

Social Worker: Joseph Essiful

Registration Number: SW24677

Fitness to Practise: FO-606

Final Order Review Meeting

Meeting venue:	Remote meeting
Date of meeting:	Tuesday, 26 May 2026
Order being reviewed:	Final suspension order – 36 months, expiring on 7 July 2026
Outcome:	Removal order

Introduction and attendees:

1. This review took place pursuant to paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018. It was the first review of a 36-month final suspension order in respect of Mr Joseph Essiful (registration number SW24677) which had been made at a final hearing on 9 June 2023 by adjudicators appointed by Social Work England.
2. This review was held remotely.
3. Mr Essiful did not attend this review and was not represented.
4. As this review took place as a meeting Social Work England was not represented at it but its solicitors, Capsticks LLP, provided written submissions on its behalf.
5. The panel of adjudicators conducting this review (the “**panel**”) and the other people involved in it were as follows:

Adjudicators	Role
Timothy Skelton	Chair
Karen Biddle	Social Worker Adjudicator

Hearings Team/Legal Adviser	Role
Jo Cooper	Hearings Officer
Ellie Roberts	Hearings Support Officer
Charles Redfearn	Legal Adviser

Service of notice:

6. When considering service, the panel had regard to the relevant parts of Social Work England’s Fitness to Practise Rules (the “**FTP Rules**”) and the Social Workers Regulations 2018, as amended (the “**Regulations**”).
7. The panel also had careful regard to the documents contained in the service bundle, which included the following:
 - An extract from Social Work England’s Register showing the email address for Mr Essiful held on Social Work England’s register (the “**Register**”).
 - A copy of the notice of this final order review (the “**Notice**”), which was dated 27 April 2026 and addressed to Mr Essiful at his email address as it appears on the Register.
 - A copy of a covering email dated 27 April 2026, addressed to Mr Essiful at his email address as it appears on the register, which referred to a final order review due to take place on 26 May 2026 and had attachments comprising a notice of hearing and related documents.
 - A copy of a signed statement of service which was made on 27 April 2026 by the employee of Capsticks LLP who was named as the sender in the covering email

and which confirmed that, on 27 April 2026, that employee had sent the notice and related documents by email to Mr Essiful at his email address as it appears on the register.

8. The panel heard and accepted the advice of the legal adviser on service of notice. In his advice, the legal adviser referred the panel to rules 16, 44 and 45 of the FTP Rules and paragraph 15(5) of Schedule 2 to the Regulations.
9. On the basis of the documents before it and the legal adviser's advice, the panel concluded that the notice had been served on Mr Essiful in accordance with the FTP Rules and the Regulations. The reasons for that conclusion were as follows:
 - As required by paragraph 15(5) of Schedule 2 to the Regulations and rules 16(a) and (b) of the FTP Rules, the Notice specified the date of this review; informed Mr Essiful of the step which Social Work England proposed to take in relation to this review and that he could attend, and be represented at, this review or make written submissions; and specified the date by which he should confirm his attendance or make written submissions, such date being 12 May 2026.
 - The notice had been sent to Mr Essiful by one of the mandatory means of service specified in rule 44(a) of the FTP Rules, that is by being sent by email to an email address provided by Mr Essiful to Social Work England, namely that specified in his entry in the register.
 - Pursuant to rule 44(b) of the FTP Rules, the panel could rely on the statement of service as proof of service as it had been made by the person who had sent the covering email and its attachments to Mr Essiful by email.
 - As the panel had found service of the notice by email proved, rule 45 of the FTP Rules required it to treat the notice as having been served on the date on which it was sent, namely 27 April 2026 and, as a result, Mr Essiful has been given 29 days' notice of this review, which the panel considered to be reasonable.

Proceeding with this review as a meeting:

10. The panel noted that the notice of this review stated:

“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 12 May 2026. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”

11. Given the above wording and that the panel had determined that notice of this review had been served on Mr Essiful in accordance with the FTP Rules, the panel was

satisfied that Mr Essiful would have understood that, in his absence, this review could proceed as a meeting.

12. The panel heard and accepted the advice of the legal adviser on rule 16(c) of the FTP Rules, which states:

“Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting.”

13. As there was no information before the panel which indicated that Mr Essiful had responded to the notice, the panel considered that Social Work England’s discretion under rule 16(c) of the FTP Rules had been engaged with effect from 4:00pm on 12 May 2026.
14. On 21 May 2026, each member of the panel received an email from Social Work England stating that this review would take place as a meeting. The panel understood this to be a determination by Social Work England under rule 16(c). As there was nothing to cause the panel to be concerned that this decision was irregular, the panel proceeded to conduct this review as a meeting in accordance with that determination.

