

Social worker: Wayne Lamming
Reg number: SW30011
Fitness to practise committee:
Final hearing

Panel decision and reasons:

Date of hearing: Monday 17th February 2020

Outcome: Suspension Order (12 months)

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Introduction and attendees

1. This is a hearing of the Fitness to Practise Committee held under Part 5 of The Social Workers Regulations 2018.
2. The social worker attended and was represented by Olivia Beasley, Counsel, instructed by Thompsons Solicitors
3. Social Work England was represented by Kathryn Pitters, Counsel, instructed by Capsticks

Name: Jenna Keats	Hearings officer
Name: Fox Ferguson	Hearing support officer
Name: Robert Frazer	Legal adviser

Adjudicators	Role
Name: Wendy Yeadon	Chair
Name: Jill Wells	Social Work Adjudicator
Name: Angela Duxbury	Lay adjudicator

Allegation (for reviews include allegations as found at the final hearing)

While registered as a social worker and employed at North Lincolnshire Council:

1. You completed a Deprivation of Liberty Safeguards (DoLS) Form 3 for the following Service Users, using the information that you copied from DoLS forms and/or doctors reports on other Service Users:
 - a. Service User 1;
 - b. Service User 2;
 - c. Service User 3;
 - d. Service User 4;
 - e. Service User 5;

- f. Service User 6;
 - g. Service User 7; and
 - h. Service User 8
2. Your actions as described at paragraph 1 were dishonest.
 3. The matters set out in paragraphs 1 -2 constitute misconduct.

By reason of your misconduct your fitness to practise is impaired.

Admissions

Following the Allegations being read the social worker admitted Allegation 1 in its entirety. He denied Allegation 2.

Preliminary Matters

The Case Presenter, Mrs Pitters, applied for two additional documents to be admitted as evidence. They were (i) copies of the highlighted forms Witness A had used when comparing and considering the content of the forms (ii) a hand written note by Witness A which outlined the colour highlighting she had used in relation to those forms for the services users specified in allegation 1.

Miss Beasley, on behalf of the Social Worker, did not oppose the application.

In the circumstances and, having regard to Rule 32 of the Fitness to Practise Rules 2019 (the Rules), the Panel agreed that it was relevant and fair to allow the documents to be admitted into evidence.

Summary of Evidence

Background

By way of background, the social worker was employed by North Lincolnshire Council (“the Council”) for a period of 25 years in Adult Services until he resigned in February 2018. He worked in the Complex Learning Disability Team for approximately 10 years prior to his resignation. At the time he was a Band 8, and therefore an experienced, Social Worker, registered with the Health and Care Professions Council (HCPC). The social worker qualified as a Best Interest Assessor (BIA) in 2015. This allowed him to work for the Deprivation of Liberty Safeguarding (DoLS) team, in addition to his other social work duties. In his role as a BIA he was allocated one DoLS assessment each month for a service user.

1. The purpose of a DoLS Assessment is to determine whether a service user can consent to care and treatment and whether they are being deprived of their liberty. The DoLS assessment consist of 6 parts, 4 of which are completed by the BIA (Form 3). The remaining 2 are completed by a Mental Health Practitioner or an Approved Mental Health Practitioner (AMHP) (Form 4).
2. In order for a DoLS Assessment to be carried out it is necessary for the BIA to visit the service user and consider their current living and care arrangements. The BIA would view all relevant documentation available. Any care workers and family members must also be consulted, as well as the Relevant Person's Representative of the service user (either a family member or an appointed professional).
3. Following the completion of a Form 3 it is firstly checked by an administrator and then checked and signed off by another senior BIA/manager.
4. In November 2016 a concern was raised with the DoLS team that a Form 3 assessment completed by the social worker was copied from another DoLS assessment completed by a different BIA. Witness A spoke with the social worker about this in January 2017.
5. After further similar concerns were raised an audit was then carried out in April 2017 of the Form 3s he had completed for the service users allocated to him. The audit revealed the forms for 8 Service Users were identical in various parts and were not all relevant to the individual service users. It appeared that all 8 Forms had some parts copied from other Form 3s.
6. As a result, the social worker was suspended by the Council and five of the Service Users in question were re-assessed by a different BIA.

