

Social worker: Byron Burke

Registration number: SW21982

Fitness to Practise

Final Hearing

Dates of hearing: 06 July 2026 to 15 July 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 Burke did not attend and was not represented.
3. Social Work England was represented by Mr Adrian Harris, Case Presenter from Capsticks LLP.
4. The panel of adjudicators conducting this hearing (the “panel”) and the other people involved in it were as follows:

Adjudicators	Role
Bryan Hume	Chair
Christine Moody	Social worker adjudicator
Lorna Taylor	Lay adjudicator

Hearings team/Legal adviser	Role
Andrew Brown	Hearings officer
Liam Dixon	Hearings support officer
Neville Sorab	Legal adviser

Service of notice:

5. The panel was informed by Mr Harris that notice of this hearing was sent to Mr Burke by email and special delivery post to an email address and postal address provided by Mr Burke. 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 3 June 2026 and addressed to Mr Burke at his email and postal addresses which they provided to Social Work England;
 - An extract from the Social Work England Register as of 3 June 2026 detailing Mr Burke’s registered postal address and email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 3 June 2026 the writer sent by next day special delivery and email to Mr Burke at the address referred to above: notice of hearing and related documents;

- A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Mr Burke’s address at 12:58 hours on 5 June 2026.

7. The panel accepted the advice of the legal adviser in relation to service of notice, including that the notice of hearing is to be sent not less than 28-days prior to the commencement of the Final Hearing and that the notice of hearing must indicate the time, date and location of the Final Hearing.
8. Having had regard to Rules, 14, 15, 43 and 44 of the Fitness to Practise Rules 2019 (as amended) (the “Rules”), and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Mr Burke.

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:
 - a. Mr Burke had been told of today’s hearing and is therefore aware of the proceedings. He has broken contact with Social Work England, and his absence is deliberate.
 - b. Mr Burke is aware of the directions from the Case Management Meeting which took place on 15 June 2026. At this hearing, Mr Burke was represented by Counsel.
 - c. Mr Burke has not sought an adjournment of the Final Hearing, and as such there was no guarantee that adjourning today’s proceedings would secure his attendance. Any adjournment of the Final Hearing would not serve a useful purpose. The panel does not have powers to enforce attendance, and there is a strong public interest to finish a case as soon as possible.
 - d. Any delay would have an impact upon the witnesses due to attend. They have made their availability known and any adjournment would significantly inconvenience them.
 - e. Although there is a disadvantage that Mr Burke cannot place his side of events to the panel, he has made previous submissions and the panel can put matters to the witnesses.

Mr Harris therefore invited the panel to proceed in Mr Burke’s absence 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 and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance “*Service of notices and proceeding in the absence of the social worker*”.

11. 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 considered that:
 - a. Mr Burke had been told of today's hearing and is therefore aware of the proceedings.
 - b. Mr Burke has not sought an adjournment of the Final Hearing, and as such there was no guarantee that adjourning today's proceedings would secure his attendance.
 - c. There is a public interest in the expeditious disposal of this matter.
 - d. Any delay would have an impact upon the witnesses due to attend, and possibly the quality of the evidence would diminish should this matter, which is already four years old, be further delayed.
 - e. The panel is able to ask any questions to witnesses, and challenge any submissions, in order to safeguard the rights of Mr Burke.
12. The panel therefore concluded that having weighed the interests of Mr Burke 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 Burke's absence.

Preliminary matters – application for some matters to be heard in private:

13. Mr Harris made an application for the following matters to be heard in private:
 - a. The videos taken by Service User A of the phone calls between himself and Mr Burke in order to prevent the identify of Service User A given his face is in those videos.
 - b. Any reference to the college or workplace of Service User A in order to stop any indirect identification of Service User A.
14. The panel accepted the advice of the legal adviser that Rule 38(b) sets out that the panel *"may determine to hold part or all of the proceedings in private where they consider that to do so would be appropriate having regard to:*
 - a. the vulnerability, interests or welfare of any participant in the proceedings; or*
 - b. the public interest including in the effective pursuit of the regulator's over-arching objective."*
15. The panel considered that the ability, directly or indirectly, to identify Service User A, who is a vulnerable service user, would be inappropriate to Service User A's interest or welfare. The panel therefore allowed the application.

Allegations:

16. Mr Burke faces the following allegations:

Whilst registered as a social worker, between the approximate dates of 31 March 2022 and 1 April 2022, at a time when Service User A was professionally allocated to you:

- 1. You engaged in one or more telephone calls with Service User A between the approximate dates of 31 March 2022 and 1 April 2022.*
- 2. During your conduct set out at paragraph 1 above, you:*
 - a. Advised and/or encouraged Service User A to leave the Anxiety Depression, Anxiety, Personality Disorders and Trauma Team ('ADAPT') service without there being a clear professional rationale and/or risk assessment;*
 - b. Told Service User A words to the effect of what to say in order for Service User A to be discharged from the ADAPT service;*
 - c. Told Service User A words to the effect that you would provide personal support if Service User A was discharged from the ADAPT service.*
- 3. By your conduct at paragraph 2 above, you failed to safeguard Service User A.*
- 4. During your conduct set out at paragraph 1, you failed to maintain professional boundaries with Service User A, in that:*
 - a. One or more telephone conversations took place using your personal number;*
 - b. One or more telephone conversations took place between the hours of 2300 and 0100;*
 - c. You told Service User A words to the effect that you would send money to him in the future if he was discharged from the ADAPT service;*
 - d. You told Service User A words to the effect that you would provide personal support if Service User A was discharged from the ADAPT service;*
 - e. You asked Service User A to send photos of himself to you;*
 - f. You pursued a personal relationship with Service User A, by using words including those to the effect of one or more entries set out in Schedule 1*

5. *Your conduct at paragraphs 1, 2 and/or 4 above was sexually motivated.*

The matters outlined in paragraphs 1-5 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of your misconduct.

Schedule 1

	Words (to the effect of) used by the Social Worker
a.	<i>'You make me feel good'</i>
b.	<i>'[You make me feel good]...in all ways'</i>
c.	<i>'I wanna be your friend'</i>
d.	<i>'One day I'll take you to Jamaica'</i>
e.	<i>'Whenever you are close from ADAPT, you know, then we can talk at any time'</i>
f.	<i>'We can party. So while you are open to them, we can't party'</i>
g.	<i>'You're making me love you, you know that?'</i>
h.	<i>'You're my bredrin...that means you're my friend'</i>
i.	<i>When asked by Service User A what the Social Worker liked about him, the Social Worker replied 'So many things...You...in every way'</i>
j.	<i>'I don't wanna be your, say, be a coordinator...I just wanna be your brethren'</i>
k.	<i>'You can close from ADAPT and we keep, we keep in touch privately'</i>
l.	<i>'I have a tender soft spot for you and I don't know why'</i>
m.	<i>'If I was free and single would you feel better?'</i>

Background:

17. On 30 November 2022, Social Work England received a referral from Ms Kate Godart-Smith, Senior HR Consultant at London Borough of Bromley Council ("the Council") regarding Mr Burke.
18. The Anxiety, Depression, Affective Disorder, Personality Disorders and Trauma Team ("ADAPT") is part of the community mental health service in Bromley, under the Oxleas NHS Foundation Trust ("the Trust"). ADAPT is responsible for a client group with anxiety,

trauma, personality disorder and depression but does not cover people with psychotic disorders. ADAPT is multi-disciplinary, providing a secondary mental health service, between GP provision and hospital care. The staff team of approximately 25 includes psychiatrists (medically-trained doctors specialising in mental health and psychiatry), psychologists (not medically trained but with doctorate degree in psychology, offering psychological therapies), specialist mental health nurses, social workers, administration workers and two occupational therapists.

19. The intervention provided by ADAPT ranges from medical input to psychological therapy and care coordination. ADAPT operates Monday to Friday, between 0900 hours and 1700 hours. It is a community treatment service, not an emergency service. The majority of referrals come from GPs and all are screened by a single point of contact for triage and an initial assessment. Cases are then directed appropriately either to primary care, or to ADAPT if more intense work and intervention are required for treatment. ADAPT then determines the form of assessment and plan.
20. Mr Burke was a Mental Health social worker. He worked on social care aspects of work with patients requiring mental health services. Mr Burke's role involved risk management, creating and reviewing care plans, signposting patients to other services, coordinating care with patients and medical practitioners, monitoring patients' mental health and providing low-level psychological support.
21. Mr Burke was employed by the Council but worked for the Trust, to whom he was contracted to work within the ADAPT service. Mr Burke was employed between 6 April 2010 and 22 November 2022. The service is an integrated care provider and merged with social services.
22. The case notes on the ADAPT system show that in February 2021, Service User A was referred to ADAPT. Although the exact date of allocation is not clear from the records, Mr Burke was already allocated to the case of Service User A before June 2021. Service User A was referred for support with a history of obsessive compulsive disorder, depression, with thoughts about self-harm and suicide. He was undergoing Cognitive Behavioural Therapy and was known to the Child and Adolescent Mental Health Services ("CAMHS"). He was considered to be a risk to himself at the point of referral.
23. Mr Burke was responsible for carrying out reviews into Service User A's mental state along with the risk that he posed to himself and others. Mr Burke was responsible for reviewing Service User A's health and social care needs, reviewing treatment plans and signposting, and for educating Service User A. Support varies according to the service user's needs and can take a variety of methods, including mental health monitoring, risk monitoring and therapy. It is coordinated between the professionals within the team and the service user and because of the need to deal with an individual's own needs, there was no specific policy or guidance as to what was expected. Service User A was having psychological treatment within the team.