Regulatory concerns and adjudicators’ decision on facts and grounds:

Regulatory concerns

15. At a final hearing held between 5 and 9 June 2026, adjudicators appointed by Social Work England heard the following factual allegation against Mr Essiful:

On 24 June 2019 you were convicted at Guildford Crown Court on three (3) counts of dishonestly making a false representation to make gain for self/another or to cause loss to other/expose other to risk contrary to Section 2 of the Fraud Act 2006.

16. The three counts of fraud related to representations allegedly made by Mr Essiful when applying for the tenancy of a social housing property owned by Accent Group Limited, a social housing provider, and also in the agreement for that tenancy. The representations were allegedly made on 25 March 2008, on 6 June 2008 and between 7 June 2008 and 23 July 2017. The alleged representations were that that Mr Essiful intended to occupy the property as his only or principal home; that he would observe the terms and conditions of the tenancy agreement; and, subsequently, that he was observing those terms and conditions. The particulars of the three counts alleged that Mr Essiful knew that those representations might be untrue or misleading in that (i) he did not intend to use, and did not use, the property for residential purposes as his only or principal home; and/or (ii) he intended to sublet, and did sublet, the property to another person.
17. Mr Essiful pleaded not guilty to all three counts but, following a trial by jury, he was convicted of each of them on 24 June 2019.

18. On 26 July 2019 Mr Essiful was sentenced to 2 years and 6 months imprisonment in respect of each offence, the sentences to run concurrently.
19. At the final hearing, the adjudicators found that the allegation of fact was proved and that it amounted to the statutory ground of impairment specified in regulation 25(2)(c) of the regulations, namely a conviction in the United Kingdom for a criminal offence.
20. Mr Essiful did not attend the final hearing and was not represented at it but, according to the written decision of the final hearing panel, he provided extensive written submissions.

Adjudicators' decision on impairment at the final hearing:

21. At the final hearing, the adjudicators made the following decision on impairment:

48. The evidence before the panel suggested that the conduct which led to the criminal conviction resulted in financial loss to the council as it removed a property from the housing stock which could have been used by one of the individuals or families who were requiring accommodation. The inability to use this property could potentially have increased the Council's expenditure on accommodation costs.

49. The panel noted that the cost of the fraud was considered within both the criminal proceedings and within the connected Proceeds of Crime Act (hereinafter "POCA") proceedings. Within the criminal proceedings HHJ Black assessed the case as falling within category 3 of the relevant sentencing guidelines with an intended or actual loss being between £20,000- £100,000 or risk of loss being between £100,000 or £500,000. The panel does not have before it the full details of the POCA proceedings but notes that Mr Essiful states that the figure was determined to be in the region of £93,000. He states that payments were made from the sale of a property. The panel has been provided with a completion statement for a property which indicates that Mr Essiful's share of the equity in this property was £23,544.05 and that £15,175.03 was paid to discharge a charging order over his share. It is not clear from the completion statement if this relates to the POCA proceedings although Mr Essiful appears to suggest it does. The panel have noted that the POCA proceedings would mean that some element of financial remediation would have been imposed on Mr Essiful.

50. Whilst the panel considered that it was unlikely that Mr Essiful would commit the same fraudulent acts again, as he has experienced the custodial and financial consequences of this, they were concerned that fraud is an offence of dishonesty which is inherently difficult to remediate. The panel were also mindful of the duration of the fraudulent activity spanning a period between June 2008 and July 2017 and that the index offence was therefore repetitive in its nature. The panel also considered that the lack of insight shown in respect of the offence, including Mr Essiful's consistent stance that he ought not to have been convicted, increased the risk of repetition of similar dishonest behaviour.

51. The panel noted that Mr Essiful had no criminal convictions prior to receiving the custodial sentence in June 2019. The panel further noted that positive references had been provided for these proceedings in relation to his practice as a social worker prior to his conviction.

52. The panel considered that Mr Essiful showed very limited insight into his offending or the regulatory concerns arising from them. While Mr Essiful acknowledges the fact of his conviction, he appears to do so without acknowledging that it is his conduct which had resulted in the conviction and the consequential regulatory proceedings.

