



# Social worker: Thomas Weller

## Registration number: SW148765

### Fitness to Practise

### Final Hearing

Dates of hearing: 02 June 2026 to 03 June 2026

Hearing venue: Remote hearing

Hearing outcome:  
Fitness to practise impaired, removal order

Interim order:  
Interim suspension order (18 months)

## Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Mr Weller did not attend and was not represented.
3. Social Work England was represented by Mr Harris case presenter from Capsticks LLP.
4. The panel of adjudicators conducting this hearing (hereafter “the panel”) and the other people involved in it were as follows:

<b>Adjudicators</b>	<b>Role</b>
Sarah Hamilton	Chair
Beverley Blythe	Social worker adjudicator
Baljeet Basra	Lay adjudicator

<b>Hearings team/Legal adviser</b>	<b>Role</b>
Hannah McKendrick	Hearings officer
Lorna Lord	Hearings support officer
Scott McDonnell	Legal adviser

## Service of notice:

5. The panel was informed by Mr Harris that notice of this hearing was sent to Mr Weller on 29 April 2026 by email/next day delivery service to an address provided by the social worker (for his representative). Mr Harris submitted that the notice of this hearing had been duly served.
6. The panel had careful regard to the documents contained in the final hearing service bundle as follows:
  - A copy of the notice of the final hearing dated 29 April 2026 and addressed to Mr Weller at their email/postal address which they provided to Social Work England;
  - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 29 April 2026 the writer sent by email/next day delivery service to Mr Weller at the addresses referred to above: notice of hearing and related documents;
  - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Mr Weller’s representative’s address at 14.14 pm on 30 April 2026.
7. The panel accepted the advice of the legal adviser in relation to service of notice.
8. Having had regard to the Social Work England (Fitness to Practise) Rules 2019 (as amended) (“the Rules”) and all 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 Weller in accordance with Rules 14, 15, 44 and 45.

### Proceeding in the absence of the social worker:

9. The panel heard the submissions of Mr Harris on behalf of Social Work England. Mr Harris submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Mr Weller and as such there was no guarantee that adjourning today's proceedings would secure their attendance. Mr Harris therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*.
11. The panel was referred to an email, dated 27 May 2026 from Mr Weller's representative, which stated that neither she nor Mr Weller would be attending the hearing.
12. The panel also took into account Social Work England guidance '*Service of notices and proceeding in the absence of the social worker*'.
13. The panel considered all of the information before it, together with the submissions made by Mr Harris on behalf of Social Work England. The panel noted that Mr Weller had been sent notice of today's hearing and the panel was satisfied that he was aware of today's hearing as his representative had acknowledged it on his behalf and said he would not be attending.
14. The panel therefore concluded that Mr Weller had chosen voluntarily to absent himself. The panel had no reason to believe that an adjournment would result in Mr Weller's attendance. Having weighed the interests of Mr Weller in regard to his attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Mr Weller's absence.

### Preliminary matters:

15. The Chair of the panel confirmed that all parties had copies of the documentation presented in support of the hearing, namely the statement of case (23 pages), the service and supplementary bundle (94 pages), the witness statements bundle (6 pages), the exhibits bundle (114 pages), the identification bundle (1 page), the timetable (2 pages), and Mr Weller's response (29 pages).

## Allegations:

16. The allegations arising out of the regulatory concerns referred by the Case Examiners on 15 September 2025 are:

**1. Whilst registered as a social worker:**

**Between the approximate dates of 13 April 2024 and 27 September 2024, you have been convicted of the following criminal offences:**

- a. You were convicted at Brighton Magistrates' Court of an offence of Sexual Communication with A Child, contrary to section 15A of the Sexual Offences Act 2003;**
- b. You were convicted at the Crown Court at Lewes of an offence of Sexual Communication with A Child, contrary to section 15A of the Sexual Offences Act 2003;**
- c. You were convicted at the Crown Court at Lewes of an offence of Misconduct in a Public Office, contrary to Common Law.**

**The matters outlined in paragraph 1 above amount to the statutory ground of conviction in the United Kingdom for a criminal offence**

