

Social Worker: Ramadan Ahmeti

Registration Number: SW92601

Fitness to Practise:

Final Hearing

[This is a public version of this decision.](#)

Dates of hearing: 10 November 2020 – 13 November 2020

Hearing Venue: Remote Hearing

Hearing outcome: **Facts found proved:** 1, 2a, 2b, and 3.
Grounds: Conviction and Misconduct:
Currently impaired

Sanction: **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 (the Regulations).
2. Mr Ahmeti did not attend and was not represented.
3. Social Work England was represented by Josephine Teale of Counsel instructed by Capsticks LLP.

Adjudicators	Role
Jane Everitt	Chair
Sabraj Akhtar	Social Worker Adjudicator
Lorna Taylor	Lay Adjudicator

Jyoti Chand	Hearings Officer
Robbie Morgan	Hearings Support Officer
Gerrard Coll	Legal Adviser

Service of Notice:

4. Mr Ahmeti did not attend and was not represented. The panel of adjudicators (hereafter “the panel”) was informed by Ms Teale that notice of this hearing was sent to Mr Ahmeti on 8 October 2020 by special delivery and email to his postal address and email address on the Social Work Register (the Register). Ms Teale submitted that the notice of this hearing had been duly served.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to Rule 14 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 Ahmeti in accordance with **Rules 14, 44 and 45**.

Proceeding in the absence of the social worker:

7. The panel heard the submissions of Ms Teale on behalf of Social Work England. Ms Teale submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Mr Ahmeti and as such there was no guarantee that adjourning today’s proceedings would secure his attendance. Ms Teale further

submitted that Mr Ahmeti had intermittently been in touch with Social Work England regarding today's hearing, the last occasion being an email dated 19 August 2020, that stated "*at this moment it would be a waste of time to even access the documents therefore I have no intention of attempting to*". That indicated that Mr Ahmeti would not participate in the hearing. Ms Teale therefore invited the panel to proceed without Mr Ahmeti's participation in the interests of justice and the expeditious disposal of this hearing.

8. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162* etc.
9. The panel considered all of the information before it, together with the submissions made by Ms Teale on behalf of Social Work England. The panel considered that all reasonable efforts had been made by Social Work England to inform Mr Ahmeti of today's final hearing. A balance had to be struck between the rights of the social worker and the public interest in the expeditious resolution of this matter as near in time as possible to the events alleged. The panel noted that Mr Ahmeti had been sent notice of today's hearing and the panel was satisfied that he was or should be aware of today's hearing.
10. The panel, therefore, concluded that Mr Ahmeti had chosen voluntarily to absent himself. The panel had no reason to believe that an adjournment would result in the Mr Ahmeti's attendance. Having weighed his interests 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 Ahmeti's absence.

Allegations

While registered with the Health and Care Professions Council as a Social Worker:

1. On 9 July 2019, at Canterbury Crown Court, you pleaded guilty to and were convicted of:
 - a) **four counts of** sexual activity with a person with a mental disorder by a care worker ~~x4~~
 - 2 (a) you borrowed **approximately** five hundred pounds (£500) from a vulnerable service user ~~and failed to inform your employer or line manager (service user 1)~~
 - (b) **You failed to inform your employer or a line manager that you had borrowed money from Service User 1**
3. Your actions described at paragraph 2 **(b)** were dishonest, **in that you knew that you were obliged to inform your employer that you had borrowed money from Service User 1 but you nonetheless failed to do so.**
4. The matters set out at paragraphs 2(a), 2(b), and 3 **or any of them** amount to misconduct.
5. By reason of your conviction and/or misconduct, your fitness to practice as a Social Worker is impaired.

Preliminary matters

11. Ms Teale moved to amend the allegations by adding the words shown above in bold face and deleting the words in strikethrough, in order to enhance the clarity of the allegations. She submitted the proposed amendments do not alter the character or increase the seriousness of the allegations. Mr Ahmeti has been put on notice of the amendments and had not objected. The legal adviser took the panel to Rule 32 where the panel has the power to proceed in a fair manner. The panel allowed the amendment for the reasons given by Ms Teale. No injustice or prejudice to Mr Ahmeti would be caused by permitting a clearer allegation to be considered. The seriousness and nature of the allegations were unchanged.