53. The conviction is dated 24 June 2019 and Mr Essiful refers to seeking to appeal this decision, but, four years later, there is no evidence to suggest that he has actively pursued this. Mr Essiful does not appear to have reflected on the Judge's sentencing remarks in relation to his culpability for the offences or that his defence in relation to the offences has been considered by a jury and rejected. Mr Essiful's stated intention to appeal does not in any way diminish or invalidate the convictions.

54. Mr Essiful has engaged in elements of the fitness to practise process but has not attended at the final hearing and has not communicated his reasons for his non-attendance. The panel are aware that Mr Essiful has experienced some health problems but are not in receipt of any medical evidence which indicates that he would have been unable to reflect upon or take steps to remediate his conduct.

55. Mr Essiful has offered an apology for failing to be clearer with Accent Housing around his living arrangements. Inherent in this is a denial of the criminal acts of which he has been found guilty which suggests his insight is limited. He has reflected that he should have been clearer with Accent Housing or sought legal advice but does not acknowledge his responsibility for the offences. Similarly, Mr Essiful offers an apology for not notifying his employers of his conviction until he was imprisoned, indicating he was acting on legal advice. The apology does not indicate an acceptance of personal and professional responsibility for his actions or failure to act.

56. The convictions relate to offences of dishonesty and whilst the panel acknowledges that information has been received regarding Mr Essiful's good conduct whilst in prison and his engagement in rehabilitation courses, the panel has not been presented with evidence of current activities being undertaken which demonstrate responsibility, trustworthiness and honesty. The panel have noted the references provided by Mr Essiful. These are from social care professionals who have known Mr Essiful for over 20 years and are positive in relation to his social work role.

57. Mr Essiful continues to deny that he committed the offences for which he was convicted. Whilst he has acknowledged the fact that the Surrey property was not his primary residence, he maintains that he was justified in acting as he did in

order to support his family. There was no evidence that this position had been the subject of reflection and consideration since the conviction. Further, there is no evidence before the panel that Mr Essiful has reflected on the impact his conduct may have had on the reputation of the wider profession and how a member of the public may view it.

58. The panel considered the public element of impairment. They considered the three convictions for offences concerning dishonesty, which had received concurrent 30-month sentences, would undermine public confidence in the profession and would fail to maintain the professional standards expected of social workers, if a finding of impairment on public grounds was not made.

59. The panel therefore concluded that Mr Essiful's fitness to practise is impaired by reason of his conviction, and that such a finding is necessary to uphold the overarching objective of protecting the public and in the pursuit of the following objectives: a. to protect, promote and maintain the health, safety, and well-being of the public. b. to promote and maintain public confidence in the profession; and c. to promote and maintain proper professional standards of conduct for members of the profession.

Adjudicators' decision on sanction at the final hearing:

22. At the final hearing, the adjudicators made the following decision on sanction:

66. The panel first considered the aggravating circumstances of the case. The fraud had taken place over a ten year period, Ms Essiful had acted dishonestly when taking on and continuing the tenancy in question, representing that this was his primary place of residence. The panel had noted that when presented with an investigatory visit from the housing provider in 2011 he had not reflected on his misrepresentation and spoken honestly to the housing provider but rather sought to create more evidence that he was living at the property as his primary residence; when he now acknowledges this was not his perception. The panel viewed Mr Essiful's behaviour over a sustained period as being deceitful and impacting negatively on the community by reducing the available housing stock and services for the community. The panel noted the guidance which suggests that dishonesty by a social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession as a whole. Whilst it is noted that this dishonesty incurred in Mr Essiful's private life the guidance is clear that "dishonesty is likely to threaten public confidence in the social work profession. This is the case both in professional practice and in the social worker's private life."

67. The panel considered that Mr Essiful had shown limited insight into his conviction which did not appear to have developed over the passage of time. Whilst he had offered apologies for certain acts (not informing the housing

provider, not speaking more promptly to his employer) the panel could not see an apology to those impacted. Mr Essiful had not shown any appreciation of the impact which his conviction could have on the profession and public trust and confidence in the profession. The panel noted that Mr Essiful had not attended the final hearing and no explanation was provided for this, albeit medical evidence and information had been provided throughout the investigation which detailed a number of the conditions affecting him. The panel noted that Mr Essiful had not pleaded guilty to the criminal offences and that a trial had therefore been necessitated.

