel carefully considered the professional standards alleged to have been breached by Mr Hopkins namely:

Health Care and Professions Council (HCPC) Standards of Conduct, Performance and Ethics (2016)

Promote and protect the interest of service users and carers

1.1 You must treat service users and carers as individuals, respecting their privacy and dignity.

1.7 You must keep your relationships with service users and carers professional.

Communicate appropriately and effectively

2.7 You must use all forms of communication appropriately and responsibly, including social media and networking websites.

Be honest and trustworthy

9.1 You must make sure that your conduct justifies the public's trust and confidence in you and your profession.

9.4 You must declare issues that might create conflicts of interest and make sure that they do not influence your judgement.

Social Work England Standards (2019)

Promote the rights, strengths and wellbeing of people, families and communities

1.3 Work in partnership with people to promote their well-being and achieve best outcomes, recognising them as experts in their own lives.

Establish and maintain the trust and confidence of people

2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

Act safely, respectfully and with professional integrity

5.2 Will not behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

5.4 Will not ask for, or accept any money, gifts or hospitality which may affect or appear to affect my professional judgement.

5.6 Will not use technology, social media or other forms of electronic communication unlawfully, unethically, or in a way that brings the profession into disrepute.

75. The panel determined that there was no evidence to demonstrate that Mr Hopkins had breached HCPC standard 1.1 'You must treat service users and carers as individuals, respecting their privacy and dignity'. It appeared to the panel that Mr Hopkins had treated Service User A as an individual and there was no evidence before them that he had sought to undermine his privacy or dignity in his interactions with him.
76. The panel also determined that there was no evidence to support findings of breaches of Social Work England standards 1.3 'Work in partnership with people to promote their well-being and achieve best outcomes, recognising them as experts in their own lives' or 5.4 'Will not ask for, or accept any money, gifts or hospitality which may affect or appear to affect my professional judgement'. The panel noted that Mr Hopkins had made efforts to promote Service User A's wellbeing taking into account his personal circumstances and had sought to achieve best outcomes. Mr Hopkins had been consistent in his account that he had not treated the drone as a gift from the outset, he was holding it with the intention of keeping it from being damaged by Service User A, this account was also corroborated by other evidence. However, the panel was of the view that Mr Hopkins' conduct had caused him to be in breach of the other identified professional standards listed above.
77. In reaching their conclusion the panel considered that there had been serious lapses in Mr Hopkins professional judgement which had contributed to a blurring of professional boundaries which had not only an adverse impact upon a vulnerable service user but also potentially others e.g., those responsible for meeting Service User A's ongoing support needs and the social work profession generally. The panel noted that Mr Hopkins had stated that he would on occasion visit Service User A daily, the panel was concerned that concentrating to such an extent on one service user, at a time when he had a high caseload would have negatively impacted upon his ability to meet the needs of other service users.
78. The introductions to a lawyer, healthcare professional and t-shirt salesman, all individuals within Mr Hopkins' network of personal contacts, created the potential for a conflict of interest which should have been identified by Mr Hopkins as a professional

dealing with vulnerable service users. The panel noted that Service User A had articulated that he felt ' beholden ' to Mr Hopkins. The panel considered there to be a clear imbalance of power in the relationship which had not been adequately addressed by Mr Hopkins.