Summary of Evidence

12. The panel was given four exhibits made up of a statement of case (6 pages), a witness statement by witness 1 (12 pages), the main bundle containing all of the exhibits and other records associated with the case including a certificate of conviction (249 pages) and the service bundle (12 pages). Witness 1 was the only witness called. She was Mr Ahmeti's senior manager at Kent County Council (the council) although she did not work directly with him. She had direct involvement in the council's disciplinary and suspension/dismissal processes and was familiar with all of the papers. She had contact with the council's initial investigator who worked alongside the police investigation and participated in the council's processes including interviewing service user 1 jointly with the police and Mr Ahmeti.
13. The panel accepted Ms Teale's submissions and the legal adviser's advice on how to approach the evidence. The burden of proof, on the civil standard of the balance of probabilities was always on Social Work England. The certificate of conviction if accepted as relating to Mr Ahmeti was conclusive proof of his conviction. The panel must accept that witness 1 was a credible and reliable witness to rely on her fully. There was important evidence of informal admissions made by Mr Ahmeti which are exceptions to the hearsay rule if they are accepted as being voluntary, were damaging to Mr Ahmeti and were given without inducement. The admissions can be accepted as proof of the facts that they relate to. Hearsay evidence though important weighed only as hearsay and should be approached critically. Dishonesty is proved by first establishing what Mr Ahmeti believed at the time to be his obligations of candour to his employer. Then, the panel should consider whether a reasonable and honest member of the public would regard his not acting on that obligation to be a dishonest thing to have done; the test in *Ivey v Genting Casinos (UK) Ltd* [2017] UKSC 67.
14. Witness 1 impressed the panel as a witness. She was clear and precise in her evidence, answering questions frankly and thoughtfully. She was reflective in her

approach which permitted her to reconsider a number of documents with the panel in a new way, enhancing her credibility and reliability before the panel. Hers was not the only direct evidence in the case. There was a certificate of conviction, which was conclusive on the matters that it covered and there was documentary evidence of admissions made by Mr Ahmeti in his disciplinary process. Mr Ahmeti had denied at that time any sexual impropriety but admitted on at least two occasions that he had borrowed money from service user 1, knowing her to be a vulnerable person and knowing that he was forbidden to do this by virtue of his employment status with the council and his professional obligations to service user 1. The other evidence, including signed interview notes and text messages, was written hearsay but was complete and detailed. It impressed the panel as being a full, evidence-based account of events which was made in the pursuit of the truth and with no bias or improper inflation or speculation by the persons making statements or reporting on events. There were no inharmonious or incongruous entries that would betray an unreliable record, even if it weighed only as hearsay.

Background

15. Mr Ahmeti had been employed by Kent County Council since 19 November 2014 as a locum and from 30 March 2016 on a permanent basis. At the time of the offences referred to in the allegations, he was employed as a social worker in their County Commissioning Team for Health (CCTH). Service user 1 was one of the service users that he was responsible for as her care coordinator. She was diagnosed with a disorder, which made her a vulnerable person who was at risk of being exploited. On 7 November 2016, the Health and Care Professions Council (HCPC) received a referral made after two friends of service user 1 who were also users of the service reported that Mr Ahmeti was in an inappropriate (sexual) relationship with service user 1 and that Mr Ahmeti had borrowed money from her in order to pay for his car repairs.
16. Witness 1 took the panel through the bundle in response to questions from Ms Teale and the panel. Her evidence established that the police were contacted by the council on 7 November 2016. Mr Ahmeti was confronted with the allegations on 7 November 2016, which he denied at first and he was suspended pending an investigation. Mr Ahmeti was instructed that he was not to have any contact with service user 1. Service user 1 was jointly interviewed by the police and the council on 8 November 2026. She disclosed that she and Mr Ahmeti had a sexual relationship which arose out of Mr Ahmeti's professional contact with her. Service user 1 explained that Mr Ahmeti had revealed to her that he had to repair his car but did not have the money to do that. He needed at least £500. Service user 1 had agreed to lend him the money from her own account. On a later date, as proof of having given Mr Ahmeti the money (at his home which he had provided directions to

in a text message), she produced a bank record establishing a withdrawal of cash in a lump sum. When service user 1 was asked about a sexual relationship with Mr Ahmeti, she revealed that he had attended her house the day before on 7 November 2016 (following his suspension), telling her that the police would probably ask her questions. He induced her to delete the exchanges of texts that they had made and to delete his number from her phone. The police were later able to recover the text exchanges which were made available to the panel. Although they were hearsay, there was no suggestion in the papers that Mr Ahmeti had alleged that the texts had been fabricated or falsified to implicate him. The texts did support the allegation of an inappropriate relationship and the exchange of money to Mr Ahmeti as a loan.