Evidence for Social Work England

7. At the time of the incidents the witnesses held the following roles: -

Witness A – Senior social worker /BIA in the DoLS team

Witness B – Interim Service Manager for the Complex Learning Disability Team
8. Witness A explained that she had previously worked as a BIA and that the social worker was known to her. In preparing her statement she had considered the Form 3s for the Service Users specified in Allegation 1 and had used colour coding to highlight the similarities and distinctions between those forms and those of other service users.
9. Witness A explained that in order to qualify as a BIA, Social Workers were required to attend and a pass a University Course, which took account of the requirements of the Mental Capacity Act 2005 and the Deprivation of Liberty Safeguards Code 2009.

10. Witness A explained the purpose and the process of a DoLS assessment. She also explained that group forums, quarterly Dols conferences and refresher training was available for all BIA'S.
11. Witness A stated that she was made aware of the initial concern over alleged copying of another Form by the social worker she had met with him and, the Mental Capacity Co-Ordinator, in January 2017. At that time she did not consider a significant problem existed, as a result of which no notes or minutes were taken of that meeting. She recalled that at the meeting it was explained to the social worker that the copying and pasting of certain information used in other Form 3s for other service users was not of itself improper but it needed to accurately reflect the relevant Service User's actual circumstances and personal details .In her evidence to the panel she stressed the importance of making each assessment accurate and tailored to the individual. She said that she may also use parts of a previous assessment but would reference the source.
12. Witness A was taken to the Form 3 for Service User 1. She was able to show those parts of the form which she stated were copied from the Form 3 for Service user 9 which she (Witness A) had completed. She stated that she recognised her prose and style of writing. It was her evidence that the material parts of Service User 1's Form 3 were "completely wrong" and could not be relied upon as large parts had been copied and pasted from the Form for Service User 9. The Witness stated that the other Service User Forms, for whom the social worker was responsible, were completed in a similar way, with large portions copied and pasted from that of Service User 9 and other service users whose forms she had also checked. As a result of the Social Worker's actions there was a risk to the Service Users concerned that they could have potentially been unlawfully deprived of their liberty. As families receive a copy of the document, they would be rightly concerned if the information was not correct.
13. Witness A explained that she had subsequently re-assessed five of the Social Worker's Form 3s out of the eight identified. She was unable to re-assess the other three service users as two had since died (including Service User 1) and one had been re-assessed and moved to reside in another care home.
14. In cross examination by Miss Beasley Witness A accepted that BIAs could, on occasions, use the same or similar phrases from other Forms for other service users. She accepted that parts of the Forms completed by the social worker were his own work and had not been copied from other Forms. She accepted that there was no meeting with the social worker after 6 January 2017. He had declined the offer of a mentor. She stated that no service user had been wrongfully deprived of their liberty as a result of the information given in the Forms as completed by the Social Worker.

15. The Panel next heard from Witness B. She was formerly employed by the Council as an Interim Service Manager for the Complex Disability Team. She commenced working in the role in May 2017. She did not know the social worker until she was appointed to carry out the investigation into the concerns that had been raised in relation to the Forms he had completed for the Service Users specified in Allegation 1.
16. Witness B confirmed that she had completed her Investigating Officer's Report in September 2017, a copy of which was contained in the main Exhibits Bundle.
17. In cross examination by Miss Beasley Witness B accepted that the Council had faced a significant backlog of DoLS assessments to carry out and that this created a lot of pressure on the BIAs. She stated that the social worker had been part of a rota system that was set up to help deal with the workload but after an initial period the rota had been stopped. It was unclear to her when this happened and whether the social worker was aware of this.