Summary of evidence:

24. The panel has seen the video recordings made by Service User A of the telephone calls between Mr Burke and Service User A.
25. The panel received live evidence from the following witnesses:
 - a. Ms Ann Massey (Deputy Head and Designated Safeguarding Lead [PRIVATE]);
 - b. Ms Karen Rogers (Senior Occupational Therapist at the Trust);
 - c. Ms Helen Jones (Associate Director for the Community Mental Health services in Bromley as part of the Trust);
 - d. Ms Carol Brown (Operational Manager within Adult Services at the Council);
 - e. Ms Nicola Smith (Human Resources Consultant within the Council); and
 - f. Mr Dharmendra Vikash Ramkhelawon (ADAPT Manager).
26. Most of these witnesses exhibited evidence relevant to the case. From these witnesses, the following evidence was pertinent to the contested allegations.
27. Ms Massey provided the following pertinent evidence:
 - a. She is the Deputy Head and Designated Safeguarding Lead [PRIVATE] (“the College”). She commenced this role on 1 September 2017. She is responsible for the safeguarding, wellbeing and behaviour of students at the Senior School and work closely with colleagues based in the Junior School on all safeguarding matters.
 - b. On 1 April 2022, she received a text message from the Junior School Nurse, Ms Baker, at the College regarding a safeguarding matter which concerned a member of staff, Service User A.
 - c. [PRIVATE]
 - d. The school term ended at midday on 1 April 2022 and Service User A had left for home already so she called him on his mobile. She explained to Service User A that she had spoken to Ms Baker and what she had told her. She asked Service User A what he meant and he told her that his social worker, Mr Burke, was asking for “*modelling style shots*”. She asked Service User A if he had any screenshots of the messages sent and he said that he had made a recording of one of the conversations in which Mr Burke had asked him for photographs. He only told her about one recording. Service User A said that Mr Burke had also told him not to tell anyone that Mr Burke was using his personal phone to contact Service User A. No precise dates or times were provided by Service User A as to when the conversation took place but Ms Massey drew the inference that it was a contemporary experience — something that had taken place in the days or weeks before his disclosure. Ms Massey considered

Service User A to be stressed during her chat with him given his tone of voice and turn of phrase.

- e. Her concerns with what Service User A had disclosed was that an individual employed in a position of trust to work with vulnerable adults was making Service User A feel uncomfortable and creating emotional distress by requesting inappropriate photographs. Mr Burke was also encouraging Service User A to keep secrets, suggesting that he knew that his conduct was inappropriate. This behaviour is indicative of “grooming”; “grooming” being a deliberate choice of words given this was a vulnerable person and the social worker is breaking protocols, basic safeguarding protocols and telling Service User A not to tell anyone about it.

28. Ms Rogers provided the following pertinent evidence:

- a. At the time of the concerns, she worked for Bromley West Adapt Service, as a Senior Occupational Therapist.
- b. Sometime in April/early May 2022, she was asked by Mr Ramkhelawon to be Service User A’s temporary Care Co-ordinator in Mr Burke’s absence. The role of a Care Co-ordinator is to work with people to stabilise their mental health, risk and look at the support needs that they may require and arrange any therapy or interventions. The role can also involve looking at medication.
- c. On 24 May 2022, she first met with Service User A on Microsoft Teams face to face. She does not know if the call was recorded, but she does not think that it was, for reasons of confidentiality. She explained to Service User A that she would work in the same way as Mr Burke had with him and that she would not change things. She said that once Mr Burke was due to come back to work, Service User A could then go back to him. She recalls Service User A saying to her that he did not want to go back to working with Mr Burke as he did not feel it was suitable and asked me whether she was aware of the complaint that he had made about Mr Burke. She was not aware of the complaint, so Service User A told her what had happened. Service User A said that Mr Burke would speak inappropriately to him and basically “*came onto him*”. Service User A said that he felt uncomfortable around Mr Burke as Mr Burke had said uncomfortable things to him. Service User A said that they were mildly suggestive and sexual in tone. She said to Service User A that she was sorry that had happened to him.
- d. On 10 August 2022, she received a telephone call from Service User A. He had a lot of guilt about making the complaint against Mr Burke and she got the impression that Service User A did like Mr Burke when he was his worker, but did not want him back. Service User A expressed difficult feelings of guilt for reporting Mr Burke but was also upset about what Mr Burke had done.

- e. During the 10 August 2022 appointment, Service User A told her that he had recordings. She asked him what he meant by this and he said that he had a sound recording. She did not ask Service User A about the content or how many recordings there were. She asked as little as possible as she did not want to influence anything and she made it clear that once he had told me about the recordings that she would have to tell senior staff about what he had told her.
- f. On 23 August 2022, Service User A sent her the recordings across by email at 7.30am. There were three recordings. She does not know whether it was one recording split up, or three separate recordings. She was not surprised at the timing of this due to his drug use as he would often have very late nights and early mornings. She forwarded the email straight to Ms Adedeji, who was her service manager, as requested. She did not listen to the recordings. She does not recall responding to Service User A's email as she did not feel it was necessary to do so, but she may have just confirmed receipt. She no longer has access to that email account.

29. Ms Jones provided the following pertinent evidence:

- a. She knew of Mr Burke as he worked in the ADAPT team as a social worker. This is one of the teams that she is responsible for. Mr Burke was not directly employed by the Trust.
- b. On 1 April 2022, Ms Massey, Safeguarding Lead and Deputy Head of the College, emailed the Trust's Patient Advice and Liaison Service ("PALS"). In the email, Ms Massey set out her concern about the behaviour of a social worker towards a vulnerable young adult employee of the College. The concern was that Mr Burke was sending inappropriate messages to the young adult, Service User A. The email was forwarded on to the complaints team at the Trust and eventually forwarded to her to complete some initial fact finding in her role as Associate Director.
- c. On the afternoon of 21 April 2022, she had a face-to-face meeting with Mr Burke and Margaret Adedeji, the Locality Manager at the Trust, to inform Mr Burke of the complaint that had been raised.
- d. She does not recall how the audio recording came about or who sent it across to the Trust. She assumes that it came from Service User A but she cannot find any email or information to confirm this. She cannot recall on what date and how she received the audio recordings, but it would have been around 19 - 20 April 2022 as she met with Mr Burke on 21 April 2022 to carry out the fact-finding and she was aware of the audio recording at that point.
- e. She listened to the audio recording and can confirm that the transcript is accurate.

- f. During the meeting on 21 April 2022, she asked Mr Burke to explain to her his understanding about professional boundaries. He said he knew that he should not have given out his personal mobile number to Service User A and that he should not have spoken outside of working hours with him.
- g. On 23 August 2022, Ms Rogers, Care Coordinator at ADAPT, had obtained three video recordings from Service User A through email after he had disclosed to her that he had information that he had not originally shared. Ms Jones was forwarded the recordings by Margaret Adedeji, Locality Manager at Bromley on 23 August 2022. Ms Jones listened to the video recordings, which were timed at 23:39 (329 minutes), and 23:45 (14:43 minutes) on 31 March 2022 and 00:00 (7.49 minutes) on 1 April 2022. In all three videos the Service User is laying on a bed, smoking a vape and talking to Mr Burke and she assumes someone is in the room filming. She has listened to the recordings and compared it to the transcript. She can confirm that the transcripts are an accurate record of what she heard.
- h. The opening hours of ADAPT are generally 9am to 5pm Monday to Friday (with the exception of bank holidays) however, they may be extended to 8am to 8pm depending on local variation. There are no out of hours arrangements in place for the team however, patients needing urgent support can access this through the crisis care pathway.

30. Ms Brown provided the following pertinent evidence:

- a. She was asked to carry out the Council investigation into Mr Burke.
- b. She shared her findings with Mr Burke in a face-to-face meeting.
- c. There was an expectation that Mr Burke knew the Council's policies and adhered to them as he worked there for a long time.
- d. Mr Burke agreed that some of the things that he said to Service User A were not appropriate, but he did not say why he said them.

31. Ms Smith provided the following pertinent evidence:

- a. It was a grey area whether Mr Burke was to follow the Trust's policies, the Council's policies or both. He had access to both intranets, but Mr Burke may not have known which policies to follow.

32. Mr Ramkhelawon provided the following pertinent evidence:

- a. He is currently an ADAPT West Manager and he started in this role in June 2021.
- b. The ADAPT team is part of the community mental health service in Bromley and falls under the Trust.