17. The records produced by witness 1 showed that when interviewed by the council, Mr Ahmeti did on at least two occasions admit that he had borrowed £500 from service user 1, knowing that this was wrong. Witness 1 pointed out that at time he was her care coordinator and in a position of trust and power over service user 1. Mr Ahmeti maintained that he had not had an inappropriate sexual relationship with service user 1. He maintained this stance up to the day of his trial when he pleaded guilty to the criminal charges which form the basis of allegation 1.
18. There was no evidence directly from Mr Ahmeti. The panel understood from the bundle which included the sentencing judge's remarks on passing sentence, that Mr Ahmeti appeared to have been under some personal strain at the time, causing him to behave uncharacteristically. The council's records confirmed that Mr Ahmeti had reported feeling overwhelmed by his considerable case load of service users. His caseload was demanding but in line with his colleagues in CCTH.

Finding and reasons on facts

19. On 9 July 2019 Mr Ahmeti was convicted, at Canterbury Crown Court of four counts of sexual activity with a person with a mental disorder. He pleaded guilty to those offences on the day of trial. He was sentenced to 20 months imprisonment, suspended for two years, with a 40 day activity requirement with probation. He is required to sign the sex offenders register for 10 years. The panel went on to find the following matters proved on the basis summarised below:
 - i) Social Work England produced a certificate of conviction which was conclusive proof of charge 1.(a)
 - ii) Charge 2.(a) was proved by the statements taken from service user 1, the reference to her bank statement having been noted and supported by the texts recovered by police from her phone and by Mr Ahmeti's voluntary admissions made in the course of the council's internal disciplinary process. The evidence taken together was a convincing narrative which made error, mistake or exaggeration a remote possibility.

- iii) Charge 2.(b) was proved by witness 1's testimony that the loan only came to light due to the referral made. Her testimony was supported by other papers in the bundles including the council's disciplinary process. Witness 1 accepted that the Kent Code (2016) did not immediately create a direct duty to report the loan arrangement, but the council's Gift and Hospitality Guidance (2016) which was binding on Mr Ahmeti was clear in paragraph 1 that he should not accept a loan from a service user. It was evident that the purpose the Kent Code and the Gift Guidance together was to impose a reasonable obligation on any social worker. Accepting a loan meant that steps had to be taken to make the council aware of that arrangement. The arrangement was forbidden and for good reason; the health, care and wellbeing of a service user was put at risk by such an arrangement. The panel considered that this would have been evident to any social worker acting reasonably and therefore obvious to Mr Ahmeti. His own mental state was not relevant. It might possibly have clouded his judgment in making the arrangement to begin with. But his professional obligations were not ousted by his personal state of mind. Mr Ahmeti was service user 1's care coordinator. He was in a position of trust in relation to her. He had a dominant position of power over her in his professional capacity that could cause her harm if abused. The fact of having accepted a loan had the potential to put service user 1 at risk of harm. The relevant risks, as any social worker acting reasonably would have appreciated, was inherent in the warping of the professional relationships of trust and power. Mr Ahmeti was obliged to take steps to safeguard service user 1 and to protect her from risks of harm created by him. That was not secured simply by repayments but by positively acting responsibly in her interests, prioritising them over his own. That could only be achieved by informing his employer who could then assess the situation and take steps to protect service user 1. The binding duty on Mr Ahmeti to inform his employer of the loan is derived from Mr Ahmeti having acted in a way which had the potential to harm service user 1. Any social worker would have grasped that such an arrangement should not be concealed from his employer. The panel accepted that Mr Ahmeti did not make the appropriate disclosure that he was obliged to make. He was accordingly in breach of his duty to inform his employer that he had borrowed money from service user 1.
- iv) Charge 3 was proved. The panel was satisfied that Mr Ahmeti did know that he had to report the fact of the loan arrangement to his employer. He concealed the matter by not reporting it. Once the referral had been made, he contacted service user 1 in defiance of his employer's instructions and with the purpose of persuading her to help him conceal the loan among other things. He asked her to destroy evidence and not to tell the police anything when they came to see

her. Any reasonable and honest member of the public would recognise that his failure to inform his employer of the loan was a dishonest thing to do.