The social worker's Evidence

18. The social worker gave evidence. He stated that he had worked in health care for approximately 25 years. He had commenced a job as a support worker in 1997 before becoming a Care Officer and then a Senior Care Officer in a mental health resource centre in 2000. He was seconded by the Council to undertake a Diploma in Social Work which he completed in 2006. He then worked for the Council in the Learning Disability Team until his departure in 2017.
19. He stated he had completed and passed the BIA course at University in 2015. He had decided to become a BIA as the Council was looking for volunteers and, given his experience, he thought it would be good for his professional development. Initially BIAs were put on a rota and he was allocated, on average, one case per month, which was in addition to his substantive role. He was given one week to complete the assessment. He explained that this created a lot of additional pressure, as he would still need to take phone calls and attend meetings as part of his substantive role. However, he was confident that at the time he was able to cope.
20. When asked why he had copied parts of other Service User documentation onto the Forms he was required to complete the social worker explained that he had used a "stock template" which he then completed. He thought this was acceptable and that his main focus had been on the Capacity Assessment section of each form which involved him meeting the Service User and their family members. He considered this aspect to be the most important part of the assessment.
21. The first time he had been alerted to the issue of copy and paste was on 6 January 2017. The social worker had met with Witness A and the Mental Health Coordinator

to discuss a concern that had come to light that he had copied information from the Form of another service user. He described the meeting as very short and more of a “chat”. He maintained that Witness A had stated that it was common practice to copy and paste material and that “we all do it but just be careful”. He did not consider the meeting to be anything more than to find out what had happened and to give some guidance to him for the future.

22. In retrospect the social worker stated that his actions were unacceptable and that he recognised, by copying and pasting from other Forms, he had placed the Service Users at risk of harm. He emphasised there had been no financial or personal gain from his actions which he described as unprofessional, stupid, naïve and potentially put service users at risk of being unlawfully deprived of their liberty.
23. In cross examination by Miss Pitters the social worker agreed that by doing what he did, he saved himself time and that the information he provided was incorrect. He accepted that he had attended various BIA training courses since qualifying. He reiterated that he thought the way he had completed the forms was accepted practice and he was following a set procedure. He maintained that he had not acted dishonestly.
24. In answer to panel questions the social worker stated that he thought other BIAs were completing forms in the same fashion including using quotes taken from other service user’s assessments and, at the time, thought that this was acceptable. He now recognised that this was unacceptable and unprofessional. He stated he wanted to return to social work in the future but, he did not intend to work as a BIA again.

Finding and reasons on grounds

25. The Panel took full account of the submissions of Miss Pitter and Miss Beasley. It also took full account of the legal advice provided. It was reminded that the onus of proof was on Social Work England and the standard of proof was the balance of probabilities. In addition, the Panel gave careful regard to the test for dishonesty as set out in *Ivey v Genting Casinos* [2017] UKSC 67 and the need to consider, (i) the actual state of knowledge or belief of the individual as to the alleged facts and then, (ii) to determine if the actions were honest or dishonest by the standards of an ordinary and decent person.
26. The panel carefully considered all the evidence presented, both oral and documentary. It firstly considered the issues of credibility and reliability in relation to each witness who gave evidence, including the Social Worker.

27. In relation to Witness A the Panel considered her to be helpful and credible in her evidence. However, it noted that her colour coding of the service user forms on which she relied was not always accurate. The Panel considered that this detracted, to some extent, from the reliability of that evidence.
28. In relation to Witness B the Panel considered her to be credible but less certain in relation to the detail around her report. The Panel did not consider that her evidence added much to the case or its consideration of Allegation 2.
29. In relation to the Social Worker, the Panel considered him to be largely credible. He did at times try to avoid answering more probing questions by using similar responses that he had previously relied on. This cast doubt on the transparency of some of his evidence.
30. Having admitted Allegation 1 in its entirety the Panel concentrated solely on the evidence in relation to Allegation 2 and the application of the test for dishonesty as set out in the case of Ivey above.
31. The Panel noted that the actions on which Allegation 2 was based was as expressed in Allegation 1 namely, that the social worker completed DoLS Forms using information that he copied from the forms and/or doctors reports of other Service Users, and to which he had made a full admission.
32. The Panel noted the Social Worker's evidence was that his knowledge or belief of the facts in Allegation 1 was that he did not consider his actions to be dishonest and that he was following what he believed at the time to be the practice that other BIAs used.
33. The panel noted that whilst Witness A indicated that, on occasions, it was acceptable to copy and paste certain general phrases into another Form the Panel did not consider that was the case in its analysis of the Forms in which were the subject of Allegation 1.
34. In particular, the Panel noted that there were parts of the Forms where it was obvious that the passages that had been copied and pasted word for word were specific to an individual and could not be regarded as general statements or comments which could be applicable to any service user. By way of example the Panel considered the following passages to be identical in their terms and, as expressed, could not be attributed to an individual Service User in such a specific way:
 - In the Form for Service User 1 at page 4 (dealing with the issue of whether the person is unable to understand the information relevant to the decision) in answer to a question about her, address Service User 1 responded "I've no idea" and in response to a question about where she was Service User 1 responded "with a shrug of her shoulders"