68. In terms of mitigating circumstances, the panel noted that Mr Essiful had no previous findings made against him and no previous convictions. He had received positive testimonies from colleagues who knew him over a long period of time within these proceedings and an exemplary reference within the criminal proceedings relating to his work with disabled people and vulnerable children. The offences for which Mr Essiful had been convicted had occurred outside of his professional role and had not involved persons with whom he engaged in a professional capacity. The panel had noted that Mr Essiful had engaged positively with the rehabilitation courses whilst in prison. The panel noted that Mr Essiful had experienced some challenging domestic circumstances which it accepted provided the background to his decision making at the time of the offence, and that he had shown commitment to managing this situation. This was evident from the references provided to the process.

69. The panel noted that Mr Essiful had experienced some health issues during the course of the proceedings and had provided information in relation to these. Mr Essiful had at points engaged well with the regulatory process providing submissions, a large quantity of documentation... The panel accepted that his medical conditions may have adversely impacted upon his ability to fully engage, at all times, with the regulatory process. It noted that reasonable adjustments had been arranged by a case management hearing, following receipt of medical evidence, to assist Mr Essiful in attending this final hearing.

70. In reaching its decision on impairment, the panel considered that it was unlikely that Mr Essiful would commit the same fraudulent acts again but it could not rule out a risk of repetition of similar behaviour due to the limited insight shown in respect of his conviction.

71. The panel considered sanction in ascending order.

72. The panel concluded that there were no exceptional circumstances which would justify taking no further action. Such a course would be wholly inappropriate given the serious matters that it was considering.

73. The panel also considered that advice or a warning would not reflect the seriousness of the concerns.

74. The panel next considered a conditions of practice order. The panel had regard to the guidance which stated that conditions were less likely to be appropriate in cases of character, attitudinal or behavioural failings and would almost certainly be insufficient in cases of sexual misconduct, dishonesty, and abuse of trust. The panel did not consider that this was a suitable case for conditions. It involved dishonesty and conditions of practice could not be formulated to address these failings. A conditions of practice order would not be sufficient to satisfy the public interest.

75. The panel next considered a suspension order. This order would protect the public while it was in force. The panel considered carefully whether given the aggravating circumstances of this case, a suspension order would not be sufficient to promote and maintain public confidence in the profession; and to promote and maintain proper professional standards of conduct for members of the profession. The panel felt that in order to achieve this objective the suspension order would need to be for the maximum period of three years. The panel considered that placing a suspension order at the very highest end of the tariff would be sufficient to protect the public, maintain confidence in the profession and maintain proper professional standards for social workers in England. The panel were mindful that a suspension of this duration was a very significant sanction and considered that this was the most proportionate sanction.

76. The panel went on to consider a removal order in order to assure themselves that this was not necessary in the circumstances of the case. After careful evaluation of the order the panel concluded that this would be a disproportionate sanction in all the circumstances of the case. The panel were of the view that a three-year suspension order sent a very strong message that such behaviour was not condoned in any way whilst also achieving the balance set out in the guidance in paragraph 141 of the guidance that “It is in the public interest to support a trained and skilled social worker to return to practice (if this can be achieved safely)”. The panel was mindful that by the time the imposed suspension order is reviewed, seven years will have passed since Mr Essiful was convicted. It considers that if Mr Essiful were to demonstrate sufficient insight and evidence of remediation at the review, a reasonably informed member of the public would consider that the sanction of suspension had addressed Social Work England’s overarching objective. The panel considered that in accordance with the guidance “the case falls short of requiring removal from the register.”

Recommendations of the adjudicators at the final hearing:

23. At the final hearing, the adjudicators considered that “further evidence of insight in relation to the offences would be of great assistance, demonstrating that Mr Essiful understood the impact of his crime on the profession and the public perception of the profession. Evidence from Mr Essiful of his participation in activities, voluntary or paid,

which demonstrated his honesty and integrity would also be of assistance. Evidence of undertaking training around current professional practice to ensure he was not de-skilled would also assist the review meeting”.

Submissions on behalf of Social Work England:

24. In the notice of this review, Capsticks LLP, on behalf of Social Work England, made the following written submissions:

Subject to any evidence of insight or remediation received after the notice of hearing is served Social Work England will invite the Panel to find the Social Worker’s fitness to practise is still impaired and to impose a Removal Order.

Social Worker did not attend the hearing on 5 to 9 June 2023, although he provided material for the Panel to consider. The Social Worker accepted he had been convicted but continued to refute he had committed the offences found proven after jury trial.

The Final Hearing Panel indicated that a future panel would be greatly assisted by further evidence of insight in relation to the offences, demonstrating that the Social Worker understood the impact of his crime on the profession and the public perception of the profession. Evidence from the Social Worker of his participation in activities, voluntary or paid, which demonstrated his honesty and integrity would also be of assistance. Evidence of undertaking training around current professional practice to ensure he was not de-skilled would also assist the review meeting.