Finding and reasons on grounds

20. Having announced its decisions on the facts the panel went on to determine whether Mr Ahmeti's fitness to practice is currently impaired in accordance with rule 32(c)(i)(b). This is a process conducted in two stages, with the exception of allegation 1. A conviction of sufficient seriousness will always amount to misconduct. The first stage is to assess whether, in the panel's judgement the proven allegations, taken individually or collectively are sufficiently serious and point towards Mr Ahmeti's unfitness to practise without some form of restriction. If the panel is satisfied that misconduct is established, the panel would then consider whether Mr Ahmeti's fitness to practise is currently impaired.
21. Ms Teale made a number of submissions on grounds and on impairment in accordance with rule 32(c) (iii). In regard to allegation one, she said that it was clear that this was capable, on its own, of establishing the statutory grounds of impairment. With regard to the other allegations, she submitted that these all amounted to misconduct even if considered separately. Taken together they established misconduct. Ms Teale reminded the panel that misconduct is a word of general effect, meaning some act or omission which falls short of what was expected of a practitioner in the circumstances. Dishonest conduct brings the profession into disrepute and represents a breach of the fundamental tenets of the profession.
22. Ms Teale invited the panel to have regard to the HCPC standards of conduct, performance and ethics (2016 edition) in the following respects
 - 1.7: you must keep your relationships with service users and carers professional;
 - 6.1: you must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues so far as possible;
 - 6.2: you must not do anything, or allow someone else to do anything which could put the health or safety of the service user, carer or a colleague at unacceptable risk;
 - 9.1 you must make sure that your conduct justifies the public's trust and confidence in you and your profession;
 - 9.4: you must declare issues that might create conflicts of interest and make sure that they do not influence your judgement.
23. Ms Teale submitted that Mr Ahmeti is also in breach of his employer's codes of conduct, namely the Kent code (2016) and the council's Gifts and Hospitality

Guidance (2016). In particular, in relation to the hospitality guidance Mr Ahmeti has breached the following:

1 It is also a serious criminal offence to receive or give any gift, loan, “fee”, reward or other advantage to anyone in your capacity as a KCC employee.

2 Gifts, "fees", personal discounts, loans or any other broader advantage should be refused. If a KCC employee receives unsolicited gifts, we should be returned with a polite refusal letter to the sender.

7 all gifts and hospitality, including those that are declined, must be entered into your directorate register of hospitality/gifts.

24. Ms Teale submitted that Mr Ahmeti has not provided any evidence which demonstrates that he understands the gravity of what he has done and the impact that it might have on service user 1, other service users such as the persons who made the referral, Mr Ahmeti’s professional colleagues and the wider public. In considering the question of impairment it was important to bear in mind that apart from an email Mr Ahmeti has not expressed any remorse in these proceedings or any insight or reflection which links to those matters. The emphasis in his email was on the impact for himself. Ms Teale submitted that without evidence of insight, remorse and reflection there remained a risk of repetition of the conduct. Ms Teale invited the panel to consider the sentencing remarks made by the judge which covered a number of Mr Ahmeti's personal circumstances and stressors at the time of the misconduct. The judge explored the limited insight demonstrated by Mr Ahmeti and his remorse. Previously, Mr Ahmeti had been held in high regard by his professional colleagues, and had been nominated for social worker of the year award. The misconduct marked a dramatic shift away from what had been a positive and good career. The panel should consider the misconduct is in principle, remediable; and if so whether there is anything to suggest that remediation has begun. The panel should then consider the risk of repetition of the misconduct in the light of any such remediation. Ms Teale submitted that in this case there was a risk of repetition and so a risk of serious harm to the service users who might find themselves under the unrestricted care of Mr Ahmeti. Ms Teale submitted that dishonesty is difficult to remedy and that is a relevant factor in considering current impairment. She submitted that the events which made up the referral leading to this hearing comprise a number of acts over four months and included multiple acts of gross violation by Mr Ahmeti of his professional boundaries and his duties towards service user 1. In her submission, the matters were so serious that there required to be a finding of impaired fitness to practise in order to declare and uphold proper professional standards and also to maintain public confidence in the profession and in Social Work England as a regulator. The reasonable and informed

member of the public would be troubled were there not to be a finding of impairment in this case.