- c. Mr Burke was a Mental Health social worker and worked on social care aspects of care. He also assisted patients who needed mental health services.
- d. Mr Burke worked for the Trust but he was employed by the Council and was contracted to work for the Trust. Mr Burke's dates of employment were 6 April 2010 to 22 November 2022. He had operational responsibility for Mr Burke.
- e. He discussed cases with Mr Burke on a daily basis, both formally and informally. He did not have any concerns about Mr Burke's work at all during his management post from 7 June 2021 to the date that Mr Burke was suspended in March 2022.
- f. Mr Burke was allocated to the case of Service User A before Mr Ramkhelawon commenced his role in June 2021. The system shows that in February 2021, Service User A was referred to ADAPT. Mr Ramkhelawon does not know when Mr Burke was allocated to Service User A.
- g. Mr Burke was responsible for carrying out mental health reviews to review Service User A's mental state along with the risk that he posed to himself and others. There is no tick box for how support should be given as everyone has different needs. ADAPT offer global support with overall management of service users' mental state. There are no specific policies or guidance which outlines the support that Mr Burke was expected to provide to Service User A.
- h. All staff members at the Trust are provided with work mobile phones and laptops. Mr Burke was issued with a work phone and laptop. Calls to patients are made using the office landline or work mobile phones and is reflected in the Mobile Phone Policy. The Policy is accessible to all employees on the Trust intranet where all staff can do a search for policy documents. Phone calls are not voice recorded. Calls with patients are usually manually recorded on the Trust's case recording database system called RiO and there would have been training on this. All policies from the Trust would apply to Mr Burke.
- i. Visits and calls are recorded because fundamentally, when we have contact with service users; it should be in the context of and relevant to their respective care plan and treatment. There is nothing recorded as a progress note on 31 March 2022 or 1 April 2022 by Mr Burke following his contact with Service User A.
- j. Mr Ramkhelawon's understanding is that Mr Burke's contracted hours were between 9am and 5pm. Moreover, ADAPT is a community 9 to 5 service, 5 working days per week. If a worker was working additional hours, e.g. by taking work home in the evening, this time would be used for documenting information and uploading information to RiO, it would not be used for contacting patients. Contact should only be made within working hours. There is no policy which covers that contact should only be made within working

hours as the team expects these to be covered by Social Work England's professional codes of conduct, which are clear about boundaries and expectations. However, it happens often when staff need to respond to urgent matters after 17:00 and it is staff judgement as to when the cut off for contact should be. If it is relevant and appropriate, the team can contact a patient after 5pm for clinical matters, but members of the team are not expected to contact patients late at night for instance. If staff take work home, contact with service users should not be made.

- k. Workers might bump into patients when they are out and about but they should not purposefully meet up with patients on a social basis, this is because there must be a clear line of boundaries, as set out in Social Work England's professional standards 2.3 regarding maintaining professional relationships. The team does not socialise with patients. The only exception to this if is social interaction is part of the care plan for the patient, for instance in the Community Mental Health Team there is a rehabilitation service which could offer, as part of the care plan, support from the worker to attend sports activities or do their shopping during working hours. Service User A's care plan does not mention socialising. The care plan for Service User A, developed by Mr Burke, contained a Crisis Contingency Plan that set out contact details for Service User A to use in a crisis.
- l. If a worker were meeting with a patient outside of their professional role, Mr Ramkhelawon would expect them to have a conversation with him or with the Multidisciplinary team. There is no Policy which sets out this expectation. Mr Ramkhelawon would need to know the nature of the contact and why it is needed.
- m. Mr Burke would have known that he could not agree to send Service User A money or ask Service User A to send photos of himself to the Social Worker as he is a professional who must follow Social Work England's Professional Standards, specifically 2.3 relating to professional boundaries. The team are not to be friends with service users, strictly professionals.
- n. By agreeing to send money and/or by asking for photos from a service user, Mr Burke's actions would blur the boundaries between a professional and a service user, which may affect the therapeutic alliance between the two. The impact of this upon the service user is subjective to the individual concerned and could potentially have a negative impact upon the service user.
- o. Service User A was not discharged in accordance with the Discharge Policy and continued to receive care from the team.
- p. Discharge care plans are tailored accordingly and we would signpost them to a third section community resource where applicable.

- q. Once a service user is discharged from the service, the social worker's role ends as the intervention has finished. No contact should be made with the service user as a standard process. There is no policy which covers this as we expect this to be covered by Social Work England's professional codes of conduct, which are clear about professional boundaries and expectations.
- r. [PRIVATE]
- s. [PRIVATE]
- t. [PRIVATE]
- u. The decision to discharge a patient from ADAPT is made by the multi-disciplinary team made up of a consultant, doctors, nurses, psychologists, occupational therapists and social workers. It is safer to discharge a patient through a multi-disciplinary team, rather than unilaterally.

33. Mr Burke did not attend to provide evidence, but over the course of the investigation provided the following:

- a. During the local investigation, Mr Burke admitted engaging in out-of-hours telephone conversations with Service User A and that it was his voice within the recordings. He said he was unable to remember saying particular things, or why he had done so. He said this was probably because he had consumed "*lots of wine*". He said that he did not intend to send any money. He alleged that the complaint made was done maliciously.
- b. Mr Burke submitted initial comments to Social Work England dated 12 January 2023, in which he:
 - i. accepted Service User A had been allocated to him since February 2021;
 - ii. knew Service User A was not discharged.
 - iii. admitted that he shared his personal number with Service User A, saying this was in order for him to pick up a ticket to attend a boxing match where Service User A was to fight and he did not wish to use his work phone;
 - iv. described telephone contact with Service User A on 25 February 2022 from Service User A, to which he replied on 2, 8 and 18 March 2022. There was an exchange of messages across Friday 18, Saturday 19 and Sunday 20 March 2022. This led to Service User A sending a text message at 18:31 on 31 March 2022, to which Mr Burke responded asking how Service User A was, to which Service User A replied to say he was "*good thanks*" but had a concussion from boxing. Mr Burke saw this message at 22:37 and asked Service User A to text or get in touch when he was ready to call, to which Service user A replied asking Mr

Burke to call. Mr Burke wrote that he thought at the time that Service User A was *“into a serious crisis”*. Mr Burke described that in the call that Service User A said he had a *“big fight”* coming up in April 2022 and that Mr Burke had said he would not mind supporting him in the audience. The fight was at a weekend and Mr Burke said *“I do not wish to use my work phone to call you on a weekend therefore, you can have my personal number that I gave you a few months ago to arrange where to pick up the tickets and the details for the venue. I gave [Service User A] my personal number just in case the work mobile runs out and he’s not able to get through to me and I told him not to allow anyone to know that I gave him my number.”* Mr Burke described the content of the telephone conversation as *“idle jest”*. The conversation was *“not an official review but was more like a chat”*. On reflection, this was *“not good and I’ve made a huge mistake as [Service User A] is clever and I did not have a clue that he was recording our conversations”*.

- v. had been devastated to learn that the calls had been recorded when he was told as part of the local investigation;
- vi. referred to reassuring Service User A that nothing was wrong with his appearance and that he was handsome and approachable. Service User A had asked if Mr Burke was married with children, to which Mr Burke had said yes;
- vii. wrote *“The client was not engaging with our service for several weeks due to working full time and doing extremely well at a school doing coaching as a boxer, and quite stable in his mental health. The client knew that I was to travel on Monday the 4th of April after we spoke just before the week ended. I told him to call the office the following day to confirm that he was stable and if I’m not there he could speak to the duty person. He was also told that on my return I will bring it to the MDT considering a discharge. He did not call the team. Normally, a discharge plan would be done with all the necessary signposted specialist help that is needed, a letter would be written to the GP and copied to the client and the referrer.”*
- viii. told Service User A that *“my niece does modelling for Next Store at aged 18 and sent me some nice pictures for the store that she was modelling for and AC could send me some of his pictures when he starts his modelling as well. In my reflection, I realised that [Service User A] went into his thoughts rumination and told people that I asked for inappropriate images.”*
- ix. denied intending to give Service User A money and that he had not known Service User A was a drug addict although he accepted Service User A had referred to misusing alcohol and drugs during the telephone

conversations in question, adding *“The client asked me for a £100 forcibly three times to help him to buy boxing gears [sic] and I should not tell his parents nor social services. I said to him that staff is not allowed to give clients’ money and he was insisted [sic]. To deflect the client off me, I told him that after all my direct debits are paid, there is no money left but should he call and confirm that he is fine, I would help if I can. He hanged up the phone abruptly and he did not call nor heard from him since. To conclude, I would not have given him my money and none was given.”*

- x. wrote that he had *“admitted that I was wrong to say so and extremely sorry [sic]. I did this to deflect him as mentioned above. On my return, the plan was to create a care plan for him and to assign him to the Bromley Drug and Alcohol service for support.”* Mr Burke did not have the chance as the allegations had been made by the time he returned from bereavement leave two weeks’ later;
 - xi. felt *“disrespected, insulted, insignificant and belittled”* because of the way Service User A had *‘misinterpreted most of our conversations’*.
 - xii. [PRIVATE] referring to his own belief that the recordings had been tampered with; and
 - xiii. referred to his own religious beliefs before writing *“I am terribly sorry for all what I have done which was not appropriate in speech and this can never ever happened again [sic] especially after this traumatic experience I am undergoing.”*
- c. On 17 January 2025, Mr Burke provided a reflection in which he did not address in detail the substance or nature of the concerns beyond describing the conversation as misconstrued and misinterpreted, but did describe his own regret at his conduct and the effect upon his own health:
- i. *“I have admitted to my biases and reflected deeply on myself. Firstly, I thank Social Work England for holding me accountable. [PRIVATE]. My behaviour was inexcusable which is not my nature. I’m very soft spoken, caring, kind and calm. I acted on assumptions rather than facts as the client and I mutually were making jokes and fun with each other which was misconstrued as some of the assumptions were misinterpreted where it was stated that I called the client late at night to ask for photos of himself, which was not the case. My behaviour reflected not only on me, the assessors or the client but on my manager and colleagues as they have missed me at work suddenly for over two years which is a massive void. I was never given a warning and was left into a dark hole. Today I am a catalyst for progress trying to move on with my life which is difficult.”*