Although there has been some correspondence from the Social Worker since this recommendation, in which he has shown an intention to send material, nothing to date has been received. There is therefore no insight in relation to the offences and the impact of them on the profession and the public perception of the profession.

Social Work England invite the Panel to find that the Social Worker’s fitness to practise remains impaired by reason of his conviction. It is maintained that such a finding is necessary to uphold the overarching objective of protecting the public and to maintain public confidence in the profession. The Social Worker has continued to deny the offences and has shown no reflection since the Suspension Order was imposed. There has been no evidence of insight or remediation. The Panel are invited to impose a Removal Order.

In the event that the Social Worker does engage and provides the evidence recommended on the last occasion, Social Work England may revisit their submissions.

Submissions from Mr Essiful:

25. Mr Essiful did not attend, nor was he represented at, this review in order to make oral submissions and furthermore he did not make any written submissions.

Legal advice on the review process

26. The panel heard and accepted the advice of the legal adviser on the procedure which it should follow, and the matters which it should consider, when conducting a review of a final order under paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018, as amended (the “**Regulations**”).

27. In giving his advice, the legal adviser referred the panel to paragraph 15 of Schedule 2 to the Regulations, to the section on final order reviews found at paragraphs 213 to 218 of Social Work England’s Impairment and Sanction Guidance (the “**Guidance**”) and to the description of the purpose of final order reviews given by the court in the case of *Khan v General Pharmaceutical Council [2017] 1 WLR 169 SC (Sc)*,

28. The panel noted from the legal adviser’s advice that:

- A final order review looks at what has happened since the final order was made and its purpose is to consider whether the social worker's fitness to practise remains impaired (and, if so, whether the existing order needs to be extended or another order made).
- A review panel must not allow a social worker to resume unrestricted practice unless it is satisfied that their fitness to practise is no longer impaired.
- The review process should not undermine the decision made by the adjudicators at the final hearing.

29. In terms of process, the panel understood from the legal adviser’s advice that:

- the panel must first decide whether Mr Essiful’s fitness to practise remains impaired; and
- if the panel decides that Mr Essiful’s fitness to practise is no longer impaired, it may revoke the existing final suspension order with immediate effect or it may make no order and thus allow the existing suspension order to expire at the end of its term; or
- if the panel decides that Mr Essiful’s fitness to practise remains impaired, it must then decide which of the measures available to it would be appropriate and proportionate in the circumstances.

Panel's decision and reasons on current impairment:

Legal advice on Impairment

30. The panel heard and accepted the advice of the legal adviser on impairment. In addition to referring the panel to relevant parts of Social Work England's guidance on Impairment and Sanction (the "**Guidance**"), the Legal Adviser's advice included the following points:

- The existence of impairment is a matter for the panel's own independent judgment or assessment and, in considering whether Mr Essiful's fitness to practise remains impaired, the panel should take account of the Guidance.
- Given the three elements of Social Work England's overarching objective of 'protection of the public', the panel should consider, not only whether, by reason of his criminal convictions, Mr Essiful's return to unrestricted practice would pose a risk to the health, safety and well-being of the public, but also whether, by reason of those convictions, Mr Essiful's fitness to practise remains impaired in terms of the need to maintain public confidence or proper professional standards.
- The risk of Mr Essiful's criminal and dishonest conduct being repeated can be assessed by reference to several factors, in particular (i) Mr Essiful's conduct since the final hearing; (ii) the extent to which Mr Essiful has developed insight into his criminal conduct; and (iii) the extent to which Mr Essiful has taken steps to remedy that conduct and the related dishonesty.
- The panel cannot assume the existence of insight and remediation but must be able to refer to evidence of those matters in its reasoning.
- A social worker can demonstrate insight by, among other things, (i) their engagement with the fitness to practise process, (ii) their written and oral submissions, (iii) any reflection which they have undertaken regarding the concerns about their conduct and (iv) admissions and expressions of remorse which demonstrate a genuine understanding of the impact of their conduct on others and on the profession.
- In essence, as stated by the court in *Kimmance v GMC [2016] EWHC 1808 (Admin)*, "a professional who has done wrong has to look at his or her conduct with a self-critical eye, acknowledge fault, and convince a panel that there is real reason to believe that he or she has learned a lesson from the experience".