- In the Form for Service User 2 the same question at the same section was asked in relation to her address to which Service User 2 replied, “I’ve no idea” and when asked again Service User 2 responded “with a shrug of her shoulders”
 - In the Form for Service User 3 the same question about her address was asked at the same part and the reply was, “I’ve no idea” and when asked again Service User 3 responded “with a shrug of her shoulders”
35. The Panel considered that these answers and responses to the specific questions asked of each Service User were identical and it was inconceivable that each individual would have answered and responded in exactly the same way. The Panel considered that this demonstrated that not only had the social worker copied and pasted the same passages onto each Form but, in doing so, he had provided incorrect and misleading information.
36. The panel considered that the social worker had plagiarised large aspects of the Forms, with wholesale movement of information from one service user to another. These contained inaccurate information including comments attributed to them, incorrect assessment in things such as communication and wrong historical backgrounds including information about past safeguarding issues. The justification for the ultimate decision was copied almost in its entirety.
37. Taking all of this together the Panel determined that an ordinary and decent person would conclude, notwithstanding the Social Worker’s belief, that his actions were dishonest. In reaching this conclusion the Panel noted that the social worker was experienced and had undergone specific BIA training, as well as ongoing training during and after his qualification as a BIA, including correct completion of a Form 3. In addition, it noted that the fact that the Forms themselves required to be signed by the BIA left no doubt as to the need for accuracy and the recording of correct information in relation to the relevant Service User. This included parts of the Forms where pro forma phrases such as, “in my opinion” and “to the best of my knowledge and belief”, were used before those sections were then completed by the BIA. The Panel considered this emphasised the need to ensure accuracy and detail in the information provided for each Service User.
38. In all the circumstances the Panel concluded that in signing the Forms and completing them as he did, the social worker must have been aware that the information for the individual Service Users was wrong and incorrect at the time he prepared and signed them. As a social worker and fully trained BIA it was his responsibility to ensure this was done properly and, in acting as he did, he failed in that responsibility. On that basis it concluded that an ordinary and decent person would consider such conduct to be dishonest and, accordingly, the objective part of the Ivey test was satisfied.

39. For all the above reasons the Panel therefore found, on the balance of probabilities, that Allegation 2 was proved.

Finding and reasons on current impairment

40. The Panel heard submissions from Miss Pitters and Miss Beasley in relation to the issue of current impairment of fitness to practise.

41. Miss Pitters reminded the Panel that it must first consider if the allegations that have been found proved amount to misconduct. If so, then the Panel should go on to consider if the Social Worker's fitness to practise is currently impaired by reason of that misconduct.

42. In relation to the first element Miss Pitters submitted that the definition of misconduct should be taken from the case of *Roylance v GMC* [2000] 1 AC 311 and whether it amounts to "an act or omission which falls short of what would be considered proper in the circumstances". In considering such an act or omission Miss Pitters referred the Panel to the relevant professional code for social workers that was in place at the time of the allegations namely the HCPC Standards of Conduct Performance and Ethics (2016). She referred the Panel in particular to parts 9 (Be Honest & Trustworthy) and 10 (Keep Records of Your Work) which, she submitted, were relevant to the Panel's decision making at this stage.

43. Miss Pitters submitted that the Allegations found proved amounted to misconduct having regard to the deliberate and repeated dishonest conduct involving multiple service users over a significant period of time, which exposed them to a real risk of harm.

44. Miss Pitters further submitted with reference to *CHRE v NMC & Grant* [2011] EWHC 927 (Admin) that the test for impairment of fitness to practise was met by the fact that the Service Users were exposed to the risk of harm; the Social Worker's behaviour brought the profession into disrepute; there were breaches of the fundamental tenets of the profession and his actions were dishonest.

45. In addition, Miss Pitters submitted that the social worker had limited insight into his behaviour which was not isolated and, therefore, the risk of repetition remained high. He had also not provided evidence of remediation as he had not undertaken any recent or relevant training into the issues related to the allegations.