25. The panel accepted the legal adviser's advice. It understood that a finding of misconduct was a matter for the panel's independent professional judgement. The panel recognised that breaches of standards in and of themselves might not necessarily amount to misconduct and it had to consider the gravity and quality of the acts concerned including the potential or actual adverse impact on service user 1, other service users and members of the public and professional colleagues of Mr Ahmeti's.
26. The panel had regard to the five statutory grounds of misconduct in regard to allegations 2 and 3. The panel deferred consideration of allegation 1 until it dealt with impairment. The panel looked at the HCPC standards which were the relevant standards at the time of Mr Ahmeti's actions.
27. The panel regarded allegations 2 and 3 as being very serious. Taking each matter separately, beginning with allegation 2 (a), Mr Ahmeti's borrowing of £500 from a vulnerable service user, over whom he held a considerable measure of personal and professional power; this should not have occurred at all. Further, he had violated the professional boundaries which existed between a service user and a social worker. The confidence that she is entitled to expect to have in her relationship with her care coordinator had been violated. That had the potential to set back her care and make future relationships with a care coordinator more difficult. It was wholly improper to borrow from her. It brought the profession into disrepute. It was an act of manipulation and exploitation in a situation where the balance of power is wholly in the social workers favour. Any member of the public would find this abhorrent. Ms Teale had mentioned a number of standards and the panel agreed that all of these were engaged. Mr Ahmeti had breached fundamental tenets of the profession and other social workers would find this to be concerning and deplorable. His purpose in exploiting service user 1 was personal gain. She looked to him for guidance and support and he abused that trust. Mr Ahmeti had disregarded the fundamental tenets of the profession, to be honest, trustworthy and professional. He had ignored the professional boundaries which must be respected by a social worker dealing with a vulnerable service user. To Mr Ahmeti's credit, he appears to accept that his conduct was inappropriate although he did not develop and deepen that insight with any explicit reference to how he saw the impact on service user 1, her friends, professional colleagues and members of the public. Accordingly, the panel found the actions of Mr Ahmeti in respect of allegation 2(a) to amount to misconduct.
28. In respect of allegation 2(b), his failure to inform his employer constituted a breach of the same standards as already discussed. The council's gift and hospitality guidance is particularly prominent. The guidance set out clearly the importance of

not accepting a loan, reminding social workers that this was a criminal offence and the guidance made clear that even small gifts if declined had to be recorded. Mr Ahmeti must have been aware of the HCPC standards and also the Kent guidance. He should have known that he should inform his line manager of the arrangement. Instead, there was evidence that he actively sought to hide his actions despite the risks to service user 1. Mr Ahmeti had breached standards of probity and showed a lack of candour. As Ms Teale had observed, "what would other social workers think of that?" In the panel's view other social workers would find this misconduct deplorable and concerning as would any reasonable member of the public. Mr Ahmeti had concealed the arrangement that he had secured with service user 1 and his failure to inform his employer met the threshold of being sufficiently serious to amount to misconduct.

29. In relation to allegation 3, the dishonesty matter, Mr Ahmeti knew that what he had done was quite wrong and that service user 1 was a vulnerable person, someone who needed all of the support available to her and he instead betrayed the trust placed in him and let her down very badly. His dishonest concealment was misconduct. Acting dishonestly is a breach of a fundamental tenet of the profession which he transgressed and this amounted to misconduct.

Finding and reasons on current impairment

30. The panel next proceeded to consider impairment in regard to Mr Ahmeti's conviction and also the serious misconduct set out above.
31. Mr Ahmeti's conviction is a very serious matter. The panel paid close attention to Social Work England's Sanctions Guidance updated 29 November 2019 under the headings of risk, repetition and insight and harm. It had regard to the judge's sentencing remarks where he states that "her particular issues and vulnerabilities, all of which you knew full well of, made coping with such a relationship and particularly, ultimately your rejection, not simply difficult but potentially harmful to her mental health". He went on to state that "she was devastated when your relationship came to an end and it is clear that that caused her some considerable issues". The panel concluded that in this case there was actual harm to service user 1, which was entirely foreseeable. [...] A deterioration in her condition which occurred after the council's internal investigation and police investigation had begun. There was also the potential for harm to two others including the two service user friends of service user 1 who must themselves be regarded as vulnerable persons.
32. The panel began by considering whether Mr Ahmeti's misconduct was in principle, remediable; what steps if any steps have been taken to remedy it and what was the current risk of repetition of the misconduct.