- ii. He described himself as having been victimised and that his life had been destroyed, but he had reflected “*daily*” and he was extremely sorry for his mistakes; and
 - iii. He described various mental health symptoms he had experienced and had undergone therapy.
- d. On 19 June 2025, Mr Burke provided a reflective statement, which set out that:
 - i. He had “*advised a client to disengage from the ADAPT service without providing a clear, evidence-based rationale for this recommendation. On reflection, I recognise that this constituted a culpable lack of care and a departure from the standards expected of my role as a registered social worker. My guidance did not sufficiently consider the client’s ongoing needs, nor was it underpinned by an appropriate assessment or multidisciplinary discussion. This action may have left the client feeling unsupported and potentially vulnerable, and I acknowledge that it could have had a detrimental impact on his wellbeing and outcomes.*”
 - ii. He wrote that he took “*full responsibility for this lapse in professional judgement*” but referred to the possibility of service pressure and emotional fatigue as contributory factors;
 - iii. He had identified key learning areas of the importance of clear professional reasoning, the need for supervision and consultation and commitment to professional accountability;
 - iv. [PRIVATE] “*I undertook a full review of my actions and responsibilities, and engaged in critical reflection aligned with Social Work England’s professional standards and ethical guidance.*”
 - v. He said that he had taken “*concrete steps*” to improve his practice, including being familiar with local discharge policy and ensuring discharges were supported by a proper rationale; and
 - vi. He wrote that he was “[PRIVATE] *well able to practice again with all that I’ve reflected [PRIVATE]. All this will be put into practice and could never happen again...*”

Finding and reasons on facts:

34. The panel accepted the advice of the Legal Adviser.

Stem: Whilst registered as a social worker, between the approximate dates of 31 March 2022 and 1 April 2022, at a time when Service User A was professionally allocated to you:

35. Mr Ramkhelawon provided evidence that Mr Burke was employed by the Council between 6 April 2010 and 22 November 2022, but worked for the Trust, to whom he was contracted to work within the ADAPT service.
36. The case notes on the ADAPT system show that in February 2021, Service User A was referred to ADAPT. Mr Ramkhelawon provided evidence that Mr Burke was allocated to the case of Service User A before June 2021. Mr Burke has provided evidence that Service User A was “*opened to [him] during the lockdown since February 2021.*” The panel has not seen any evidence that Service User A was removed from Mr Burke’s allocation by 1 April 2022.
37. Consequently, the panel considered that Mr Burke was registered as a social worker between 31 March 2022 and 1 April 2022, and that during this period, Service User A was professionally allocated to Mr Burke.

Allegation 1: You engaged in one or more telephone calls with Service User A between the approximate dates of 31 March 2022 and 1 April 2022.

38. The panel has seen three videos taken by Service User A, recording conversations between Service User A and Mr Burke. The three videos were timed at:
 - a. 31 March 2022 at 23:39 (3.29 minutes);
 - b. 31 March 2022 at 23:45 (14.43 minutes); and
 - c. 1 April 2022 00:00 (7.49 minutes).
39. Ms Rogers provided evidence that Service User A sent her these recordings by email on 23 August 2022 at 07:30 hours. Ms Jones provided evidence that Ms Rogers had forwarded these videos to her. Ms Jones provided evidence that these videos were then transcribed by a member of the Trust administrative staff. Ms Jones set out that she had listened to the recordings and compared them to the transcripts; she considered the transcripts to be an accurate record of the recordings.
40. During the Council’s investigation, Mr Burke confirmed that it was his voice on each of the recordings. The panel has not seen any other evidence disputing that the voices on the recordings from the video are anyone other than Service User A and Mr Burke.
41. Consequently, the panel finds allegation 1 to be proved on a balance of probabilities.

This allegation is found proved.

Allegation 2: During your conduct set out at paragraph 1 above, you:

- (a) Advised and/or encouraged Service User A to leave the ADAPT service without there being a clear professional rationale and/or risk assessment.
- (b) Told Service User A words to the effect of what to say in order for Service User A to be discharged from the ADAPT service.

(c) Told Service User A words to the effect that you would provide personal support if Service User A was discharged from the ADAPT service.

42. The Care Plan Approach including Discharge Policy dated September 2020 sets out roles and responsibilities of an allocated Care Coordinator. It also sets out the discharge process to follow. As Service User A was under the case of ADAPT, this process would also apply for Service User A. Page 7 of the Policy includes: “*Clients must not be discharged until it is known that all adequate care arrangements are in place and the client is prepared for discharge*”. Appendix 5 of the Policy sets out discharge criteria, including stable mental health for 12 months. It also sets out the discharge process, including being part of a Care Pathway meeting discussion.
43. Mr Ramkhelawon provided evidence that:
- a. The rationale for discharging a service user from ADAPT would depend on the complexity of the case. If a service user’s risk profile was complex, the multi-disciplinary team would advise on discharge. If the profile was straightforward and the person in question had completed treatment, the staff are autonomously able to discharge back to a GP, but all staff should conduct a standard risk assessment and a follow-up care plan. The team has a twice-weekly multidisciplinary discussion and staff can bring their cases to discuss their plan to discharge, to make a team agreement.
 - b. [PRIVATE]
44. The panel has seen Service User A’s case records and did not see a risk assessment in place for considering whether Service User A should leave the ADAPT service. The case records, however, do indicate the need for ongoing care for Service User A. [PRIVATE]
45. During the telephone conversation between Service User A and Mr Burke, recorded within the first transcript on 31 March 2022 23:45 hours, the following exchange took place:

Mr Burke	<i>Hmm mmm. erm [Service User A] tell me do you, do you need to be under the ADAPT service?</i>
Service User A	<i>Not really no.</i>
Mr Burke	<i>You, if you, if you don’t want to be under them tell them that you, you don’t have to tell that I said, just tell them that you’re okay and you think you can get on without having ADAPT cos I think you’re open to them because its like [inaudible] they were like yearly once a year how you doing [inaudible] but if you’re okay you just tell them to go and you say you relapsed and they can re, re-refer you.</i>
Service User A	<i>Yeah. Yeah.</i>

Mr Burke	<i>But I don't, I don't think you will relapse.</i>
Service User A	<i>Hmm.</i>
Mr Burke	<i>Because you have me now and that you can talk to me.</i>
Service User A	<i>Hmm.</i>
Mr Burke	<i>And I can erm help you.</i>
Service User A	<i>Hmm.</i>
Mr Burke	<i>Because erm if you, whenever you are close from ADAPT, you know, then we can talk any time ...</i>
Service User A	<i>We can party.</i>
Mr Burke	<i>... like we are talking now.</i>
Service User A	<i>We can party.</i>
Mr Burke	<i>We can party. That's a better word. [Laughing]</i>

46. The panel consider in that statement that Mr Burke:

- a. hinted to Service User A, whether he needed to be in the ADAPT team: *"tell me do you, do you need to be under the ADAPT service?"*
- b. told Service User A what to say in order to leave the ADAPT team: *"just tell them that you're okay and you think you can get on without having ADAPT"*. Mr Burke knew what he was doing was improper given his statement: *"you don't have to tell that I said"*.
- c. told Service User A words to the effect that he would provide personal support if Service User A was discharged from the ADAPT service: *"Because you have me now and that you can talk to me... And I can erm help you... Because erm if you, whenever you are close from ADAPT, you know, then we can talk any time... like we are talking now."*

47. During the telephone conversation between Service User A and Mr Burke, recorded within the third transcript on 1 April 2022 00:00 hours, Mr Burke said: *"So erm I am going to call you tomorrow officially on the work phone and then I am going to ask you 'How is your mood? How is your risk? and bla bla and ask you what you want from ADAPT and if you say you're ok you want to close then I will get them to close your case on ADAPT. Unless if you want to stay, do you want to stay? Because there is nothing that we are doing."*

48. Taken together, the panel considered that in this exchange, Mr Burke advised and/or encouraged Service User A to leave the ADAPT team.

49. In his reflective statement dated 19 June 2025, Mr Burke set out:

- a. *“I advised a client to disengage from the ADAPT service without providing a clear, evidence-based rationale for this recommendation. On reflection, I recognise that this constituted a culpable lack of care and a departure from the standards expected of my role as a registered social worker. My guidance did not sufficiently consider the client’s ongoing needs, nor was it underpinned by an appropriate assessment or multidisciplinary discussion. This action may have left the client feeling unsupported and potentially vulnerable, and I acknowledge that it could have had a detrimental impact on his wellbeing and outcomes.”*
- b. [PRIVATE] *“I undertook a full review of my actions and responsibilities, and engaged in critical reflection aligned with Social Work England’s professional standards and ethical guidance.”*

50. Consequently, the panel finds allegation 2 to be proved on a balance of probabilities in its entirety.

This allegation is found proved.