31. In addition, as the offences of which Mr Essiful had been convicted involved dishonesty, the legal adviser drew the panel's attention to cases and parts of the guidance relevant to the assessment of impairment in cases involving dishonesty. In summary, the legal adviser advised that:

- Paragraph 174 of the Guidance states that dishonest conduct is highly damaging to public confidence in social work and is therefore likely to warrant a finding of impairment.
- Cases of fraud outside professional practice often result in a finding of impairment in terms of the need to maintain public confidence and proper professional standards [*Ige v NMC [2011] EWHC 3721*]
- While each case will turn on its own facts, it will be an unusual case in which dishonesty is not found to impair fitness to practise. [*Professional Standards Authority v HCPC and Ghaffar [2014] EWHC 2723 (Admin)*]
- Although there are cases in which a finding of dishonesty has not led to a finding of impairment, these cases each involve a single, isolated instance of dishonesty on the part of an otherwise good and competent practitioner, who has admitted fault at an early stage, shown full insight and taken steps to avoid a repetition of the incident and where there were extenuating circumstances, such as inexperience or depression.

Panel's decision on impairment

32. As the guidance directs the panel to consider whether the social worker has sufficiently addressed the concerns raised in final hearing panel's finding of impairment, the panel first identified the key elements of that finding. In that regard, the panel noted that the final hearing panel had found that:

- Although the final hearing panel considered that it was unlikely that Mr Essiful would commit the same fraudulent acts again, it nevertheless could not rule out a risk of repetition of similar behaviour due to the limited insight shown in respect of his conviction.
- The reasons for this finding were that fraud is an offence of dishonesty which is inherently difficult to remediate and Mr Essiful's fraudulent activity had taken place over a period of nine years from June 2008 to July 2017. This, coupled with Mr Essiful's lack of insight into his conduct, increased the risk of repetition of similar dishonest behaviour in the future.
- With regard to insight, the final hearing panel was concerned that Mr Essiful continued to deny that he had committed the offences of which he had convicted and that there was no evidence that he had reflected on this position or on how his conduct might affect the reputation of the profession or be regarded by the public.
- With a view to addressing Mr Essiful's lack of insight, the final hearing panel had recommended that any reviewing panel would be assisted by (i) evidence of Mr Essiful's insight in relation to his offences, demonstrating that he understood the

impact of his crime on the social work profession and the public's perception of that profession; and (ii) evidence of Mr Essiful's participation in voluntary or paid activities which demonstrated his honesty and integrity.

33. The panel then considered the extent to which the final hearing panel's concerns about Mr Essiful's lack of insight into his criminal and dishonest conduct and the resulting risk of similar behaviour at some point in the future, had been addressed since the final hearing. In that regard, the panel's conclusions were as follows:

- There was no evidence that Mr Essiful had been subject to any further adverse regulatory findings or criminal convictions. However, set against this was Mr Essiful's lack of engagement by failing to act on the suggestions of the final hearing panel, provide written submissions and attend this review. Moreover, as the final hearing panel had stated, fraud is an offence of dishonesty which is inherently difficult to remediate and Mr Essiful's fraudulent activity had taken place over an extended period from June 2008 to July 2017. Therefore, positive evidence was required to demonstrate remediation, especially in the light of his previous failure to accept that he had committed the offences of which he had been convicted.
- As dishonesty is a behavioural trait, remediation, to a large extent, involves the development of insight by reflection and appropriate training or other relevant activities, such as those recommended by the final hearing panel. However, there was no evidence before the panel to show that, since the final suspension order was made almost three years ago, Mr Essiful had, accepted that he had committed the offences of which he was charged, reflected on his conduct in committing those offences, developed any insight into the causes and consequences of those offences for the people and organisations affected, for his role as a social worker, for public confidence in social workers and for professional standards. Likewise, he had not undertaken any training or other activities, such as those recommended by the final hearing panel, with a view to remediating his conduct and demonstrating that remediation.
- Given the above factors, the panel concluded that there still remained a material risk of Mr Essiful engaging in further dishonest conduct, whether criminal or not.

34. The panel then applied the above findings in relation to the question of the extent to which Mr Essiful's fitness to practise remained impaired in terms of the need to protect the health, safety or well-being of the public, maintain public confidence and maintain proper professional standards.

