

Social worker: Richard T Bleau  
Registration number: SW21334  
Fitness to practise: Final hearing

Date of hearing: 04 - 07 May 2021

Hearing Venue: Remote hearing

Hearing outcome: Removal order

Interim order: None

## Introduction and attendees

1. This is a hearing of the Fitness to Practise Committee held under Part 5 of The Social Workers Regulations 2018 (“the Regulations”).
2. Mr Bleau (hereafter “the social worker”) did not attend and was not represented.
3. Social Work England was represented by Ms Gemma Gillet, instructed by Capsticks LLP.

| Adjudicators          | Role          |
|-----------------------|---------------|
| Name: Claire Cheetham | Chair         |
| Name: Stella Elliott  | Social Worker |
| Name: Baljeet Basra   | Lay Person    |

|                         |                         |
|-------------------------|-------------------------|
| Name: Hannah McKendrick | Hearings Officer        |
| Name: Shane Jeetoo      | Hearing Support Officer |
| Name: Clare Pattinson   | Legal Adviser           |

## Preliminary matters

### Service of Notice:

4. The social worker did not attend and was not represented. The panel of adjudicators (hereafter “the panel”) was informed by Ms Gillet that notice of the hearing was sent to the social worker via email to the address held by Social Work England on 1 April 2021, which was confirmed by a statement of truth dated 30 April 2021. Ms Gillet 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 and had regard to the guidance issued by Social Work England entitled “*Guidance on service of notices and proceeding in the absence of the social worker*”. It noted that social workers are required by Regulation 16(1) of the Regulations to maintain an effective address for the regulator to contact them.
6. Having had regard to Rule 45 of the Fitness to Practise Rules 2019 (“the Rules”), and all of the information before it in relation to the service of notice, including the statement of service, the panel was satisfied that notice of this hearing had been served on the social worker in accordance with the Rules.

## Proceeding in the absence of Mr Bleau

7. The panel heard the submissions of Ms Gillet on behalf of Social Work England. She submitted that the panel had already found good service of notice of the hearing to Mr Bleau. He had not applied for an adjournment and instead told Social Work England via telephone (22 April 2021) and email (23 April 2021) that he would not be attending. There was no indication that adjourning today's proceedings would secure his attendance. Ms Gillet reminded the panel that the allegations related to 2017 and that Social Work England had 3 witnesses in attendance. She invited the panel to proceed with the hearing in the absence of Mr Bleau 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* and *General Medical Council v Adeogba [2016] EWCA Civ 162 etc.* It also had regard to the guidance issued by Social Work England in relation to proceeding in the absence of a social worker.
9. The panel considered all of the information before it, together with the submissions made by Ms Gillet on behalf of Social Work England. The panel was satisfied that Mr Bleau had been sent notice of this hearing and was aware of it, having responded to the notice via telephone and email. It noted that he did not seek an adjournment or express a desire to be represented at the hearing.
10. The panel concluded that Mr Bleau had chosen to voluntarily to absent himself from the proceedings. It had no reason to believe that an adjournment would result in Mr Bleau's future attendance at a rescheduled hearing. Having weighed the interests of the social worker attending the proceedings against those of Social Work England and the public interest in an expeditious disposal of this hearing, particularly in view of the age of the proceedings, and Mr Bleau stating on two occasions that he would not be attending, the panel determined to proceed in Mr Bleau's absence.

## Application to amend the allegations

11. Ms Gillet applied to amend the allegation, noting that the allegations had been drafted by the previous regulator, the Health and Care Professions Council ("HCPC"), and transferred to Social Work England upon its commencement as the new regulator of social workers. She submitted that the amendments requested sought to clarify the allegations against Mr Bleau and did not prejudice him. Further, he was on notice of the application to amend and had chosen not to respond to the proposal.
12. The panel received advice from the Legal Assessor in relation to the proposed amendments and had regard to the Rules as well as guidance issued by Social Work England entitled "*Guidance on the application of Social Workers Regulations and*

*Social Work England fitness to practise rules*". It noted that Rule 32 provided it with a wide discretion as to the management of the case provided that the proceedings are fair; and the panel was particularly conscious that Mr Bleau was neither present nor represented.