Allegation 3: By your conduct at paragraph 2 above, you failed to safeguard Service User A.

51. All social workers have a duty to safeguard service users. Standard 5.1 of the Social Work England Professional Standards (July 2019), sets out: *“As a social worker, I will not abuse, neglect, discriminate, exploit or harm anyone, or condone this by others.”* Furthermore, Mr Ramkhelawon provided evidence that there were specific safeguarding processes in place with clear pathways and discussions for everyone to follow, as set out in the London Multi Agency Adult Safeguarding Policy and Procedures dated April 2019 and the Safeguarding Adults Guidance, which were both available on the Council’s intranet.
52. Mr Burke had been employed at the Council since 6 April 2010. The panel therefore considered Mr Burke to be an experienced social worker who should have been aware of the need to safeguard service users.
53. As set out in paragraph 44 above, Service User A was not ready to leave the ADAPT service. [PRIVATE]
54. [PRIVATE]
55. The panel considered that Mr Burke’s attempt to get Service User A to leave the ADAPT service when he was not ready to, leaving Service User A without the support that he needed meant that Mr Burke failed to safeguard Service User A. Mr Burke would have been aware of the need to safeguard service users.
56. Consequently, the panel finds allegation 3 to be proved on a balance of probabilities.

This allegation is found proved.

Allegation 4(a): During your conduct set out at paragraph 1 above, you failed to maintain professional boundaries with Service User A, in that one or more telephone conversations took place using your personal number.

57. Mr Burke provided Service User A with his personal mobile number. In his personal statement dated 12 January 2023, Mr Burke said *“I said that I don't mind attending [Service User A's fight], however, i do not wish to use my work phone to call you on a weekend therefore, you can have my personal number that gave you a few months ago to arrange where to pick up the tickets and the details for the venue. i gave [Service User A] my personal number just in case the work mobile runs out and he's not able to get through to me and I told him not to allow anyone to know that I gave him my number.”*
58. Ms Jones exhibits a transcript of the call between Service User A and Mr Burke which took place on 31 March 2022 – 1 April 2022. She confirmed in evidence that the transcript is accurate. In the transcript, Mr Burke tells Service User A:
- a. *“one is the work [number] and this one is the personal [number]”.*
 - b. *“And I been listening here to you out of hours, that's why I give you my private number cause I don't know one know that we talk out of hours I don't want know one to know that.”*
 - c. *“It is it does mean a lot and I also stated to you that I call you out of hours and I don't do that to nobody because your special to me.”*

Consequently, the panel considered that Mr Burke conducted the conversation referred to in allegation 1 on his personal mobile phone.

59. Mr Ramkhelawon provided evidence that:
- a. All staff members at the Trust are provided with work mobile phones and laptops.
 - b. Mr Burke was issued with a work phone and laptop.
 - c. Calls to patients are made using the office landline or work mobile phones; the Mobile Phone Policy provided that only in exceptional circumstances with permission of the Service Director would be permitted to use their own phone in place of a phone provided by the Trust. The policy made it clear that records of calls were kept.
 - d. Workers should not purposefully engage in social contact.
 - e. If there was social contact then it should be raised with Mr Ramkhelawon as Team Manager or with the Multidisciplinary Team.

60. A copy of the ADAPT Operational Policy describes the hours of operation and service provision, with opening hours generally 09:00 to 17:00 Monday to Friday (except bank holidays) although they may be extended to 08:00 to 20:00 depending on local variation. There were no out of hours arrangements in place for the team; patients needing urgent support may access this through the crisis care pathway.
61. Ms Jones provided evidence that out-of-hours contact would only be acceptable in limited circumstances, such as in early evening around the service user's work.
62. The call that took place on 31 March 2022 – 1 April 2022, straddled midnight. Furthermore, as set out in paragraph 58(b) above, Mr Burke knew he was speaking to Service User A on his personal mobile phone in order to try to hide that he was speaking to him. The context of the conversation was not that of a professional relationship and there was no professional justification for this conversation. On the contrary, Mr Burke appears to knowingly use his personal mobile phone to bypass professional boundaries. During the telephone conversation between Service User A and Mr Burke, recorded within the third transcript on 1 April 2022 00:00 hours, Mr Burke said: *"So erm I am going to call you tomorrow officially on the work phone and then I am going to ask you 'How is your mood? How is your risk? and bla bla and ask you what you want from ADAPT and if you say you're ok you want to close then I will get them to close your case on ADAPT. Unless if you want to stay, do you want to stay? Because there is nothing that we are doing."*
63. Consequently, the panel considered that Mr Burke failed to maintain professional boundaries with Service User A during the conversation referred to in allegation 1.
64. Consequently, the panel finds allegation 4(a) to be proved on a balance of probabilities.

This allegation is found proved.

Allegation 4(b): During your conduct set out at paragraph 1 above, you failed to maintain professional boundaries with Service User A, in that one or more telephone conversations took place between the hours of 2300 and 0100.

65. As set out at paragraph 38 above, the panel has seen three videos taken by Service User A, recording conversations between Service User A and Mr Burke. The three videos were timed at:
 - a. 31 March 2022 at 23:39 (3.29 minutes);
 - b. 31 March 2022 at 23:45 (14.43 minutes); and
 - c. 1 April 2022 00:00 (7.49 minutes).
66. As set out in paragraphs 62 and 63 above, by partaking in the telephone call, the panel considered that Mr Burke failed to maintain professional boundaries with Service User A during the conversation referred to in allegation 1.

67. Consequently, the panel finds allegation 4(b) to be proved on a balance of probabilities.

This allegation is found proved.

Allegation 4(c): During your conduct set out at paragraph 1 above, you failed to maintain professional boundaries with Service User A, in that you told Service User A words to the effect that you would send money to him in the future if he was discharged from the ADAPT service.

68. During the telephone conversation between Service User A and Mr Burke, recorded within the first transcript on 31 March 2022 23:45 hours, the following exchange took place:

Service User A	<i>BB, can you send me £100 now?</i>
Mr Burke	<i>[Laughing]</i>
Service User A	<i>And I'll send you something back.</i>
Mr Burke	<i>[Laughing] I didn't, I didn't say I am a millionaire.</i>
Service User A	<i>You got £100 though you can send me?</i>
Mr Burke	<i>Hmm?</i>
Service User A	<i>You got £100 you can send me BB?</i>
Mr Burke	<i>I will send you some money [] but not at this particular moment.</i>
...	...
Mr Burke	<i>Hmm mmm. You're welcome. You're, you're welcome. Huh. I have a tender soft spot for you and I don't know why.</i>
...	...
Service User A	<i>I don't believe you.</i>
Mr Burke	<i>You don't believe?</i>
Service User A	<i>If you did you'd send me money.</i>
Mr Burke	<i>Yeah but money cannot buy this.</i>
Service User A	<i>A deposit shows me the truth.</i>
Mr Burke	<i>Money, money is that all? Money cannot buy this. I will, I will send you some money but you'll have to be closed from the ADAPT team first.</i>

Service User A	<i>Can you send me it now please, Byron?</i>
Mr Burke	<i>Na, na, now [Service User A]?</i>
Service User A	<i>Is there anyway I can get you to send it now?</i>
Mr Burke	<i>Na, na, now? Remember I told you earlier on that at the end of the month</i>
...	...
Service User A	<i>I can only trust you if you give me money.</i>
Mr Burke	<i>[inaudible]</i>
Service User A	<i>Then I can tell you everything I've wanted to tell you.</i>
Mr Burke	<i>Oh but I said to you earlier [Service User A] money should not be a way of letting you know that somebody trusts you or love you. [inaudible]</i>

69. Given Mr Burke's comment of *"Money, money is that all? Money cannot buy this. I will, I will send you some money but you'll have to be closed from the ADAPT team first"*, the panel finds Mr Burke told Service User A words to the effect that you would send money to him in the future if he was discharged from the ADAPT service.
70. By making such a comment, Mr Burke was encouraging Service User A to leave the ADAPT team when he was not ready in order for Mr Burke to pursue a personal relationship with Service User A, as set out in paragraphs 42-50. [PRIVATE] By telling Service User A words to the effect that he would send money to him in the future if he was discharged from the ADAPT service, Mr Burke failed to maintain professional boundaries as he prioritized his desire for a personal relationship with Service User A over the safety and wellbeing of Service User A.
71. Consequently, the panel finds allegation 4(c) to be proved on a balance of probabilities.

This allegation is found proved.

Allegation 4(d): During your conduct set out at paragraph 1 above, you failed to maintain professional boundaries with Service User A, in that you told Service User A words to the effect that you would provide personal support if Service User A was discharged from the ADAPT service.

72. As set out in paragraphs 42-50 above, Mr Burke told Service User A words to the effect that he would provide personal support if Service User A was discharged from the ADAPT service.