35. With regard to maintaining public confidence and proper professional standards, the panel considered that public confidence in the profession would be seriously adversely affected and professional standards would be seriously compromised if Mr Essiful's fitness to practise was not found to remain impaired and if he were allowed to return to unrestricted practice given the panel's findings regarding his continuing lack of insight,

his failure to attempt any form of remediation and the continuing risk of his engaging in some form of dishonest or criminal conduct in the future. **The panel therefore found that Mr Essiful's fitness to practise was impaired in terms of the need to maintain public confidence and proper professional standards.**

36. With regard to impairment in terms of the need to protect the health, safety or well-being of the public:

- The panel noted that, although the final hearing panel had stated that a finding of impairment was necessary to uphold the overarching objective of protection of the public, including the objective of protecting the health, safety, and well-being of the public, it had not provided any specific reasoning for this finding. Indeed, the final hearing panel had commented on the positive references which Mr Essiful had received about his practice and had stated "*The offences for which Mr Essiful had been convicted had occurred outside of his professional role and had not involved persons with whom he engaged in a professional capacity*". The panel also noted that there was no evidence of Mr Essiful having acted dishonestly in the course of his practice during the nine years to which one of his offences related.
- However, the panel also noted that that dishonesty is an attitudinal trait and therefore, if it occurred in Mr Essiful's private life it could occur in his professional life as well, notwithstanding that this did not appear to have happened previously. Moreover, the panel noted that Mr Essiful's fraudulent activity had been committed without apparent concern for the fact that it may have deprived a family which was genuinely in need of social housing from accommodation. For those reasons and given its conclusions regarding the continuing risk of Mr Essiful engaging in some form of dishonest or criminal conduct, **the panel found that Mr Essiful's fitness to practise remained impaired in terms of the need to protect the health, safety or well-being of the public.**

Panel's decision and reasons on sanction:

Legal advice on sanction

37. The panel heard and accepted the advice of the legal adviser on sanction.

38. The panel understood from the advice that, as it had found that Mr Essiful's fitness to practise remained impaired:

- The panel could, under paragraph 15(1) of Schedule 2 to the Regulations, (a) extend the existing suspension order by a period of up to three years from the date on which the existing suspension order would have otherwise expired; or (b) with effect from the expiry of the existing suspension order, make any order which the adjudicators at the final hearing could have made when it made the existing suspension order, again for a period of up to three years; or (c) replace the existing

suspension order with effect from the date of its expiry by a conditions of practice order.

- For the purposes of (b) above, the final hearing panel could have made a “final order”, which is defined in paragraph 13(1) of Schedule 2 to the Regulations as being a warning order, a conditions of practice order, a suspension order or a removal order.

39. The panel also understood from the legal adviser’s advice that, when determining the action which it should take, it should act in accordance with the section on sanction in the guidance (and the legal adviser took the panel through the relevant provisions of that section).

40. As the offences of which Mr Essiful had been convicted involved dishonesty, the legal adviser referred the panel to cases relevant to the question of sanction where registrants have acted dishonestly and the principles derived from those cases, which included the following:

- *Where dishonest conduct is combined with a lack of insight, is persistent, or is covered up, nothing short of erasure is likely to be appropriate: Naheed v General Medical Council [2011] EWHC 702 (Admin).*
- *The sanction of erasure will often be proper even in cases of one-off dishonesty: Nicholas-Pillai v General Medical Council [2009] EWHC 1048 (Admin).*
- *The dishonest conduct does not have to occur in a professional setting before it renders erasure, rather than suspension, the appropriate sanction: Theodoropoulos v GMC [2017] EWHC 1984 (Admin).*
- *Personal mitigation should be given limited weight, as the reputation of the profession is more important than the fortunes of an individual member: Bolton v Law Society [1994] 1 WLR 512 and General Medical Council v Stone [2017] EWHC 2534 (Admin).*

41. The legal adviser also referred the panel to Abbas v General Medical Council [2017] EWHC 51 (Admin), in which the court stated that erasure was not inevitable and necessary in every case of dishonest conduct and that there have been cases where a lesser sanction is appropriate bearing in mind the important balance of the interests of the profession and those of the individual. However, the court cautioned. “*It is likely that, for such a course to be taken, a panel would normally require compelling evidence of insight and a number of other factors upon which it could rely that the dishonesty in question appeared to be out of character or somewhat isolated in its duration or range and accordingly there was the prospect of the individual returning to practice without [the profession’s] reputation being disproportionately damaged for those reasons.*”

Panel's decision on sanction

42. Having decided that Mr Essiful's fitness to practice remained impaired in terms of the need to maintain public confidence and proper professional standards and in terms of the need to protect the health, safety and well-being of the public, the panel considered the measures available to it for those purposes, as described above, in ascending order of severity.