46. Finally, Miss Pitters submitted that the public interest in this matter was high given that it involved the completion of crucial documentation in determining whether the capacity of vulnerable service users to make their own decisions about where to live could be taken away from them.

47. In response Miss Beasley submitted that whilst the social worker accepted that his behaviour amounted to misconduct his fitness to practise was not impaired.
48. Miss Beasley submitted that by making the admissions to Allegation 1 the social worker had shown some insight. She submitted that, with reference to *Cohen v GMC* [2008] EWHC 581 (Admin) that the misconduct was remediable. She reminded the Panel that there had been no repetition of the behaviour and the social worker was of previous good character in a long professional career. She submitted that he understood the seriousness of his behaviour and recognised that his actions had exposed the Service Users to potential risk of harm.
49. Miss Beasley further submitted that the social worker had “learned his lesson” and, in doing so, the likelihood of repetition was low. She also advised that he had required to get work after his resignation from the Council in order to support his family, as a result of which he had been unable to undertake relevant training courses. Since his resignation he had set up his own business as a personal assistant and, since October 2019, had worked one to one supporting students. She commended the testimonials he had provided to the Panel and asked that they be taken into account along with his own evidence and reflective piece. This included his genuine desire to return to work as a social worker in the future.
50. The Panel also took account of the legal assessor’s advice who referred the panel to the case of *Roylance* (for the definition of misconduct), *Grant* (for the test of impairment of fitness to practise), *Cohen* (for consideration of remediation) and *Grant* again, for consideration of the wider public interest.
51. The Panel carefully considered the submissions and legal advice provided. It firstly considered whether the allegations found proved amounted to misconduct. In doing so it had regard to the HCPC Standards of Conduct Performance and Ethics (2016). It considered that the following parts were relevant to the allegations:
- 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
 - Identify and manage risk
 - 6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible
 - 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

- Keep records of your work

10.1 You must keep clear and accurate records for everyone you care for, treat or provide other services to

52. The Panel considered that by copying information from other service users into Forms for the relevant Service Users in Allegation 1, the social worker had acted in a dishonest manner which did not respect the privacy and dignity of any of the service users, whether in having such information copied into other Forms or, in having such false and incorrect information given on those Forms. By doing so the social worker failed to take appropriate and reasonable steps to reduce the risk of harm that was potentially caused to all the service users.
53. The Panel further considered that by acting in such a dishonest manner the social worker failed to justify the public trust placed in him and the profession generally. By completing the Forms as he did, he failed to make clear and accurate records as expected of a social worker.
54. In these circumstances the Panel concluded that the Social Worker's acts fell significantly short of the expected standards and that his behaviour was so serious it amounted to misconduct.
55. The Panel next considered whether the Social Worker's fitness to practise was impaired. In doing so it took account of the relevant criteria as set out in the case of Grant. The Panel considered that by his actions the social worker had exposed the Service Users to potential risk of harm. In doing so he brought the profession into disrepute and breached fundamental tenets of the profession, as indicated by the breaches of the Standards identified above. He had also acted dishonestly. The Panel was therefore satisfied that all four limbs of the test were met.
56. The Panel next considered if the Social Worker's misconduct was capable of remediation. It considered that whilst failures in record keeping are capable of being remedied relatively easily, the same could not be said of dishonest conduct. In order for dishonesty to be remedied the Panel considered it was necessary for there to be full insight and no repetition of the behaviour. In this case the Panel was not satisfied that the social worker had full insight. It took account of his written reflection but considered this was lacking in genuine remorse for the Service Users, their families and his colleagues. The panel noted that both in his oral evidence and written reflection he sought to blame a lack of supervision and how he followed other colleagues' practice rather than take full responsibility for his own actions as an autonomous professional.