13. Allegations should be drafted in clear and unambiguous language which enables the social worker and anyone else reading them to understand what is being alleged. So far as possible, the elements of the "charge" should be set out briefly, concisely and in ordinary language which avoids the unnecessary use of technical terms or jargon.
14. The panel was satisfied that the amendments proposed ensured that the particulars of the allegations better promoted the above requirements and did not prejudice Mr Bleau. The proposed amendment to the stem of Charge 1 provided clarity as to the period in which it was said the conduct was to have occurred. The amendment to Charge 1(a) sought to achieve greater clarity as to the alleged behaviour, while the amendment proposed to Charge 1(b) introduced more specific language. The proposed change to Charge 3 was purely a matter of style. None of the proposed amendments materially changed the substance of the charges faced by the social worker and accordingly the panel granted the application by Social Work England to amend the charges in accordance with its broad case management powers.
15. Prior to closing Social Work England's case on the facts of this matter, Ms Gillet applied for a further amendment to be made to reflect Person A's situation as a "care leaver", the term utilised by the witnesses giving evidence to the panel. She submitted this would aid clarity and not be detrimental to the social worker.
16. The panel noted that an application to amend after evidence had been heard would not usually be accommodated as it was for Social Work England to elicit the evidence to prove the allegations as set out at the start of the case, and not change the charges to fit the evidence received. However, in this instance, the amendment requested did not alter the gravity of the allegation or its material details, but rather clarified the undisputed status of Person A. Accordingly, granting the application to amend would not prejudice Mr Bleau but would make the issues of concern clearer to the profession and the public. The panel was therefore content to exercise its wide case management powers under Rule 32 and grant the further application to amend the allegations.

### **Allegations (as amended at the final hearing)**

17. *Whilst registered with the Health and Care Professions Council as a Social Worker, you:*

1. *Between March and August 2017;*

*(a) Engaged in sexual activity with a service user / care leaver (Person A) on one or more occasions;*

*(b) Paid for sexual intercourse with a service user/ care leaver (Person A) on one or more occasions;*

*2. Your actions in 1 a) and / or b) were sexually motivated.*

*3. Matters set out in paragraphs 1-2 constitute misconduct.*

*4. By reason of that misconduct, your fitness to practise is impaired.*

## Summary of Evidence

18. Social Work England relied upon the evidence of three witnesses, who provided witness statements which included exhibits. The statements all included a statement of truth and were signed and dated. All three witnesses also gave oral evidence to the panel under oath or affirmation. The panel was therefore able to ask questions of the witnesses.

19. Mr Bleau did not attend and was not represented. He therefore put forward no witnesses. He had however engaged in the disciplinary proceedings conducted by his employer at the time. The panel had the benefit of transcripts of the disciplinary hearings and therefore was able to consider Mr Bleau's response to the allegations of his employer, which were similar to those advanced by Social Work England. He did not complete and return a Hearing Preparation Form setting out his position in advance of this hearing and provided no additional evidence.

### Witness 1

20. Witness 1 was the person referred to as Person A in the allegations. She was a care leaver who received support from the local authority that employed Mr Bleau at the relevant time, and could therefore also be considered a service user. The panel found Person A to be a credible witness with no apparent axe to grind in respect of the social worker. It was clear she did not want to "*make trouble*" and she remained consistent in her evidence. The panel considered that she was an open, direct and helpful witness and had no reason to doubt her honesty. She conceded where she may be mistaken and was straightforward if she was unable to remember.