Warning order

43. The panel did not consider that a warning order would be appropriate in the circumstances of the present case. This was because it shared the final hearing panel's view that if the panel made a warning order would not reflect the seriousness of the concerns regarding Mr Essiful's conduct, which was aggravated by his continued and persistent failure to develop any insight into, or remediate, that conduct. In addition, as a warning order would not restrict Mr Essiful's practice, it would not address the risk to the health, safety and well-being of service users posed by the on-going risk of a repetition of some form of dishonest conduct on his part.

Conditions of practice order

44. Similarly, the panel did not consider that a conditions of practice order would be appropriate in the present circumstances, for the following reasons:

- Paragraphs paragraph 115 of the Guidance states that decision makers commonly apply conditions of practice in cases of lack of competence or ill health, whereas, in the present case, Mr Essiful committed his offences outside the work environment and there were no concerns about his professional competence. Similarly, the present panel had no evidence before it that Mr Essiful's health had a bearing on his conduct.
- Paragraphs 118 and 119 of the Guidance state that conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings, such as dishonesty, and that they may also not be appropriate in cases raising wider public interest issues. Both of those circumstances apply in the present case.
- Moreover, given Mr Essiful's lack of engagement and his failure to undertake any of the remedial activities suggested by the final hearing panel, the panel had no confidence that he would willing or able to comply with any conditions of practice which it might impose.

Suspension

45. Turning to the option of continued suspension, the panel noted that the final hearing panel had considered that *"if Mr Essiful were to demonstrate sufficient insight and evidence of remediation at the review, a reasonably informed member of the public would consider that the sanction of suspension had addressed Social Work England's overarching objective."* In other words, the purpose of the final suspension order was

to give Mr Essiful time to develop, and demonstrate, his insight into his offences and that he had remedied the dishonest conduct which led to his convictions for fraud.

46. However, as stated above, there was no evidence before the panel to show that Mr Essiful had made any attempt at accepting and reflecting on his dishonest conduct and criminal convictions or at developing any insight into those matters or undertaking any activity with a view to remediating them. This was despite having had three years in which to do so and being given suggestions by the final hearing panel as to what activities would be useful in that regard. Indeed, since his conviction, Mr Essiful had had almost seven years in which to address those matters but had failed to do so.

47. In the circumstances, the panel took the view that an extension of the current suspension order to give him more time to do so was very unlikely to serve any useful purpose or produce any positive result. The panel therefore considered that the present situation reflected that set out in paragraph 138 of the Guidance, which reads, *“Suspension is likely to be unsuitable in circumstances where (i) the social worker has not demonstrated any insight and remediation and (ii) there is limited evidence to suggest they are willing (or able) to resolve or remedy their failings.*

Removal

48. Having decided that an extension of the current final suspension order would not be appropriate, the panel next considered the option of making a removal order.

49. In that regard, the panel noted that paragraph 149 of the guidance specifies certain situations in which a removal order may be appropriate and that those situations include:

- cases involving dishonesty, especially where persistent;
- cases where the social worker demonstrates a persistent lack of insight into the seriousness of their actions or the consequences of those actions; and
- cases where the social worker is unwilling and/or unable to remediate.

50. The panel considered that all of the above situations applied in the present case. Therefore, given that the panel had decided that no other available sanction would be appropriate, and given the panel’s reasons for concluding that extending the current final suspension order would not be appropriate, the panel concluded that a removal order would, in the circumstances of the present case, be the appropriate and proportionate order for the purposes of maintaining public confidence and proper professional standards and for protecting the health, safety and well-being of the public.

51. In arriving at that conclusion, the panel recognised that a removal order could have an adverse effect on Mr Essiful, both financially and professionally. However, in the circumstances of the present case, the panel considered that any detriment which might be caused to Mr Essiful by the removal order was outweighed by the need to and

to maintain public confidence and proper professional standards and to protect the health, safety and well-being of service users.

52. ORDER: that Mr Essiful’s entry be removed from the Register with effect from the date on which the current final suspension order expires.

Right of Appeal:

53. Under paragraph 16(1)(a) of Schedule 2 to the Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:

(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, or
- iii. to make a final order; and

(b) the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

54. Under paragraph 16(2) of Schedule 2 to the Social Workers Regulations 2018 (as amended), 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.

55. Under paragraph 15(1A) of Schedule 2 to the Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph 15(1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.

56. This notice is served in accordance with rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

The Professional Standards Authority:

57. 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>.