33. The sanctions guidance has a number of valuable passages which assisted the panel. Beginning with Mr. Ahmeti's insight, in the panel's judgement he has failed to demonstrate that he recognises what he has done wrong. He said he was sorry for borrowing money from service user 1 but the panel was unable to attach much weight to it, because that expression demonstrated no practical understanding of the impact that his actions had on others. In any event, the remarks expressed by him and the insight associated with that arise only after the council and police investigations. Mr Ahmeti also pleaded guilty to the charges of unlawful sexual activity on the day of his trial and the judge accepted his remorse as genuine. He has failed to demonstrate any development of his insight since then in any of the papers available to the panel. The panel has been unable to identify any evidence of remediation or any practical steps taken by Mr Ahmeti to address his wrongdoing and to reassure the public that there would be no repetition in future. In the panel's view the risk of repetition was very high. Mr Ahmeti engaged in a course of unlawful sexual conduct over a period of four months and has not demonstrated remediation of his wrongdoing. Accordingly, the panel found there remained a high risk of harm to the public.
34. Mr Ahmeti had written one email dated 7 April 2018 saying that he had done wrong. He accepted that he had made a grave mistake that affected him and many others. He expressed the view that if he could, he would turn back the clock. His acknowledgement of wrongdoing is a welcome first step but has not been accompanied by a reflection which shows real insight of the kind described above. Further, he has not engaged with this process, losing a valuable opportunity to persuade the panel and the public that he has found a path to repairing the damage that he has caused. There is evidence that he has attempted to repay the money that he owed service user 1. That might on one level suggest that he has addressed an element of his wrongdoing. But there is no recent material to suggest that he has learned what is the extent of the injury caused and identified what steps would be necessary to even begin the process to restore him to good standing in the profession. Accordingly there is a high risk of repetition.
35. Further, Mr Ahmeti's actions appear to the panel to illustrate some deep-seated attitudinal issues in which, among other things, he prioritises his needs over those of service users. In the internal employment investigation, there was evidence that the fact that he had not made full repayments to service user 1 troubled him, and he had made at least one repayment. Repayment in full (which appears to have been done) might mitigate the financial loss for service user 1 but misses the point entirely in relation to impairment and lack of insight. The real impact that his misconduct had on service user 1, the public and the profession together with the risk of harm to other service users has so far not been explored by Mr Ahmeti.

36. The panel accepted that dishonesty can be a difficult issue in which to demonstrate remediation, but Mr Ahmeti has gone nowhere near attempting to do that. The low point of his misconduct was a manipulation of a vulnerable person for his own personal gain, and in the circumstances that could be repeated due to his lack of insight and acknowledgement. Mr Ahmeti had put service user 1 in a very difficult position in asking her for money and was at the time in an inappropriate and unlawful sexual relationship with her. He had abused her and misused her trust. In the panel's view there was a very high risk of harm where a social worker engages in a sexual relationship with someone for whom he has professional care. In the view of the panel, Mr Ahmeti remains currently impaired in terms of public protection.
37. Mr Ahmeti was required to sign the Sex Offenders Register for a period of 10 years following his conviction. He is therefore someone who poses a high risk in working with vulnerable service users, both to them and to the essential public trust and confidence in social workers. If the public knew that he had access to vulnerable service users, their confidence in the profession would be significantly diminished in the eyes of the public.
38. The panel then further considered the wider public interest, and whether the conviction and misconduct undermined public confidence in the social work profession and the promoting and maintaining of proper professional standards. The panel concluded that were it not to make a finding of impairment, public confidence in the social work profession and its regulatory process would be undermined.
39. The panel found that Mr Ahmeti's fitness to practise is currently impaired.

Decision on sanction

40. Having determined that Mr Ahmeti's fitness to practise is currently impaired by reason of his criminal conviction and his misconduct, the panel next went on to consider whether it was impaired to a degree which required action to be taken on his registration by way of the imposition of a sanction.
41. The panel took account of the submissions of Ms Teale on the behalf of Social Work England and all of the written material before it. Although the panel did not have any up to date information from Mr Ahmeti, Ms Teale's submissions included the few points that Mr Ahmeti may have made, had he attended.
42. The panel accepted the advice of the legal adviser and exercised its independent judgement. The panel had regards to the Sanctions Guidance (the Guidance) and the need to act proportionately, balancing the public interest with Mr Ahmeti's interests. The panel considered the sanctions in ascending order of severity. The panel was aware that the purpose of a sanction is not to be punitive but to protect members of the public. In this regard it bore in mind paragraph 1 of the Guidance which states:

Social Work England's overarching objective is to protect the public. We do so by protecting, promoting and maintaining the health and well-being of the public; by promoting and maintaining public confidence in social workers in England; and by promoting and maintaining proper professional standards for social workers in England. Our fitness to practise powers enable us to deliver this overarching objective through proportionate sanctions where an individual social worker's fitness to practise is impaired.