### Witness 2

21. Witness 2 was MC. At the material time he was a qualified and registered social worker employed by the local authority as a Service Deliver Manager. He was tasked with investigating the complaints against Mr Bleau on behalf of the Council. He attended the hearing and gave evidence to the panel under oath, confirming and expanding upon his written statement and answering questions from the panel. The

panel found Mr Clarke to be credible, consistent, honest and thorough. There were aspects of his investigation that could have been handled differently, which he readily accepted, but the panel considered he had done a good job of investigating the situation and had sought appropriate support from Human Resource professionals. He could not be criticised for the fact that his employer tasked him with investigating allegations which related to a social worker in the team he was responsible for.

### Witness 3

22. Witness 3 was GE, Mr Bleau's manager when the concerns came to light. At the time, she was a qualified and registered social worker, employed by the local authority as a team manager for the "Thirteen-Plus Children Looked After Team" ("13 + Team"). She gave evidence under affirmation, confirming her written statement and answering questions from the panel. The panel found Ms Eaton to be clear, consistent, articulate and neutral in her position. She was open and transparent in her evidence and had done what was expected of her in relation to the Council's disciplinary investigation into Mr Bleau's conduct. She was credible, pragmatic and did not speculate if she did not recall information.

### Finding and reasons on facts

23. Ms Gillet submitted to the panel that it was for Social Work England to prove the facts alleged on the balance of probability – Mr Bleau was not required to prove anything. She invited the panel to ask itself whether Mr Bleau engaged in sexual activity with Person A on one or more occasions between March and August 2017, and whether he also paid Person A on those occasions. She reminded the panel that Mr Bleau had neither attended nor provided a written response, but did provide an account to his employer at the time, denying sexual activity with Person A or paying for sex. Ms Gillet observed that his account was not given under oath or tested and therefore should be approached with appropriate caution and accorded appropriate weight. His account was not provided in response to the regulatory proceedings and it would be a guess to suggest that the account in 2017 remained his position now, but it was the only account available.
24. Person A was, in Ms Gillet's submission, consistent in her evidence. She signed a formal statement and confirmed its contents under affirmation. She was consistent in her account of events to GE and MC and other professionals at the time of the Council's investigation. Ms Gillet invited the panel to consider her manner of giving evidence, which she believed was honest and credible. Although some minor aspects of her evidence were less clear, which was to be expected given the passage of time, she gave precise details in respect of Mr Bleau and his property (the car and the flat). She maintained that he had picked her up from the Holbeck "managed area" of

Leeds – an area in which sex-workers were able to work without fear of prosecution – and had taken her back to his flat and paid her for unprotected sex. She denied being asked to lie about Mr Bleau by another person. Ms Gillet also told the panel that Person B (the then boyfriend of Person A) would also have had to be involved in any fabrication, and that it was “*incredibly unlikely*” that Person A and Person B would have been so consistent unless they were telling the truth. She said there was no credible reason why either of them would wish Mr Bleau harm, and in fact Person A was keen to express that she did not believe Mr Bleau had done anything wrong. Person A stated “*what he did in his own time was up to him*”. Ms Gillet submitted that this would be unusual from someone participating in a plan to harm someone. Ms Gillet urged the panel to find that Mr Bleau did “*pick up*” Person A on 3 – 4 occasions, take her to his flat and pay her to have sex with him.

25. Ms Gillet submitted that the fact of Person A being a care leaver was an aggravating feature of this case. She reminded the panel that MC said that Person A, at that time, presented as someone who lacked maturity, appearing “*younger than her years*” and had low self-esteem, requiring local authority assistance and support to manage many aspects of her life, such as her tenancy and finances. Mr Bleau had worked with vulnerable young people for many years and should have been aware of how such vulnerability would likely present, as well as the risks of working in prostitution in the area. If he had not been aware of her vulnerabilities and associated risks, on the final occasion when the social worker picked up Person A she had told him she had seen him in the Council offices and from that point onwards, he would have been aware of the likelihood of her being a service user and / or care leaver in receipt of services.
26. Ms Gillet also addressed the panel briefly on the letter delivered to the Council in respect of the disciplinary proceedings against Mr Bleau, and alleging that Person A had been asked to lie about her experiences. Ms Gillet pointed out that the author could not be identified and that the letter was hearsay. It had been delivered after the Council disciplinary investigation had commenced and was not supported by any other evidence. When examined in the context of the other available evidence, the contents of that letter were, in her submission, implausible.