79. A further example of the blurring of professional boundaries related to Mr Hopkins taking custody of Service User A's drone, whilst it was accepted by the panel that this appeared to be well intentioned in that he initially wanted to protect it, the steps taken to achieve this were inadequate. The panel was of the opinion that Mr Hopkins should not have permitted his stepson to play with the drone and if he was genuinely concerned in relation to the Service User's propensity to damage his property, he should have raised this with his manager so that an appropriate plan could be put in place to mitigate against this. Following proper procedures would have meant that in the event possessions of Service User A were to be removed for safekeeping they could be photographed, logged and stored securely to reduce the risk of damage or any misunderstandings as to their condition upon return.
80. The panel was concerned in relation to the disclosures Mr Hopkins made in respect of his private life to Service User A, [PRIVATE]. Mr Hopkins should have anticipated that the sharing of personal information of this nature with a vulnerable service user was unprofessional and had the potential to cause distress to the service user, as appears to have happened in this case.
81. The introduction of Service User A to a contact to become involved in designing posters and editing videos was, in the opinion of the panel, a further example of the blurring of professional boundaries. The panel accepted the importance of engaging service users within the local community, however, the panel considered that this should have been done formally using official channels. This would have provided an appropriate safeguard for both Mr Hopkins and Service User A. Using official channels would have resulted in proper vetting and safeguarding arrangements being put in place and ensured that proper consideration was given to the content of any material Service User A was asked to edit. The failure to give adequate consideration to the nature of the material the service user was asked to edit also had the potential to cause harm to the service user.
82. Permitting correspondence to take place by personal email was a clear breach of organisational and professional standards. Correspondence via a personal account is not usually subject to the same levels of security or monitoring and is also difficult to audit.
83. Whilst it is accepted that Mr Hopkins was using his own laptop, the panel did not consider that this should have had an adverse impact upon his ability to keep personal and work emails separate. Mr Hopkins was provided with access to a work email and

should have been well aware of the importance of keeping separate work and personal emails.

84. The panel formed the view that Mr Hopkins had felt a particular connection with Service User A which had contributed to the blurring of professional boundaries. The panel accepted that many of Mr Hopkins interactions with Service User A appeared to be well intentioned, but this does not amount to a defence, well established procedures for communication with services users are in place for good reasons, given the vulnerability of Service User A it was vitally important that established procedures were followed.
85. In reaching their decision on misconduct the panel was mindful of the principles established in *Roylance v General Medical Council (No.2)* (2000) 1 AC 311. The panel considered that the conduct of Mr Hopkins fell far short of that expected of a professional social worker. Furthermore, the panel considered that the repeated blurring of professional boundaries with a vulnerable service user combined with a lack of insight into the impact of his failings contributed to the seriousness the misconduct. The panel considered that public confidence in the regulator would be undermined in the event that a determination of misconduct was not made.

Finding and reasons on current impairment:

86. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance' updated 19 December 2022.
87. The legal adviser reminded the panel that its judgement in relation to impairment must be exercised at today's date and that, in addition to considering whether any misconduct was remediable and had been remedied, the panel was obliged to consider whether the public interest required a finding of impairment to be made.
88. Mr Santos referred the panel to the leading cases of *Cohen v General Medical Council* [2008] EWHC581 (Admin) and *CHRE v NMC & Grant* [2011] EWHC 927 (Admin). Applying the principles in these authorities, he submitted that Mr Hopkins' fitness to practise was currently impaired and that a finding of impairment should be made on the grounds of public protection and public interest.
89. The panel took into account the positive testimonies Mr Hopkins had obtained from colleagues who were aware of these allegations and the training he had completed. It also considered the mitigation set out by Mr Short who was of the opinion that in light of Mr Hopkins' open acceptance of his failings from the outset, his expression of remorse and empathy the risk of a similar situation arising in the future was 'vanishingly small'.
90. The panel considered that Mr Hopkins had demonstrated some level of insight into his conduct. He had accepted all allegations (save for 1.5) at an early stage, he had fully co-

operated with his employer's investigation and the Social Work England investigation. He also accepted that he had crossed professional boundaries which had adversely impacted Service User A.