43. Before considering the individual options open to it, the panel identified what it considered to be the relevant aggravating and mitigating features in the case.

Mitigating factors:

- Mr Ahmeti admitted taking the loan immediately when he was confronted. He has repaid service user 1;
- The sentencing judge found Mr Ahmeti's remorse to be genuine, accepting that difficult personal circumstances may have clouded his judgement;
- Mr Ahmeti had no previous adverse regulatory findings against him..

Aggravating factors:

- The sexual offences were repeated over four months with a vulnerable, trusting, dependent service user;
- A gross breach of professional trust resulting in actual harm to service user 1;
- Professional boundaries blurred for personal financial gain;
- No meaningful insight and limited remorse except for himself;
- A risk of repetition had been identified, and repetition would lead to a risk of harm to vulnerable service users;
- With the exception of two brief emails, there has been a lack of engagement throughout this regulatory process.

44. The panel considered the sanctions available beginning with the least serious. It held in mind that the Guidance (paragraph 71) observed that the first three options were likely to be inappropriate where the social worker has not engaged with the fitness to practise proceedings, as Mr Ahmeti did not. The panel recalled the disturbing nature of Mr Ahmeti's offences and his breach of trust. It had little difficulty in finding that the reasonable and informed member of the public would be troubled if the options of taking no further action, giving advice or imposing a warning order were thought to be appropriate or proportionate in the circumstances

of this case. None would be sufficient to protect the public. What little mitigation there was fell far short of what was necessary. The panel had also identified the risk of repetition and consequent risk of harm to vulnerable service users in the event of a repetition by Mr Ahmeti. Mr Ahmeti would be required to respond to a warning or to engage with advice which is improbable as he appears to have disengaged with the regulatory process. In any event, these sanctions expire without review and that would amount to a disregard by the panel of the risks to the public.

45. The panel next considered the imposition of a conditions of practice order.

Paragraph 85 of the Guidance provides that conditions may be appropriate where public protection can be delivered by some restriction of practice, but it is not necessary for either public protection or wider public confidence grounds to suspend the social worker's registration. The panel, in its findings on impairment, had considered that Mr Ahmeti's impairment would be difficult to remediate in relation to attitudinal concerns but the panel has already exhausted the considerable steps that would be necessary to do that. Public protection and the wider public interest are prominently in view in this case. Mr Ahmeti has grossly breached the trust of a vulnerable service user [...]. She was so vulnerable that his sexual relations with her was a criminal offence, punishable by a sentence of imprisonment, repeated on four occasions. He has been dishonest. He has disregarded his obligations to his employer and grievously departed from the high standards expected of a social worker by service users, the public and fellow practitioners. The panel found that it could not devise conditions which would address the scope and breadth of the failings in this case, and in any event had no grounds to believe that Mr Ahmeti would engage with them. Accordingly, the panel did not consider that conditions were the appropriate or proportionate response in this case.

46. The panel next considered a suspension order. It had regard to paragraph 92 of the Guidance, which identified that:

Suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register...

47. Mr Ahmeti has been subject to an interim suspension order for more than three years and there is nothing before the panel to demonstrate that in that time he has done anything to reassure his regulator that he has accepted his failings and is capable of responding to a suspension order as a means of rebuilding his professional standing. The panel considered that Mr Ahmeti's self-focussed and limited insight, did not demonstrate that he truly recognised the impact of his offending and misconduct on service user 1, Mr Ahmeti's professional colleagues and the public who rightly expect high standards from social workers. suspension was the minimum level of sanction appropriate in order to protect the public, as it