**Your fitness to practise is impaired by reason of your convictions**

## Summary of evidence:

17. Mr Harris referred the panel to the Statement of Case within the documents provided to the hearing and informed the panel that on 5 April 2024, Social Work England received a referral from Heidi Farr, Head of Service at West Sussex County Council ('the Council') regarding Mr Weller.
18. Mr Weller was employed by the Council, initially as a Children and Families Worker from 2018 to 2023. Mr Weller was first registered with Social Work England on 28 July 2023. From July 2023 the Council employed him as a Social Worker. He was suspended from work in March 2024 following his arrest for an offence of sexual communication with a child.
19. Mr Weller's responsibilities included assessment and planning processes for children in need and looked after children and children subject to a child protection plan and he would therefore carry out statutory visits in order to safeguard and promote the welfare of children.

20. Mr Harris said, for the avoidance of doubt, it was not suggested that Mr Weller's employment was linked to his sexual offending, although it did form the basis for his commission of the offence of Misconduct in a Public Office.
21. Mr Harris informed the panel that Mr Weller was arrested on 24 March 2024 and charged with a number of criminal offences on 14 April 2024.
22. Of note, the offences originally charged were not the same as the offences to which Mr Weller ultimately pleaded guilty.
23. On 13 April 2024, Mr Weller appeared before Brighton Magistrates' Court and pleaded guilty to an offence of:

*'On 26 February 2024, being a person aged 18 or over, for the purpose of obtaining sexual gratification, intentionally communicated with [Child 2], a person under 16 who you did not reasonably believe to be 16 or over, the communication being intended to encourage her to make a communication that was sexual'.*

24. At the same hearing, Mr Weller was sent for trial in respect of the remaining offences. He was committed for sentence in respect of the offence to which he pleaded guilty.
25. Mr Weller faced an Indictment at the Crown Court alleging four offences.
26. On 13 May 2024, he pleaded guilty to Count 4;

*"STATEMENT OF OFFENCE*

*SEXUAL COMMUNICATION WITH A CHILD, contrary to section 15A of the Sexual Offences Act 2003*

*PARTICULARS OF OFFENCE*

*THOMAS ALBERT WELLER between the 3rd day of February 2024 and the 6th day of March 2024 for the purpose of obtaining sexual gratification, intentionally communicated with [Child 3] a person under 16, namely 15, who Thomas WELLER did not reasonably believe to be 16 or over, the communication being sexual."*

[this count reflects the communication sent by WELLER using the Snapchat username jamessss900 to including but not limited to messages "I'd let you play with dick" and "help me cum", as per the case of R v Grout [2011] EWCA Crim 299]

27. On 31 July 2024, Mr Weller pleaded guilty to Count 1;

*"STATEMENT OF OFFENCE*

*MISCONDUCT IN A PUBLIC OFFICE, contrary to Common Law*

*PARTICULARS OF OFFENCE*

*THOMAS ALBERT WELLER between the 7th day of May 2021 and the 24th day of March 2024 whilst acting as a public officer, namely a Child and Family Worker and a Social Worker, wilfully misconducted himself by accessing information held on West Sussex County Council's record keeping system about [Person 1] a child who had been in the care of the Local Authority"*

28. Mr Harris suggested that the three guilty pleas were evidently sufficient for the prosecution, because the remaining counts were not proceeded with (they were different offences covering the same conduct in any event).
29. Mr Harris informed the panel that sentencing was adjourned for the preparation of reports. A Pre-sentence Report ('PSR') was prepared by the Probation Service.
30. Mr Harris referred the panel to notable extracts from this PSR and recorded in the statement of case.