91. Whilst there was some evidence of positive insight, the panel believed there was further work to be done in this area in order for Mr Hopkins to achieve full insight.
92. The panel remained concerned in relation to Mr Hopkins' communication with Service User A in relation to the drone and that when in a difficult situation according to his evidence to the panel he made a decision to mislead Service User A in attempt to calm him down.
93. The panel was disappointed that whilst there is a plethora of training on the maintenance of professional boundaries it appeared that the training identified as having been completed by Mr Hopkins did not cover this issue. The training records submitted appeared historical and training which would be undertaken as part of usual continuous professional development. It did not appear to the panel that Mr Hopkins had pro-actively sourced relevant training or support to assist in remedying the deficiencies in his practice.
94. The panel considered Mr Hopkins' conduct to be remediable, but that full remediation had not yet been achieved. The panel noted that Mr Hopkins informed them that he now works in a different geographical location which is no longer close to his home address and no longer works in mental health. However, the panel considered that these steps would not address the root causes of his deficient practice which related to a failure to maintain appropriate professional boundaries. Accordingly, the panel was concerned that if Mr Hopkins came into contact with another vulnerable service user with whom he felt a personal connection a similar issue could arise.
95. The panel took into account the remorse expressed by Mr Hopkins.
96. The panel was of the opinion that there was a lack of supporting objective evidence to demonstrate genuine insight into not only the impact upon Service User A but also on the wider profession, his employer and the public.
97. In these circumstances the panel determined that a finding of current impairment was required on public interest grounds and public protection grounds. A reasonable and fully informed member of the public would be disturbed if no such finding was made. Such a finding is necessary to maintain the reputation of the profession and to declare and uphold proper standards of conduct for members of the profession.

Decision on sanction

98. Mr Santos set out that Social Work England was seeking a warning order on the basis that this was a proportionate sanction taking into account the seriousness of the misconduct. He submitted that a warning order would demonstrate the gravity of the matter and serve to ensure that such behaviour was not repeated in the future thereby protecting the public.
99. Mr Santos suggested that a 3-year warning would be most appropriate, this would allow sufficient time for Mr Hopkins to demonstrate that he had effectively addressed any risk of repetition. Mr Santos submitted that a conditions of practice order would not be workable or practicable in this instance noting that Mr Hopkins had worked as a social worker for 2 years during which time no further fitness to practise concerns had been raised.
100. Mr Santos submitted that a removal order would not be a proportionate order in this case due to the serious personal repercussions this would have upon Mr Hopkins and his ability to return to social work which he has a clear passion for.
101. Mr Short invited the panel to impose a lesser sanction at the 'lowest end of the spectrum'. He submitted that the circumstances in which Mr Hopkins had found himself were truly unique, in his many years as a social worker no other complaints had been raised. At the time of the complaint Mr Hopkins was working in extremely difficult circumstances where demand outstripped supply. Service User A had been in a dire state when Mr Hopkins first came into contact with him.
102. Mr Short reminded the panel that Mr Hopkins had engaged fully with the Social Work England investigation and had from the outset of the complaint fully accepted his failings. He submitted that Mr Hopkins had demonstrated insight and had fully remediated. He drew the panel's attention to the supporting testimonials including one from a manager at his current workplace who had found work his work to be satisfactory, assessed him as having a high level of empathy and was trusted with complex and challenging cases.
103. Mr Short also highlighted the severe personal impact any restriction on Mr Hopkins' ability to work in social work at this point would have upon him, which would be disproportionately punitive, particularly as he had worked for over 2 years since the complaint during which no further regulatory concerns had been raised.
104. When considering the question of sanction, the panel took into account Social Work England's 'Impairment and sanctions guidance' updated 19 December 2022. The panel received legal advice that the purpose of the sanction was not to punish Mr Hopkins but to give priority to the wider public interest served by maintaining public confidence in

social workers and in upholding proper standards of professional conduct and behaviour.