73. In doing so, Mr Burke failed to maintain professional boundaries, as it was done in the context of a personal relationship, as demonstrated by Mr Burke stating “*we can party*”. Mr Ramkhelawon provided evidence that it would be inappropriate for Mr Burke to offer or provide personal support after Service User A had been discharged from ADAPT. Staff are not to be involved after discharge because the patient’s care has ended, there is no professional reason to remain in contact and it breaches the requirement to maintain professional boundaries.
74. Consequently, the panel finds allegation 4(d) to be proved on a balance of probabilities.

This allegation is found proved.

Allegation 4(e): During your conduct set out at paragraph 1 above, you failed to maintain professional boundaries with Service User A, in that you asked Service User A to send photos of himself to you.

75. During the telephone conversation between Service User A and Mr Burke, recorded within the first transcript on 31 March 2022 23:45 hours, the following exchange took place:

Service User A	<i>Modelling ting</i>
Mr Burke	<i>Okay. You model as well?</i>
Service User A	<i>Yeah I’m trying a get a bit of money from modelling.</i>
Mr Burke	<i>I didn’t know you were modelling. I didn’t, see you’re doing so much. I need to know all that you do [inaudible] all I want to know you so well.</i>
Service User A	<i>Yeah? [Background noise]</i>
Mr Burke	<i>That is so nice that you’re doing modelling. So why you don’t you send me some of them pics?</i>
Service User A	<i>Yeah?</i>
Mr Burke	<i>Yeah you could send me some on WhatsApp.</i>
Service User A	<i>Yeah I can do that.</i>
Mr Burke	<i>Hmm. Cos I didn’t know that you model.</i>
Service User A	<i>Huh, yeah.</i>
Mr Burke	<i>So, so you think that you look good?</i>
Service User A	<i>Little bit yeah.</i>

Mr Burke	<i>Cos you have to look good to be a model.</i>
...	...
Mr Burke	<i>Yeah. You can find me on WhatsApp and let me see some of your modelling pictures.</i>
Service User A	<i>What you want it now?</i>
Mr Burke	<i>If you don't mind. I would love to see you.</i>
Service User A	<i>Ooooh I'm a bit nervous. I'm a bit shy.</i>
Mr Burke	<i>Er?</i>
Service User A	<i>I'm a bit shy.</i>
Mr Burke	<i>Shy of what?</i>
Service User A	<i>To send it.</i>
Mr Burke	<i>To me?</i>
Service User A	<i>Yeah.</i>
Mr Burke	<i>Oh. You don't have to be shy to send it to me.</i>
Service User A	<i>[Laughs]</i>
Mr Burke	<i>You trust me don't you?</i>
Service User A	<i>Yeah you're my, you've been calm for, you've been calm to me.</i>
Mr Burke	<i>Hmm. Calm to you. I'm nice to you. I'm genuine. I'm sincere.</i>
Service User A	<i>You're the man. You're the man.</i>
Mr Burke	<i>Exactly. ... I told you the first time I saw you I said oh my God, I like this chap. I really like him.</i>
Service User A	<i>Yeah?</i>
Mr Burke	<i>[Laughing] And I do. I do.</i>
Service User A	<i>Thank you B.</i>
Mr Burke	<i>You're welcome. I love that, that sounds affectionate. I love it.</i>
Service User A	<i>Huh.</i>
Mr Burke	<i>[inaudible] I love it.</i>
Service User A	<i>Hmm.</i>
Mr Burke	<i>Thank you B. You can ca, you can all me B.</i>

Service User A	BB.
Mr Burke	<i>[Laughing] Oh [Service User A] you're so sweet.</i>
Service User A	Yeah.
Mr Burke	<i>You're so sweet. Yeah and you can send me some pics. Don't be shy to send me anything. I want to see you in your glory.</i>

76. The panel finds that the above exchange is Mr Burke asking Service User A to send photos to himself.
77. In his initial comments to Social Work England on 12 January 2023, Mr Burke said that he told Service User A that *"my niece does modelling for Next Store at aged 18 and sent me some nice pictures for the store that she was modelling for and AC could send me some of his pictures when he starts his modelling as well. In my reflection, I realised that [Service User A] went into his thoughts rumination and told people that I asked for inappropriate images."* This account does not align with the transcript as there was no mention of Mr Burke's niece. The panel considered there to be no reason for Mr Burke to ask Service User A to provide him with photos of Service User A. Mr Burke appears to be asking for photos of Service User A for non-professional reasons given the persistent request for photos and Mr Burke telling Service User A *"I want to see you in your glory"*. Consequently, Mr Burke failed to maintain professional boundaries as he asked for photos of Service User A from Service User A without any professional need or justification to do so.
78. Consequently, the panel finds allegation 4(e) to be proved on a balance of probabilities.

This allegation is found proved.

Allegation 4(f): During your conduct set out at paragraph 1 above, you failed to maintain professional boundaries with Service User A, in that you pursued a personal relationship with Service User A, by using words including those to the effect of one or more entries set out in Schedule 1.

79. The panel considered that the entries set out in Schedule 1 demonstrate that Mr Burke was pursuing a personal relationship with Service User A. Further evidence of this includes:
- The time at which the telephone call took place, which was around midnight.
 - That the telephone call was made using Mr Burke's personal telephone and not his work phone.
 - The insistence from Mr Burke to Service User A that no one should know about this telephone call.

- d. There has been little reflection from Mr Burke regarding the telephone call other than this was probably because he had consumed “lots of wine”.
 - e. The tone of Mr Burke during the telephone call, which appeared to the panel to be flirtatious.
80. By pursuing a personal relationship in the manner which Mr Burke was seeking with Service User A, one of his service users, Mr Burke blurred professional boundaries with Service User A. The panel considered that Mr Burke would not be able to support Service User A in a professional manner given what he was telling him in the telephone call. For example, Mr Burke advised and/or encouraged Service User A to leave the ADAPT service without there being a clear professional rationale and/or risk assessment.
81. Consequently, the panel finds allegation 4(f) to be proved on a balance of probabilities.

This allegation is found proved.

Allegation 5: Your conduct at paragraphs 1, 2 and/or 4 above was sexually motivated.

82. In *Basson v General Medical Council [2018] EWHC 505 (Admin)*, the court gave a definition of sexual motive: “*sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship*”. Basson went on to say: “*in civil proceedings that fact, the state of the man's mind, is to be proved in the usual way by the necessary body of evidence on the balance of probabilities. However, the state of a person's mind is not something that can be proved by direct observation. It can only be proved by inference or deduction from the surrounding evidence.*”
83. In *GMC v Jagjivan [2017] EWHC 1247 (Admin)*, the Court of Appeal held that fact finders must consider whether there was any reasonable alternative explanation for the behaviour of the Registrant, and if there was any justification for it.
84. The panel considered the following evidence to be demonstrative of sexual gratification or pursuit of a future sexual relationship:
- a. The language used by Mr Burke was flirtatious, including those set out in Schedule A. In particular:
 - i. “*If I was free and single would you feel better?*” appear to the panel to be an advance from Mr Burke concerning relationship status.
 - ii. “*One day I’ll take you to Jamaica*” again appears to be an advance from Mr Burke towards Service User A.
 - iii. “*[You make me feel good]...in all ways*” and, when asked by Service User A what Mr Burke liked about him, Mr Burke replied: “*So many things...You...in every way*”. These appear to the panel to be suggestive and sexualised comments from Mr Burke to Service User A.

- iv. *“You’re making me love you, you know that”*. Mr Burke’s open expression of love to Service User A appears to the panel to be a push towards a pursuit of a future sexual relationship.
 - b. The tone of Mr Burke during the telephone call, including singing, which appeared to the panel to be flirtatious.
 - c. The insistence from Mr Burke to Service User A that no one should know about this telephone call, for example, *“I don’t want anyone to ask you who are you talking to at midnight”* and that the telephone call was made using Mr Burke’s personal telephone and not his work phone.
 - d. The push from Mr Burke for Service User A to remove himself from ADAPT services and that Mr Burke would look after him. The panel has inferred here that Mr Burke was seeking to take advantage of a power imbalance.
 - e. The persistent nature of Mr Burke requesting photos from Service User A, at some points for Service User A to send them to him immediately. There was no professional reason for Mr Burke to have these photos. The panel has inferred that Mr Burke wanted these photos for sexual gratification.
85. The panel considered whether there was any other explanation for Mr Burke’s behaviour during the telephone call, but considered that there was no other explanation. There has been little evidence of reflection from Mr Burke regarding the telephone call other than this was probably because he had consumed *“lots of wine”*. Mr Burke has not provided any reason for his behaviour during this telephone call.
86. The nature of Mr Burke’s language was understood by Service User A at the time to be sexual. On 24 May 2022, Service User A described to Ms Rogers that Mr Burke had spoken to him inappropriately and *“came onto him”*, using mildly suggestive and sexual in tone. Ms Massey also considered the behaviour of Mr Burke to be *“indicative of grooming”*.
87. Consequently, the panel finds allegation 5 to be proved on a balance of probabilities.

This allegation is found proved.

Submissions on grounds:

88. Concerning misconduct, on behalf of Social Work England, Mr Harris set out that the failures can be properly characterised as serious misconduct on the basis that:
- a. The proven facts amount to a significant departure from the Standards. The following Standards are engaged:

As a social worker, I will:

1.7. Recognise and use responsibly the power and authority I have when working with people, ensuring that my interventions are

always necessary, the least intrusive and in people's best interests.