*"Mr Weller was interviewed via video link on the 19/09/2024 and he responded to the questions during the interview. He informed me that he initially started his employment as a child and family worker in 2018 and worked in this role for 5/6 years following completion of the Social Worker course at Chichester University and he qualified in September 2023 as a Social Worker.*

*Mr Weller denied having a sexual interest or attraction towards children and said he was initially struggling with making friends, as his friendship group had deteriorated over the years.*

*In relation to the sexual communication with children... Mr Weller was unable to explain this fully and insisted that he was going through **[PRIVATE]** at the time, as such he could not remember the exact details of his conversations. He was reminded of these during the interview and he attempted to distance himself from this by saying "this was not him" and he does not understand why he would make those comments, being fully aware that he was communicating with children.*

*Mr Weller was challenged **[PRIVATE]** and informed that this does not preclude sexual gratification considering the content of his conversation whereby he was describing having explicit sexual activities with children.*

*Mr Weller informed me that he believed that the offences were "a cry for help"  
**[PRIVATE]***

*He denied targeting children but was unable to explain why both victims, namely [Child 2] aged 13 and [Child 3] aged 15 were sent sexually explicit messages describing sexual acts he would like to perform with them;*

*In assessing the index offences, the motive was for sexual gratification albeit Mr Weller denied this as offences of this nature are clearly sexually motivated. He developed a deviant sexual interest at some point and as he appears to be in denial*

*of this. Due to the nature of the index offences and associated circumstances, it is my view that Mr Weller has a defined sexual interest in children...Due to the level of denial in this case, I am unable to identify the triggers to Mr Weller's offending behaviour or the reasons why the index offences were committed.*

*Mr Weller's behaviour was predatory and there was an element of grooming in terms of his contact with the victims, using a social media app to add the victim as a friend before making contact. His actions were not impulsive as the victims informed him of their individual ages which was disregarded by Mr Weller. There were elements of pre-planning and pre-meditation as he had taken another person's photos from social media and used these photos as his own;*

*Mr Weller has expressed remorse for his actions and he accepted full responsibility and insisted that he enjoyed his role as a Social Worker as such, was disappointed and ashamed in himself. He said he was sorry and he realises that he has destroyed lives and he demonstrated an awareness of the serious harm of this offending behaviour towards the victims who are children. During the interview, he indicated that he was aware that he would be unable to return to his role or work with children in the future.*

*I am concerned that Mr Weller appeared to be comfortable with having conversations with the victims who were aged 13. In my assessment, there could be issues around emotional congruence towards children.*

*In my assessment, Mr Weller poses a serious risk of harm to children within the community.*

*He is assessed as posing a HIGH risk of serious harm towards children;*

*The risk will continue to escalate unless he addresses the underlying issues which have led to him committing index offences. The risk of harm posed can be reduced by engaging him in structured supervision that would address his triggers to offending and enlightenment whilst reinforcing pro-social behaviour.”*

31. Mr Harris informed the panel that on 27 September 2024, Mr Weller was sentenced to a total of 34 months' imprisonment as follows:
  - a. Misconduct in a Public Office: 20 months' imprisonment;
  - b. Sexual Communication with a Child: 9 months consecutive;
  - c. Sexual Communication with a Child: 5 months consecutive.
32. Mr Weller was made subject to the Sex Offenders Notification Requirements (commonly referred to as the 'Sex Offenders' Register') for a period of 10 years.
33. Mr Weller was also made the subject of the terms of the Sexual Harm Prevention Order for 10 years from the date of sentence.

34. The prohibition in that Order includes, “*Undertaking any activity (paid including employment, voluntary or recreational) which by its nature is likely to bring you into contact with children under the age of 18 years*”.
35. Mr Harris informed the panel that Mr Weller appealed the sentence imposed. This appeal was dismissed on 25 March 2025.
36. Mr Harris also informed the panel that on 9 May 2024, Mr Weller’s representative said that Mr Weller apologised and indicated remorse for his conduct but referred to contributing factors. Mr Weller asked that he should be allowed to work in the adult sector of social work.
37. On 18 February 2025, Mr Weller’s representative provided an email. This focused upon incorrect information said to be included previously and was critical of Social Work England’s investigation. She wrote that Mr Weller felt he had been unsupported by his employer during their disciplinary process following his convictions.
38. She referred to the content of an (unprovided) Psychological Report **[PRIVATE]** plus that ‘*stress around the time of his offending, increased by work pressures might have contributed to his [PRIVATE]*’.
39. Mr Harris told the panel that on 1 August 2025, Mr Weller provided a response for the Case Examiners. In that, he submitted:
  - a. He was not prepared to answer whether he admitted the Regulatory Concerns against him, and he disputed the factual basis of the convictions;
  - b. He was undertaking steps to address the issues raised in the Psychological Report (not supplied with the response), he felt he did not have to justify this, given the lack of support and contact he received initially and on an ongoing basis;
  - c. He said there was no legal obligation to answer the questions set out in the form;
  - d. He did not answer whether he accepted his fitness to practise was impaired;
  - e. He referred to feeling let down and abandoned by Social Work England and his employer, the ‘ongoing saga’ having a detrimental effect upon his mental health.
40. On 8 September 2025, the Social Worker indicated he had no further statement to add and that his previous correspondence sent was his ‘*final statement*’ (sent from his representative).
41. Mr Harris informed the panel that on 4 March 2026, Mr Weller provided submissions by email. In that, he submitted:
  - a. That he wished for all future hearings to be held in private;
  - b. He expressed ‘*profound remorse and shame*’;
  - c. **[PRIVATE]**