57. It also considered that he had not provided any evidence of relevant training courses or other learning. In these circumstances the Panel was not satisfied there was full remediation and therefore the risk of repetition of such misconduct remained.
58. The Panel considered the Social Worker's evidence in which he stated that he had experienced certain personal issues at the time which had adversely affected his health, although this was not supported by any medical evidence. The Panel noted that he now considered his health and coping mechanisms to be much better. It took account of what he said he had learned from this experience and how he would deal with similar problems in future.
59. The Panel also took account of the Social Worker's otherwise unblemished career history. It took account of the testimonials provided but noted these were not signed, dated and lacked provenance. As a result, the Panel placed less weight on them than would otherwise have been the case.
60. Notwithstanding his evidence the Panel considered that by acting in such a dishonest, irresponsible and reckless manner towards very vulnerable service users the social worker had exposed them to the potential risk of real harm and, public confidence in the profession would be undermined if a finding of impairment was not also made in the wider public interest.
61. For all these reasons the Panel concluded that the Social Worker's fitness to practise is currently impaired on both public protection and public interest grounds.

Decision on sanction

62. Miss Pitters, on behalf of Social Work England, sought a Removal Order. She submitted that this was the appropriate and proportionate sanction based on the nature of the misconduct which involved repeated acts of dishonest conduct affecting vulnerable service users.
63. In making her submission Miss Pitters referred to the Sanctions Guidance and, in particular, the section on Dishonesty where she quoted from the following paragraphs:
- 106. Social workers are routinely trusted with access to people's homes and highly sensitive and confidential information.... Any individual dishonesty is likely to threaten public confidence in the proper discharge of these responsibilities by all social workers.
 - 109. Evidence of professional competence cannot mitigate serious or persistent dishonesty. Such conduct is highly damaging to public trust in social workers and is therefore usually likely to warrant suspension or removal from the register.

64. In the particular circumstances of this case Miss Pitters submitted that the dishonesty was at the upper end of the scale for dishonest conduct. She supported this by reference to the following factors on which she relied:

- The dishonesty was repeated
- It involved multiple service users
- It was over a prolonged period of time
- There was wholesale movement of information from certain Service Users to others
- There was a significant risk of harm
- The potential consequences were a risk of lack of correct care to the Service Users and the potential for their liberty to be wrongly curtailed
- There was an incident that occurred after the social worker had been spoken to about the concerns regarding his copying of information into other Service Users' Forms in January 2017
- He was a highly experienced social worker who had undertaken specific training
- The social worker had failed to admit his dishonesty and, in doing so, lacked insight

65. Whilst Miss Pitters acknowledged there had been no financial gain or any other adverse findings against the Social Worker, she submitted that for all the reasons she identified, a Removal Order was the appropriate and proportionate sanction to impose.

66. In response Miss Beasley stated the social worker was "truly sorry and remorseful" for all he had done. He had worked in social care for over 20 years and wished to apologise to the Service Users and their families for any pain or distress he had caused. She stated that he wished to emphasise that such behaviour would never be repeated.

67. Thereafter Miss Beasley submitted that this was a case which could be dealt with by means of a lesser sanction than removal. She submitted that conditions of practice could be formulated which would address both the public protection and public interests concerns that the Panel had identified. The social worker was willing to comply with any conditions of practice and would, "grasp the opportunity with both hands". She asked the Panel to take full account of the further testimonials she had submitted which attested to the Social Worker's character and previous career

history. In her submission he had shown insight into his misconduct and he should be allowed the opportunity to remain on the register.

68. The Panel took account of the legal advice. It was reminded that it must have regard to the overarching issues of public protection and the wider public interest in its decision making but, must always ensure that any sanction that it chose to impose required to be appropriate and proportionate. For this reason, it required to look at the sanction options, as set out in the Sanctions Guidance, in ascending order of severity. The legal adviser further reminded the Panel that it should also consider the level of dishonesty, with reference to *Lusinga v NMC* [2017] EWHC 1458 (Admin), when considering the various sanction options.

69. The Panel took account of the submissions made, the legal advice given and the Sanctions Guidance. In doing so it considered the following to be aggravating factors:

- There was a risk of wrongful deprivation of liberty to vulnerable service users
- The social worker was experienced and should have been fully aware of the importance of this documentation and its accuracy
- The conduct was repeated over a prolonged period, including one incident after he had been spoken to by senior members of staff in January 2017
- The misconduct involved the repeated movement of wholesale information from various service users to those identified in Allegation 1

70. The Panel also identified the following mitigating factors:

- No actual harm had been caused to any Service User
- There are no other adverse regulatory findings against the social worker in a long professional career
- He had provided positive and up to date testimonials
- There was no financial gain
- He had apologised for his actions and made admissions to the first allegation
- He was experiencing certain personal difficulties at the time of the allegations
- There was also a lack of clarity as to the direct line management for the DoLS work that the social worker was undertaking at the time

71. Having identified the aggravating and mitigating factors the Panel then the sanction options in ascending order of severity.