prevents Mr Ahmeti from working as a social worker for the period that it is in place. In relation to the dishonesty, the panel was of the view that it was a continued course of intentional concealment. The panel understood that sanctions were not in any sense a punishment of Mr Ahmeti. Sanctions exist to protect the public primarily. If it is possible, even in a very serious case like this, to find a sanction which restricts a social worker's practice but builds over time a scheme to assist in restoring to good standing an otherwise valuable member of the profession, then that ought to be attempted. Mr Ahmeti is clearly capable of reaching a good standard of practice. He was at one time a candidate for 'social worker of the year' with the council. However, his failings reveal to the panel how deep-seated his attitudinal issues are. That does not deny that Mr Ahmeti was experiencing the difficult personal circumstances rehearsed by the sentencing judge. Nevertheless, nothing has been done by Mr Ahmeti since being sentenced to allow the panel to have any confidence in the value or purpose of a suspension order, even for the maximum of three years. The panel must protect the public. Mr Ahmeti's attitudinal failings are incompatible with continued registration. The risks to service users and to the public are too conspicuously great. Further, the panel concluded that an order of suspension would not be sufficient to address the wider public interests.

48. The panel had regard to paragraph 97 of the Guidance, which provides that:

A removal order must be made where the adjudicators conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England.

49. The panel considered that the unaddressed risks by the disengaged Mr Ahmeti made it impossible to avoid considering a removal order. The reasons already given express, in the panel's view, why a no less restrictive order would protect the public and serve to promote and maintain the public's trust and confidence in the profession and promoting proper professional standards for social workers in England. Mr Ahmeti has demonstrated by default that his attitudes and commitment to service users and the public are so far removed from what is acceptable that they are incompatible with his continued registration. The panel decided that a removal order must be made.

Interim order

50. Ms Teale made an application under Schedule 2 paragraph 11(1)(b) of the Regulations for an interim order of suspension to cover the appeal period before the substantive suspension order comes into effect, or if Mr Ahmeti appeals, until such time as the appeal is withdrawn or otherwise finally disposed of. She applied on the ground of public protection, which includes promoting public confidence in the profession and maintaining standards.

51. Having heard and accepted the advice of the legal adviser, the panel was satisfied that an interim order was necessary to protect the public for the same reasons as set out in the substantive decision, in particular having found that Mr Ahmeti continued to pose a risk to members of the public, potentially leading to a consequent real risk of significant harm to service users. Given the panel's findings in regard to the likelihood of recurrence, serious damage would be caused to public confidence if no interim order were to be in place and standards would not be upheld. An interim order was therefore also required to promote and maintain public confidence in the profession and maintain standards for the same reasons as set out in the substantive decision.
52. Having concluded that an interim order is necessary to protect the public, the panel considered what type of interim order to impose. For the same reasons as set out in the substantive decision, the panel considered that there were no workable conditions that would cover the breadth and scope of the deficiencies identified in the substantive order. The panel was not satisfied that Mr Ahmeti would be willing to comply with conditions, nor did it consider that it was possible to devise workable conditions sufficient to protect the public and that would maintain public confidence.
53. In all the circumstances the panel decided to make an interim suspension order for a period of 18 months. In deciding on this length of interim order (which will expire if no appeal is taken), it took account of the fact that any appeal may take a considerable period of time given the current COVID 19 pandemic and the impact that it has had on court timetables.
54. The panel considered the principle of proportionality and acknowledged that this interim order will prevent Mr Ahmeti from working as a social worker. However, the panel determined that the need to protect the public outweighed Mr Ahmeti's interests in this regard.

Right of Appeal

1. Under paragraph 16 (1) (a) of schedule 2, part 5 of the Social Workers Regulations 2018, the Social worker may appeal to the High Court against 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.

2. Under paragraph 16 (2) schedule 2, part 5 of the Social Workers Regulations 2018 an appeal must be made within 28 days of the day on which the social worker is notified of the decision complained of.
3. Under regulation 9(4), part 3 (Registration of social workers) of the Social Workers Regulations 2018, this order can only be recorded on the register 28 days after the Social Worker was informed of the decision or, if the social worker appeals within 28 days, when that appeal is exhausted.
4. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019.

Review of final orders

5. Under paragraph 15 (2) and 15 (3) of schedule 2, part 4 of the Social Workers Regulations 2018:
 - 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.
6. Under rule 16 (aa) of Social Work England’s fitness to practise rules, a registered 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.

European alert mechanism

7. In accordance with Regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, Social Work England will inform the competent authorities in all other EEA States that the social worker’s right to practise has been prohibited or restricted.
8. The social worker may appeal to the County Court against Social Work England’s decision to do so. Any appeal must be made within 28 days of the date when this notice is served on the social worker. This right of appeal is separate from the social worker’s right to appeal against the decision and order of the panel.