d. He criticised mention of plural '*serious allegations*' in the papers as he had only been convicted of a '*single offence*' of Misconduct in a Public Office and that '*all other allegations*' were withdrawn;

e. He referred to having been '*employed as a Child and Family Worker as was not a registered Social Worker meaning I was not subject to SWE regulation*'

f. He wrote of his 'clear intention never to return to professional practice'.

42. Mr Harris confirmed that Social Work England would not be calling evidence, but relied on the facts found as described in the court transcript and the fact of Mr Weller's convictions as demonstrated by the Certificate of Conviction from the Crown Court and Extract of the Magistrates' Court Record.
43. Mr Harris then referred the panel to the prosecution's opening, which described the facts, ultimately accepted and found proved by Mr Weller's guilty pleas to the charges.
44. With regard to the offences of sexual communication with a child this included the evidence showing that there were 292 communications and messages exchanged with Child 2 and 245 communications and messages exchanged with Child 3.
45. These exchanges took place between 28 February 2024 to 3 March 2024 with Child 2 and 3 February 2024 to 6 March 2024 with Child 3.
46. Mr Weller was repeatedly told the age of the children (13 and 15) and continued to communicate with them. This was demonstrated in the evidence that despite being reminded several times by Child 2 of her age, Mr Weller replied "IDC", meaning I don't care.
47. The communications sent by Mr Weller were sexually explicit and invited the children to perform sexual acts on him.
48. Mr Weller had sought to hide his identity and true age when contacting each child, making use of the image of an innocent party to do so.
49. With regard to the misconduct in public office offence the facts showed that Mr Weller had accessed council systems in order to view the records of Person 1 in order to manipulate and exploit a vulnerable person.
50. Mr Harris then referred the panel to the judge's sentencing remarks:
  - a. *You were working in children's services. You therefore knew better than anybody else how vulnerable young children can be, and they were children, both [Child 2] and [Child 3]. [Child 2] in particular, it was very obvious from what she was telling you how vulnerable she was. Yet you persisted, despite both [Child 2] and [Child 3] repeatedly telling you, reminding you, they were children, with trying to engage them in what was (sic) truly revolting exchanges for young*

people to see.

*b. It was all about, I have no doubt, some sort of sexual gratification for you, and you simply ignored anything that they said about not wanting to receive these kinds of messages.*

*c. In addition, for at least the - one lot of those exchanges, you were using the profile of a wholly innocent person, somebody that you did in fact knew...*

*d. I then turn to the misfeasance (sic) in a public office. Now I accept that it was accessing the records of one specific person on two separate days, albeit you were - accessed them a number of times. And the fact is, you had no right to be accessing that material and what it did was give you knowledge, no doubt, of all of the issues that that young woman had faced and continued to face and given that you were trying to restart a relationship with her I have no doubt at all you were doing that in an attempt to be in a position to be able to manipulate her in some way.*

*e. But the real harm of that offence is the impact on the wider circle, all people who rely on children's family services, who rely on the children's family services to protect what is almost always deeply personal information, them at their most vulnerable, and it is that trust that you destroy when accessing that information. The need for those people to be able to speak to children's family services freely about anything at all, that trust is broken when someone like you accesses that material.*

*f. I bear in mind your good character but I also have to bear in mind that this is offending on different opportunities, it was not a one-off moment of madness as some of the references which I have read seem to suggest. This was very specific offending over a period of time.*

*g. I've read the extremely lengthy psychological report that's been prepared on your behalf with great care. I am quite satisfied you do need to do very hard work in the future to ensure that this offending can remain your only offences."*

51. Mr Harris informed the panel that Social Work England relied on the certificate of conviction to show that the facts had been proved.