71. It firstly considered that No Further Action was not appropriate nor proportionate as it did not address the issues of public protection or the wider public interest. There would be no restriction placed on the Social Worker's registration and it was totally insufficient to address his dishonest conduct.
72. For the same reasons as above the Panel did not consider that either Advice or a Warning properly or proportionately addressed the same issues of public protection and the wider public interest.
73. The Panel next considered a Conditions of Practice Order. Whilst it considered that conditions could be potentially formulated which could address issues of public protection it did not consider that they would be sufficient to address the dishonest conduct or the public interest at this time.
74. In that regard the Panel considered that the level of dishonesty was not at the top of the scale for such misconduct but, nor was it at the lower end. The Panel accepted that there had been no financial gain and any benefit to the social worker appeared to be in a time saving exercise to him. His conduct was, however, serious and had the potential to cause harm to the Service Users.
75. The Panel next considered a Suspension Order. It considered that such a sanction would protect the public and, dependent, on the length could also address the public interest in the Social Worker's dishonest behaviour. It considered that the dishonest conduct was not such that it required removal from the register, and it was appropriate and proportionate to therefore impose a Suspension Order. It recognised that this would have the effect of preventing the social worker from returning to practice, but it would allow him time to develop his insight and update his skills and Continuous Professional Development (CPD).
76. In all the circumstances the Panel considered that the appropriate and proportionate length of such an order should be 12 months. This would give adequate time for the social worker to develop his insight and find the necessary training courses to get his CPD up to date.
77. The Panel considered that a future panel reviewing the order would be assisted by the following:
- The social worker continuing to engage in this process and with Social Work England
 - To provide such a panel with any up to date references and testimonials (paid or unpaid work)

- An up to date CPD record of the Social Worker's Continuous Professional Development programme
- A further reflective piece that includes addressing the issues identified in paragraph 51 above in relation to the failures in the Social Worker's professional standards.
- Evidence of relevant training and learning

78. For the avoidance of doubt the Panel considered the imposition of a removal order but did not consider it to be necessary, appropriate or proportionate at this time.

79. The Panel therefore determined that the appropriate and proportionate sanction is a 12-month Suspension Order. This order will be reviewed shortly before its expiry.

Interim Order

80. Mrs Pitters made an application for an interim suspension order for a period of 18 months in order to cover any potential appeal. She submitted that such an order is necessary in order to protect the public and the wider public interest given the panels findings at the impairment of fitness to practise stage.

81. Mrs Beasley did not oppose the application.

82. Having taken legal advice the panel determined that an interim order was necessary in order to protect the public and address the public interest given its earlier findings. It recognised that such an order will lapse after 28 days in the event of no appeal being marked.

83. It accordingly imposed an interim suspension order for a period of 18 months.

Right of Appeal

84. Under regulation 16 (1) (a) of schedule 2, part 5 of the social worker Regulations 2018, the social worker may appeal to the High Court against the decision of adjudicators:

85. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),

86. not to revoke or vary such an order,

87. To make a final order,

88. Under regulation 16 (2) schedule 2, part 5 of the social worker Regulations 2018 an appeal must be made within 28 days of the day on which the social worker is notified of the decision complained of.

89. Under regulation 9(4), part 3 (Registration of social workers) of the social worker Regulations 2018, this order can only be recorded on the register 28 days after the social worker was informed of the decision or, if the social worker appeals within 28 days, when that appeal is exhausted.

90. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019.

European alert mechanism

91. In accordance with Regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, Social Work England will inform the competent authorities in all other EEA States that the social worker's right to practise has been prohibited.

92. The social worker may appeal to the County Court against Social Work England's decision to do so. Any appeal must be made within 28 days of the date when this notice is served on the social worker. This right of appeal is separate from the social worker's right to appeal against the decision and order of the panel.