2.2. Respect and maintain people's dignity and privacy.

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

3.1. Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

As a social worker, I 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.

- b. The proven allegations are failings of basic, fundamental tenets of the profession and created a serious risk of harm to a service user, with evidence of actual emotional harm caused to Service User A. The proven allegations breached significant professional boundaries.
- c. Mr Burke is an experienced professional, including being a Safeguarding Champion for his then-employer.
- d. The failures include those of an attitudinal nature.
- e. The alleged misconduct (including that of sexual motivation) in this case arose directly because of, and was enabled by, Mr Burke's professional practice. Although Service User A started the communication outlined in the proven allegations, it was facilitated by Mr Burke, who provided Service User A with his personal telephone number.
- f. There was an element of planning from Mr Burke, through the provision of his telephone number to Service User A and accepting out-of-hours communication. Mr Burke eased the conversation from Service User A's boxing match to inappropriate comments. Mr Burke's comments were determined and persistent.

89. Concerning misconduct, Mr Burke was not present to provide any oral submissions. The panel relied upon his written submissions, including those summarised at paragraph 33 above.

Finding and reasons on grounds:

90. The panel accepted the legal advice and applied the following definition of "misconduct":

“...some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances. The misconduct is qualified in two respects. First, it is qualified by the word ‘professional’ which links the misconduct to the profession. Secondly, the misconduct is qualified by the word ‘serious’. It is not any professional misconduct which will qualify. The professional misconduct must be serious.”

91. The panel also took into account the observation of Collins J in *Nandi v GMC [2004] EWHC 2317 (Admin)* that: *“The adjective ‘serious’ must be given its proper weight and in other contexts there has been reference to conduct which would be regarded as deplorable by fellow practitioners.”*
92. The panel considered that by committing the conduct set out in the proven allegations, Mr Burke fell short of what would be proper in the circumstances. Mr Burke’s proven conduct amounts to serious professional misconduct. In particular:
 - a. He engaged in sexually motivated misconduct, namely a telephone call with Service User A at approximately midnight, in which he “*came on*” to Service User A, a vulnerable service user who was allocated to Mr Burke.
 - b. The result of (a) was that:
 - i. Mr Burke’s actions had the potential to cause Service User A actual emotional harm.
 - ii. Mr Burke created a significant risk of harm to Service User A – in particular when asking Service User A to leave the ADAPT service.
 - iii. [PRIVATE]
 - iv. It is likely that Mr Burke’s conduct would impact on Service User A, or the public’s, trust in the social work profession.
 - c. Mr Burke was an experienced social worker who should have known that his actions amounted to misconduct and the effect they would have on service users, service users’ families, other social workers, the social work profession and Social Work England. This is evident through Mr Burke’s attempt to conceal his communications with Service User A.
 - d. Mr Burke failed to adhere to the following Standards:

As a social worker, I will:

1.7. Recognise and use responsibly the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive and in people’s best interests.

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

3.1. Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

As a social worker, I 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.

93. Further, such actions damage public confidence in the profession, as it would convey a degree of opprobrium to the ordinary intelligent citizen (*Shaw v General Osteopathic Council [2015] EWHC 2721 (Admin)*).

Submissions on impairment:

94. On behalf of Social Work England, Mr Harris submitted that Mr Burke's fitness to practise is currently impaired:
- a. Mr Burke has recently (June 2025) provided a reflective statement. In that, he takes responsibility for a "*lapse in professional judgment*" and accepted that he failed to uphold his duty of care. He also wrote that he has reflected, identifying key learning areas. However, the key issues of concern were not addressed, arising from his alleged conduct targeted at a vulnerable service user [PRIVATE], for whom Mr Burke had been responsible for safeguarding, but secretly engaged in behaviours which, if proved, would demonstrate an abuse of trust of the role of a social worker. Insight into the details, nature and motivation behind his conduct remain unaddressed.
 - b. The allegations include those of an attitudinal nature. The alleged conduct was committed on a single night but occurred over a lengthy conversation, with repeated examples of the behaviour during the telephone calls.
 - c. There was significant planning involved, given Mr Burke had provided his personal number in advance and had started to use that number out of hours to encourage contact. Although it was Service User A who asked to call Mr Burke that night, it was only possible because Mr Burke had enabled and encouraged it. There is therefore a pattern of behaviour, rather than a single chance remark.
 - d. Mr Burke's attempt at concealing the proven misconduct demonstrates that he knew that his actions were improper.

- e. There is now acceptance of some wrongdoing, but little expression of detailed insight and no evidence of steps towards remediation. There remains a significant risk of repetition and consequence of harm. Mr Burke has not indicated any explanation of his attitudinal behaviour that motivated him to act as he did. There is no indication that sexual motivation is accepted or any insight as to what motivated his behaviour. In respect of attitudinal failures, remediation is inherently less likely and given the time period involved and the seriousness of the alleged conduct, remediation may not be possible in any event.
- f. Mr Burke has stated that his actions were as a result of consuming “*lots of wine*”. This does not mitigate his actions, and if true, could aggravate his actions.
- g. The allegations demonstrate a risk of harm to members of the public were they to be repeated. There remains a risk of repetition, such that a finding of current impairment is required.
- h. A finding of impairment is in the public interest. A well-informed member of the public would be surprised to learn that a social worker whose practice had put a vulnerable service user at risk, would be permitted to work unrestricted. The public are entitled to expect that social workers possess the requisite knowledge, skills and experience to perform their roles in line with their professional obligations. It is submitted that Mr Burke’s proven misconduct is capable of undermining public confidence in the profession on this basis. There is a need to uphold public confidence in the regulator and make it clear that social workers are being held to account for breaching the professional standards.

95. Concerning impairment, Mr Burke was not present to provide any oral submissions. The panel relied upon his written submissions, including those summarised at paragraph 33 above.

Finding and reasons on current impairment:

96. The panel accepted the advice of the legal adviser that when considering impairment, the panel should consider whether Mr Burke’s fitness to practise is currently impaired in relation to the misconduct. The panel was asked by the legal adviser to consider:
- a. whether Mr Burke has acted in the past and/or is liable in the future to act so as to put a service user at unwarranted risk of harm;
 - b. whether Mr Burke has in the past and/or is liable in the future to bring the social work profession into disrepute;
 - c. whether Mr Burke has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession; and

- d. whether Mr Burke has in the past acted dishonestly and/or is liable to act dishonestly in the future.
97. When considering the question of impairment, the panel took into account Social Work England's "*Impairment and Sanctions Guidance*".
98. At the outset, the panel considered Mr Burke's insight and remediation.
99. The panel considered that Mr Burke has shown some limited insight, given:
- a. Mr Burke has provided a reflective statement in which he takes responsibility for a "*lapse in professional judgment*" and accepted that he failed to uphold his duty of care.
 - b. He has apologised for his behaviour: "*My behaviour was inexcusable which is not my nature.*"
 - c. He acknowledges wrongdoing by attempting to request Service User A to leave the ADAPT service: "*I advised a client to disengage from the ADAPT service without providing a clear, evidence-based rationale for this recommendation. On reflection, I recognise that this constituted a culpable lack of care and a departure from the standards expected of my role as a registered social worker. My guidance did not sufficiently consider the client's ongoing needs, nor was it underpinned by an appropriate assessment or multidisciplinary discussion. This action may have left the client feeling unsupported and potentially vulnerable, and I acknowledge that it could have had a detrimental impact on his wellbeing and outcomes.*"
100. However, the panel considered that Mr Burke's insight is limited given:
- a. He has not explained why he acted as set out in the proven allegations, including:
 - i. "*coming on to*" Service User A and/or the motivation for his actions;
 - ii. attempting to conceal his interactions with Service User A; and
 - iii. his disregard for Service User A's safeguarding. In particular, encouraging Service User A to leave the ADAPT service, and personally support him.
 - b. He has not considered that his actions were made significantly worse by the power imbalance between himself and Service User A; or that Service User A's trust in him and the social work profession was damaged.
101. The panel has not seen any evidence that Mr Burke has remediated his misconduct.

Whether Mr Burke has acted in the past and/or is liable in the future to act so as to put a service user at unwarranted risk of harm

102. Mr Burke's misconduct in the proven allegations, and as set out in paragraph 92 above, demonstrates that he has acted in the past so as to put service users at unwarranted risk of harm.
103. Given the limited insight and lack of remediation from Mr Burke as set out in paragraphs 99-101 above, the panel considered that Mr Burke is liable in the future to act so as to put a service user at unwarranted risk of harm.

Whether Mr Burke has in the past and/or is liable in the future to bring the social work profession into disrepute

104. Given Mr Burke's misconduct in the proven allegations, and as set out in paragraph 92 above, the panel considered that Mr Burke has in the past brought the social work profession into disrepute.
105. Given the limited insight and lack of remediation from Mr Burke as set out in paragraphs 99-101 above, the panel considered that Mr Burke is liable in the future to bring the social work profession into disrepute.

Whether Mr Burke has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession

106. Given Mr Burke's misconduct in the proven allegations, and as set out in paragraph 92 above, the panel considered that Mr Burke has breached fundamental tenets of the social work profession, namely the requirement to safeguard service users, maintaining professional relationships, and behaving in a way that would bring into question his suitability to work as a social worker, while at work or outside of work.
107. Given the limited insight and lack of remediation from Mr Burke as set out in paragraphs 99-101 above, the panel considered that Mr Burke is liable in the future to breach a fundamental tenet of the social work profession.