52. The panel then heard advice from the legal adviser referring the panel to Rule 35A of the Rules;

*“(1) Where a registered social worker has been convicted of a criminal offence:*

*(i) a copy of the certificate or memorandum of conviction, certified by a competent officer of a Court in the United Kingdom or, in Scotland, an extract conviction, shall be conclusive proof of the conviction.*

*(ii) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.”*

53. The legal adviser indicated that as such the panel was not required to weigh up the evidence and make findings of facts taking account of the burden and standard of proof, but was able to rely on the findings of fact upon which the convictions were based as proof of the facts and make findings of fact on that basis.

### Finding and reasons on facts:

54. The panel retired to reach its decision on facts and found all the facts proved in accordance with Rule 35(A) of the Rules, having had sight of the certificate of convictions.

### Finding and reasons on grounds:

55. Mr Harris reminded the panel that the statutory grounds for conviction had been made out in light of the two convictions relating to Child 2 and Child 3.
56. The offence relating to Misconduct in Public Office took place before Mr Weller’s registration with Social Work England, but the conviction was while Mr Weller was registered. In light of this, Mr Harris referred the panel to the Social Workers Regulations 2018, Regulation 25(2). That section provided the list of the grounds for considering a social worker’s fitness to practise, which include a criminal conviction, in particular;
- ‘provided that an alleged matter which occurred ... at a time when the person was not registered, may only be grounds for the purposes of paragraph (1) where the regulator considers that to be in the public interest.’*
57. Mr Harris submitted that in this case, the facts underlying the conviction were deliberate misuse of the Council’s case records system in order to access the file of an individual in respect of whom Mr Weller had no professional connection, with whom he had already engaged in sexual intercourse and would later make contact seeking to do so again.
58. Mr Harris submitted that it was clearly in the public interest for the final hearing to consider this conviction.

59. The panel heard and accepted legal advice from the legal adviser on the issue of the statutory ground of conviction. The panel was reminded that the statutory ground was made out by reason of the sexual offences convictions themselves in relation to Child 2 and Child 3.
60. The panel was also advised that the third conviction for Misconduct in Public Office also proved the statutory ground of conviction.
61. The panel decided that the convictions relating to Child 2 and Child 3 and the Misconduct in Public Office proved the statutory ground of conviction.

### Finding and reasons on current impairment:

62. Mr Harris addressed the panel on impairment.
63. He reminded the panel that whether the facts found proved result in impaired fitness to practise was ultimately a matter of judgement for the panel and referred the panel to Social Work England's Professional Standards, in particular that a Social Worker will not:  
  
*"5.1 Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others.*  
  
*5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work."*
64. Mr Harris submitted that the offences were committed over a period of time and were repetitive in nature, involving multiple victims.
65. Mr Harris asked the panel to note that Mr Weller's behaviour amounted to very serious criminal offences. He suggested that there remained a high risk of repetition as set out in the Pre-Sentence Report and the Judge's sentencing remarks.
66. Mr Harris submitted that Mr Weller had not demonstrated any insight or provided evidence of steps taken to remediate, although the nature of the conduct is not easily remediable.
67. Mr Harris submitted that the conduct found proved demonstrated a risk of harm to members of the public if it were to be repeated.
68. Mr Harris submitted that Mr Weller had committed serious breaches of professional standards. Mr Weller's offending had taken place over a period of time, was highly repetitive, involved multiple victims and was very serious.
69. Mr Harris submitted that Mr Weller had not demonstrated that he would change, but only apologised. His conduct was not easy to remedy, if at all.