105. The panel found a number of mitigating factors present in this case as Mr Hopkins had:

- Expressed remorse.
- Made early admissions in relation to his wrongdoing which relates to one Service User.
- Successfully worked with Service User A previously, to the extent that Service User A had described him as “brilliant”.
- Been working in difficult conditions and had not received regular supervision sessions with his manager.
- Worked for a number of years as a social worker prior to these proceeding during which no concerns had been raised.
- Engaged fully with the Social Work England Investigation and employer investigations.
- The employer completed a risk assessment in relation to the complaint which recorded the risk to Service User A as ‘low’.
- Made attempts to remediate and prevent the behaviour reoccurring.
- Undertaken training.
- Provided positive testimonials, including one from a recent manager.

106. The panel was reassured that Mr Hopkins had been working without restriction as a social worker for the past 2 years, during which time no further concerns had been raised. Mr Hopkins had also undertaken training to support his professional development.

107. The panel also found the following aggravating features:

- Whilst there was no discernible pattern of behaviour, professional boundaries were breached with a vulnerable service user on multiple occasions.
- The impact of the misconduct had a negative impact upon a vulnerable service user resulting in him feeling ‘beholden’ to Mr Hopkins in addition to feeling stressed and angry.

- When Mr Hopkins first became aware of the complaint from Service User A, he sought to gather information from colleagues to support his position and had to be warned via email not to do this.
 - Mr Hopkins accepted that in order to placate Service User A, he provided information which he knew to be incorrect.
 - In addition to breaching professional standards Mr Hopkins' actions were also in contravention of his employer's policies and procedures.
108. Having identified relevant aggravating and mitigating features the panel considered sanction in ascending order. It had regard to the principle of proportionality and its responsibility to impose the least restrictive sanction which would satisfy the public interest.
 109. The panel discounted taking no further action on the basis that this would not reflect the severity of the misconduct and would not be sufficient to protect the public.
 110. The panel discounted offering advice on the basis that it would also be insufficient to mark the severity of the misconduct. The panel noted that it had been some time since the incident and there was limited evidence to demonstrate that Mr Hopkins had independently pro-actively sourced relevant training.
 111. The panel next considered the imposition of a 1 year warning order, this was discounted on the basis that a 1 year order was insufficient in view of the serious nature of the misconduct, however, given the likely low risk of repetition, the insight shown by Mr Hopkins to date a 3 year warning order was considered appropriate.
 112. The panel noted that this outcome means that those engaging with Mr Hopkins professionally can be made aware of concerns arising from his misconduct and acts as a clear reminder to Mr Hopkins that a recurrence of similar conduct is likely to result in a higher sanction.
 113. The panel considered a 5 year warning order would be overly onerous and was not necessary to protect the public.
 114. Whilst the panel considered the misconduct to be serious, they were satisfied that Mr Hopkins' behaviour toward Service User A was well intentioned. The panel was mindful of the difficult conditions Mr Hopkins was working in and the challenges of dealing with Service User A who was clearly a very vulnerable individual.
 115. The panel also discounted imposing conditions of practice, suspending or removing Mr Hopkins from the register on the basis that the imposition of conditions of practice or taking steps to prevent Mr Hopkins from continuing to work as a social worker would be disproportionate. The panel believed restricting Mr Hopkins in such a manner would

inevitably result in his de-skilling. The panel was satisfied that permitting Mr Hopkins to continue to work in his chosen profession was in the public interest.

116. Whilst not part of the sanction imposed by the panel, in order to further develop his insight and to assist his own professional development the panel recommend that Mr Hopkins consider sourcing focussed learning on maintaining professional relationships, communication skills particularly around the delivery of unwelcome news, self-awareness and that he also reflects on the professional standards the panel found him to have breached.

Summary:

117. The panel concluded that a warning order imposed for a period of 3 years was sufficient to protect the public, maintain confidence in the profession and maintain proper professional standards for social workers in England. The panel concluded that any lesser sanction would fail to satisfy the public interest.

Right of Appeal:

118. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:
- a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under Paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order.
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
119. Under Paragraph 16(2) of Schedule 2 of the regulations an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
120. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.
121. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

The Professional Standards Authority:

122. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the high court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at:
<https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>.