Whether Mr Burke has in the past acted dishonestly and/or is liable to act dishonestly in the future

108. This is not a dishonesty case and therefore, the panel did not consider that Mr Burke has in the past acted dishonestly and/or is liable to act dishonestly in the future.

Panel's conclusion on impairment

109. In light of the above, the panel considered Mr Burke's fitness to practise to be currently impaired on the personal element.

110. Further, members of the public would be concerned to learn that a social worker had undertaken the misconduct set out in the proven allegations. The limited insight and lack of remediation, as set out in paragraphs 99-101 above, means that there is a significant risk that Mr Burke may repeat the actions which resulted in the finding of misconduct. Consequently, the panel considered Mr Burke's fitness to practise to be impaired on the wider public interest element, namely maintaining public confidence in social workers in England, maintaining proper professional standards for social workers in England, and maintaining confidence in the regulator.

Decision and reasons on sanction:

111. On behalf of Social Work England, Mr Harris submitted that the only appropriate sanction is one of removal, for the following reasons:
- a. The proven misconduct, especially sexual misconduct and an abuse of trust, is at the top end of seriousness.
 - b. Aggravating factors include:
 - i. Although the misconduct is based on one lengthy conversation on one night, there was repeated and determined behaviour within that context.
 - ii. There is a lack of insight, remorse and remediation.
 - iii. There is still a risk of harm to service users.
 - c. Mitigating factors include:
 - i. There is some informal acceptance of some facts, but this was not an early acceptance and limited given the context that Mr Burke submitted that evidence was falsified and that he was the victim in these proceedings.
 - ii. [PRIVATE]
 - iii. Although Mr Burke has provided some testimonials, these are not recent and not of sufficient quality.
 - iv. Mr Burke does not have any previous fitness to practise history.
 - d. There is a real risk of repetition.
 - e. Taking no further action, giving advice or a warning would not be appropriate given the seriousness of the proven allegations and the inability of these sanctions to protect the public.
 - f. Conditions of practice would be insufficient to protect the public in cases of sexual misconduct and abuse of trust.

- g. A suspension would not be appropriate in the circumstances given:
 - i. In any insight provided, Mr Burke has not addressed the most serious aspects of the misconduct, namely the abuse of trust and sexual aspect of the allegations.
 - ii. There is no evidence that Mr Burke is willing or able to remediate his social work practice, given that over four years have elapsed since the time of the allegations and there is no evidence before the panel of Mr Burke's remediation.
 - h. A removal order would be appropriate given the above and that no other outcome is sufficient. A removal order would also send a clear message to social workers and uphold confidence in the profession.
112. Mr Burke was not in attendance or represented to provide any submissions on sanction.
113. The panel accepted the advice of the legal adviser that it must again pursue the overarching objective when exercising its functions. The purpose of a sanction is not to be punitive although a sanction imposed may have a punitive effect. The panel considered the least restrictive sanction first and then moved up the sanctions ladder as appropriate. The panel had regard to the Sanctions Guidance.
114. The panel considered the following factors to be mitigating:
- a. Mr Burke has no previous fitness to practise concerns.
 - b. There is some informal acceptance of some facts, but Mr Burke has not addressed the most serious aspects of the misconduct, namely the abuse of trust and sexual misconduct aspect of the allegations.
115. The panel does not consider Mr Burke's testimonials to hold much weight given they are historic and Mr Ramkhelawon provided his testimonial prior to having full knowledge of the allegations. [PRIVATE]
116. The panel considered the following factors to be aggravating:
- a. There is a real risk of harm to service users.
 - b. In any insight provided, Mr Burke has not addressed the most serious aspects of the misconduct, namely the abuse of trust and sexual aspect of the allegations.
 - c. There is no evidence of remediation.
 - d. Service User A was a vulnerable service user.
117. The panel did not consider Mr Burke's actions to be repetitious or a pattern, but rather a flow of the course of action within the telephone call.
118. The panel had regard to paragraphs 156 and 163 of the Sanctions Guidance:

“156. Social workers hold privileged positions of trust. Their role often requires them to engage with vulnerable people. It is essential to the effective delivery of social work that the public can trust social workers. Any abuse of trust by a social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession.”

“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.”

119. The panel considered that Mr Burke abused his position of trust by crossing professional boundaries by attempting to engage in an inappropriate personal relationship with Service User A, a vulnerable service user. Mr Burke’s sexual misconduct was due to inappropriate comments with a view to pursuing an inappropriate sexual relationship with Service User A. The panel considered Mr Burke’s misconduct to be at the higher level of seriousness.
120. The panel finds that taking no action or issuing advice or a warning would not be sufficient to protect the public, maintain public confidence in the profession and uphold proper standards of conduct and behaviour, given:
- a. Mr Burke’s misconduct put a service user at unwarranted risk of harm;
 - b. Mr Burke’s limited insight (and none in relation to the most serious aspects of the misconduct) and lack of remediation;
 - c. Mr Burke brought the social work profession into disrepute;
 - d. Mr Burke’s abuse of trust and sexual misconduct; and
 - e. Mr Burke’s misconduct breached fundamental tenets of social work.
121. The panel next considered whether a conditions of practise order would be proportionate and appropriate in the circumstances. The panel considered that a conditions of practise order would not be proportionate and appropriate to protect the public or be in the wider public interest given:
- a. The serious and wide-ranging concerns set out in the proven misconduct, which included abuse of trust and sexual misconduct;
 - b. Mr Burke’s limited insight, and none in relation to his abuse of trust and sexual misconduct;
 - c. Mr Burke’s lack of remediation; and
 - d. The panel could not formulate conditions which would address the attitudinal nature or the seriousness nature of the misconduct and mitigate any risk posed.
122. The panel next considered whether it was appropriate to impose a suspension order. The panel had regard to paragraphs 137 and 138 of the Sanctions Guidance:

“137. Suspension may be appropriate where (all of the following):

- the concerns represent a serious breach of the professional standards*
- the social worker has demonstrated some insight*
- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings”*

138. Suspension is likely to be unsuitable in circumstances where (both of the following):

- the social worker has not demonstrated any insight and remediation*
- there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings”*

123. The panel did not consider a suspension order to be appropriate given:

- The seriousness of the concerns, which include abuse of trust and sexual misconduct, as set out in paragraphs 118-120. Mr Burke’s proven misconduct demonstrates a serious breach of professional standards.
- Mr Burke has not demonstrated insight into the most serious aspects of the misconduct (abuse of trust and sexual misconduct).
- Given 4 years have passed since the time of the allegations, a substantial time of which Mr Burke was suspended from social work practice, the panel has little confidence that Mr Burke will develop any further insight into the most serious aspects of the misconduct (abuse of trust and sexual misconduct) or remediating his practice.

124. The panel considered the Guidance in respect of a removal order. In particular, the panel took into account paragraphs 149 and 165 of the Guidance which sets out:

“149. A removal order may be appropriate in cases involving (any of the following):

- abuses of position or trust*
- sexual misconduct*
- persistent lack of insight into the seriousness of their actions or consequences”*

“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.”

125. The panel considered that Mr Burke abused his position of trust and committed sexual misconduct for the reasons set out in paragraphs 118-120. Furthermore, Mr Burke has

not demonstrated insight into the most serious aspects of the misconduct (abuse of trust and sexual misconduct).

126. In the particular circumstances of this case, the panel considered that a removal order is the only appropriate and proportionate sanction to impose. Further, the panel considered a removal order to be appropriate given that a removal order would protect the public, maintain confidence in the social work profession and maintain proper professional standards for social workers in England.

Interim order:

127. The panel was informed that Mr Burke had been subject to an interim order pursuant to paragraph 8 of Schedule 2 of the Social Workers Regulations 2018. Mr Burke was not present so that he could invite the panel to revoke this interim order. Therefore, the interim order pursuant to paragraph 8 of Schedule 2 of the Social Workers Regulations 2018 could not be revoked.
128. On behalf of Social Work England, Mr Harris made an application for an interim suspension order for 18 months to cover the appeal period before the final order becomes effective. He did so on the basis of public protection. Mr Harris submitted that an interim suspension order would be consistent with the panel's previous findings and, in particular, the finding that Mr Burke still poses a risk to service users.
129. The panel received legal advice that both the Social Workers Regulations 2018 (section 11(1)(b), Schedule 2), and paragraph 204 of the Sanctions Guidance permit interim orders, following a final order, for the protection of the public or in the best interests of the social worker.
130. The panel was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a removal order to conclude that an interim suspension order was not necessary for the protection of the public during the appeal period.
131. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public. It determined that it is appropriate that the Interim Suspension Order be imposed for a period of 18 months to cover the appeal period. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court.

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).

Review of final orders:

136. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:
- 15(1) The regulator must review a suspension order or a conditions of practice order, before its expiry
 - 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker
 - 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5), and a final order does not have effect until after the expiry of that period
137. Under Rule 16(aa) of the rules a social worker requesting a review of a final order under Paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority:

138. 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>.