70. Mr Harris submitted that Mr Weller had caused serious harm to his victims and concerning Child 2 and Child 3 he knew they were both under 16, but repeatedly contacted them. Mr Weller posed a high risk to others.
71. With regard to the Misconduct in Public Office conviction Mr Harris submitted that Mr Weller had breached boundaries and this was a very serious matter and an additional failure by Mr Weller.
72. Mr Harris reminded the panel that social workers hold privileged positions of trust and engage with vulnerable members of the public. It is essential that the public can trust social workers.
73. Mr Harris submitted that Mr Weller's conduct represented a serious and unacceptable breach of that trust. Public confidence would be undermined if a finding of impairment were not made.
74. Mr Harris submitted that a finding of impairment on public protection grounds should be made given the risk of repetition and of consequent harm. He also submitted that a finding of impairment should be made on wider public interest grounds (to maintain public confidence in the profession and promote and maintain proper professional standards for social workers in England).
75. Mr Harris concluded his submissions by saying that a finding of impairment was also necessary to declare and uphold professional standards.
76. The panel heard and accepted the advice of the legal adviser in relation to impairment. The panel was referred to the personal and public elements of impairment and the cases of *Cohen v GMC [2008] EWHC 581 (Admin)* and *Yeong v GMC [2009] EWHC 1923(Admin)* and *CHRE v NMC & Grant [2011] EWHC 927 (Admin)*.
77. The panel was also referred to three of the four tests identified by Dame Janet Smith in her 5th Shipman Report and cited in *CHRE v (1) NMC and (2) Grant*. The panel was advised to consider whether:
  - a- Mr Weller has in the past and/or is liable in the future to place service users at unwarranted risk of harm.
  - b- Mr Weller has in the past brought and/or is liable in the future to bring the profession into disrepute.
  - c- Mr Weller has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession.
78. When considering the question of impairment, the panel took into account Social Work England's '*Impairment and sanctions guidance*'.
79. The panel also determined that Mr Weller had breached the following Social Work England's Professional Standards:

"2.2 [A Social Worker will] Respect and maintain people's dignity and privacy.

*2.6 [A Social Worker will] Treat information about people with sensitivity and handle confidential information in line with the law.”*

*“5.1 [Not] Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others.*

*5.2 [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.”*

80. The panel determined that Mr Weller had in the past, and is liable in the future, to place individuals at risk of harm.
81. The panel decided that Mr Weller had caused significant harm to each of the three victims. He had directed highly sexual language to Child 2 and Child 3.
82. Mr Weller had sent a total of 537 communications and messages to the children and had continued to contact both of them when he knew they were under the age of 16 years old and was repeatedly informed of this by Child 2 and Child 3.
83. The panel found that Mr Weller had demonstrated very little insight into his behaviour. The panel noted the conclusions in the Pre-Sentence Report which included the following:

*“He developed a deviant sexual interest at some point and as he appears to be in denial of this. Due to the nature of the index offences and associated circumstances, it is my view that Mr Weller has a defined sexual interest in children*

*...Due to the level of denial in this case, I am unable to identify the triggers to Mr Weller's offending behaviour or the reasons why the index offences were committed.*

*...Mr Weller's behaviour was predatory and there was an element of grooming in terms of his contact with the victims, using a social media app to add the victim as a friend before making contact”*

84. The panel noted that Mr Weller had not acknowledged that he had a sexual interest in children. It also noted that he has not undertaken any specific targeted offending reduction programme that could potentially assist in reducing the risk he poses.
85. Mr Weller had provided no testimonials for the panel to consider. Nor had he provided evidence of interventions to address his behaviour.
86. The panel took account of the frequency of Mr Weller's offending, the volume of communications and messages as well as the explicit sexual nature and content of them.
87. The panel also noted that Mr Weller had demonstrated an element of pre-planning and pre-meditation by seeking to hide his identity in order to persuade Child 2 and Child 3 to

keep in contact with him and to try and persuade them to engage in sexual activity with him.

88. The panel found that Mr Weller had breached the very tenets of the social work profession, the core of which is safeguarding. It appeared to the panel that Mr Weller had tried to promote himself as the victim rather than focus on the effect of his actions on others.
89. It was clear to the panel that Mr Weller poses a serious and high risk of harm to others and there is a real risk of repetition and harm.
90. The panel decided that public confidence would be seriously undermined if a finding of impairment was not made.
91. The panel considered that there was a considerable risk of Mr Weller repeating the behaviour and offending that had been found proved.
92. The panel decided that Mr Weller's practice is currently impaired. Further, the panel when considering the wider public interest, decided that a finding of impairment was necessary to maintain public confidence and to uphold the standards of the profession.
93. The panel therefore concluded that Mr Weller's fitness to practise is currently impaired, both on the personal and public components.

#### Decision and reasons on sanction:

94. The panel heard submissions from Mr Harris who submitted that a removal order was the most appropriate sanction to be made by the panel.
95. Mr Harris referred the panel to the principles described in *Bolton v The Law Society [1994] 1 WLR 512* and submitted that a removal order was necessary to protect the public and prevent repetition. Mr Harris also submitted that a removal order was in the public interest and necessary to maintain public confidence and maintain professional standards.
96. Mr Harris invited the panel to identify mitigating and aggravating factors when considering sanction and to refer to paragraphs 80 and 81 of Social Work England's "*Impairment and Sanctions Guidance*".
97. Mr Harris suggested that mitigating factors in this case were Mr Weller's previous good character and no previous regulatory concerns, although it should be acknowledged that he was only admitted to the register in July 2023.
98. **[PRIVATE]**
99. Mr Harris submitted that Mr Weller had demonstrated some engagement with these proceedings.

100. With regard to aggravating factors Mr Harris submitted that there were a number in this case. Mr Weller's conduct leading to his serious convictions had been repeated, he showed a lack of insight, and had caused harm to others.

101. Mr Harris submitted that a removal order was the minimum sanction required to protect the public, to ensure public confidence in the profession and ensure professional standards were met.

102. Mr Harris submitted that Mr Weller had betrayed the high degree of trust placed in the profession of social workers.

103. Mr Harris referred the panel to Social Work England's "Impairment and Sanctions Guidance"

*"163. Decision makers should consider imposing a more serious sanction if they find the social worker impaired because of sexual misconduct. This is because of the seriousness of these types of cases.*

*165. In all cases of serious sexual misconduct, it will be highly likely that the only proportionate sanction is a removal order. If decision makers decide that a sanction other than a removal order would be appropriate, they must fully explain why they have made that decision."*

104. Mr Harris submitted that this guidance supported a removal order being made in this case.

105. Mr Harris then referred the panel to the sanctions available to the panel.

106. He submitted that a sanction at the lower end of the scale, such as a warning was inappropriate in this matter.

107. With regard to conditions of practice, such a sanction would be less likely to be appropriate in cases of character, attitude or behavioural failings. They may also not be appropriate in cases raising wider public interest issues. Mr Harris submitted that this was the case here and hence, such a sanction should not be applied.

108. Mr Harris submitted that a suspension order was not appropriate as Mr Weller had not demonstrated any real insight and remediation and there was limited evidence to suggest Mr Weller was willing (or able) to resolve or remediate his failings.

109. Mr Harris submitted that a removal order was also necessary in this case due to the evidence of sexual misconduct and the criminal convictions.

110. Mr Harris then made an application for an interim suspension order of 18 months, if it was the case that the panel did ultimately make a removal order. This would be to cover the appeal period before the final order becomes effective. An interim order would be necessary in accordance with Schedule 2, paragraph 11 (b) of the Social Workers Regulations 2018 to cover the appeal period.

111. Mr Harris submitted that an interim order would be necessary to protect the public if a removal order was made.
112. The panel heard and accepted the advice of the legal adviser with regard to sanction. The panel should consider that the imposition of a sanction is primarily to protect the public, not to punish Mr Weller, although a sanction may have a punitive effect.
113. The panel should consider what sanctions are available and refer to Social Work England's "*Impairment and Sanctions Guidance*". The panel must start from the least restrictive sanction. Insight and remediation are important factors. The panel should also identify any aggravating and mitigating factors in the case when deliberating on sanction.
114. The panel heard and accepted the advice of the legal adviser with regard to the imposition of an interim order if a restrictive sanction was made. The panel was reminded that the test is that it is necessary for the protection of the public, is in the public interest and/or in the best interests of Mr Weller.
115. When considering the question of sanction, the panel took into account Social Work England's '*Impairment and sanctions guidance*'.
116. The panel applied the principle of proportionality by weighing Mr Weller's interests with the public interest and by considering each available sanction in ascending order of severity. The panel considered the mitigating and aggravating factors in determining what sanction, if any, to impose.
117. When considering mitigating factors the panel identified Mr Weller's apology, his engagement with these proceedings and no previous fitness to practice proceedings as relevant to those factors.
118. The panel identified several aggravating factors. Mr Weller had shown a pattern of behaviour directed to multiple victims. He had demonstrated a lack of insight and remediation and caused harm to others.

### No action, warning or advice

119. The panel decided that none of these options were appropriate noting the seriousness of Mr Weller's convictions and the requirement to protect the public, which would not be achieved by taking no action or giving Mr Weller a warning or advice.

### Conditions

120. The panel decided that in light of Mr Weller's serious convictions for sexual offences it could not identify any workable conditions, which would be able to address the risk that Mr Weller posed to service users given his criminality and behaviour.

### Suspension

121. The panel considered whether or not a suspension order would be appropriate. The panel was mindful of the objectives of Social Work England and the three elements of public protection, namely protecting the public from harm, maintaining public confidence, and declaring and upholding professional standards.
122. The panel concluded that Mr Weller had shown little insight nor a willingness to remediate. The panel decided that a suspension order would not be appropriate in light of this and the seriousness of Mr Weller's offences. The panel reminded itself that Mr Weller will be on the Sex Offender's Register for ten years, and considered that the public interest would not be satisfied by imposing a suspension order, even for the maximum period of 3 years.

### Removal Order

123. The panel, having concluded that a suspension order would not protect the public nor meet the wider public interest, decided that the proportionate order was a removal order.
124. The panel took into account Social Work England's "*Impairment and Sanctions Guidance*" which states "*a removal order must be made where the adjudicators conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England.*"
125. The panel referred to Social Work England's "*Impairment and Sanctions Guidance*"
- "149. A removal order may be appropriate in cases involving (any of the following):*
- *abuses of position or trust (see section 'abuse of trust')*
  - *sexual misconduct (see section 'sexual misconduct')*
  - *sexual abuse of children or offences involving child sexual exploitation material (see section 'convictions for sexual offences')*
  - *dishonesty, especially where persistent and/or concealed (see section 'dishonesty')*
  - *criminal convictions for serious offences (see section 'criminal convictions and cautions')*
  - *violence*
  - *persistent lack of insight into the seriousness of their actions or consequences*
  - *social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)"*

126. The panel considered that a removal order is a sanction of last resort and should be reserved for those categories of cases where there is no other means of protecting the public and the wider public interest. The panel decided that Mr Weller's case falls into this category because of the nature and gravity of his offending and the ongoing risk of repetition.
127. The panel concluded that Mr Weller's current impairment and continuing risk to service users required that he should be removed from the register to protect the public from harm. The panel was satisfied that any lesser sanction would also undermine public trust and confidence in the profession and would be wholly insufficient to maintain professional standards.
128. In reaching this conclusion the panel balanced the public interest against Mr Weller's interests. The panel took into account the consequential personal and professional impact a removal order may have upon Mr Weller, but concluded that these considerations were significantly outweighed by the panel's duty to give priority to public protection and the wider public interest.

#### Interim order:

129. In light of its findings on sanction, the panel next considered the application by Mr Harris for an interim suspension order to cover the appeal period before the final order becomes effective.
130. The panel considered whether to impose an interim order. It was mindful of its earlier findings and the risk of repetition and decided that it would be wholly incompatible with those earlier findings to permit Mr Weller to practise during the appeal period.
131. Accordingly, the panel concluded that an interim suspension order of 18 months is necessary for the protection of the public and is in the public interest. When the appeal period expires this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order shall take effect when the appeal period expires.

#### Right of appeal:

132. 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.
- 133. 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.
- 134. 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.
- 135. 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:

- 136. 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>.