### Finding and reasons on facts

27. The panel listened carefully to the submissions made to it on behalf of Social Work England and had regard to the bundles of evidence available to it. It received advice from the legal adviser and had regard to the guidance issued by Social Work England particularly in relation to unrepresented and absent social workers and fitness to practise proceedings.

28. The panel noted that it was obliged to approach the consideration of an allegation sequentially, deciding firstly whether the facts set out in the charge are proved, then whether those facts amount to the statutory ground set out in the charge and if so, whether the social worker's fitness to practise is impaired.
29. In deciding whether an allegation is 'well founded' or 'proved', the panel was required to decide firstly whether Social Work England, which has the burden of proof in relation to the facts alleged, has discharged that burden in relation to each charge on the balance of probability. The panel was conscious that it was entitled to draw an adverse inference as a result of Mr Bleau failing to attend or engage in the regulatory proceedings. It had regard to the factors outlined in the case of *Kuzmin v GMC [2019] EWCA 2129 Admin* and was satisfied that there was a prima facie case against Mr Bleau and he was aware the hearing could proceed in his absence. Further, it was pointed out to him in the notice of hearing, sent on 1 April 2021 by email, that it was to his advantage to participate in the proceedings. As a registered professional, he was obliged to co-operate with regulatory proceedings but had chosen not to do so, without offering any explanation. The panel was unable to identify any reason for his lack of co-operation or inability to properly engage with his regulator on this matter and the panel was satisfied that it would not be unfair to Mr Bleau for it to draw an adverse inference from his failure to give evidence or engage in the regulatory proceedings.
30. The panel then considered each of the allegations, as amended, in turn.

***1(a): Whilst registered with the Health and Care Professions Council as a Social Worker, you, between March and August 2017 engaged in sexual activity with a service user / care leaver (Person A) on one or more occasions;***

31. Having found all of the witnesses to be credible and honest, the panel was satisfied that, between March 2017 and August 2017, Mr Bleau engaged in sexual activity with a service user and / or care leaver, specifically Person A, on one or more occasion.
32. The concern was not raised to the local authority by Person A, but rather by her then boyfriend, Person B. In August 2017 he told a number of professionals who supported him, including a social worker, a personal adviser, a support worker, his housing provider and other care leavers who attended a care leaver social group, that when they attended the Council offices for a care leaver group meeting, Person A told him that she recognised Mr Bleau as a man who had picked her up and taken her to his flat where he had unprotected sex with her.
33. Upon receipt of this allegation, MC sought support from Human Resources colleagues, which led to Mr Bleau being suspended from his role as a social worker in

the 13+ Team pending an investigation, which it confirmed in a letter dated 11 August 2017. The letter also confirmed to Mr Bleau that the Council was obliged to notify the HCPC of his suspension, and that it would be apprised of the outcome of the investigation.

34. Initial steps taken by the Council included contacting the police and the Local Authority Designated Officer (LADO). A "Safeguarding and Serious Incident Notification Form" was completed once it was apparent that the police would not be investigating further, there being a desire to not prejudice any criminal investigation. The Council asked employees with longstanding professional relationships with Person A to speak with her to corroborate Person B's allegations – this took place at Person A's home on 10 August 2017. Person A confirmed Person B's information that she had been paid for sex by Mr Bleau, and provided specific and detailed descriptions of his person, vehicle and flat. After Person A had made the disclosure to Person B, they discussed how they may establish Mr Bleau's identity and as a result, on the next occasion that he picked her up, she took from his vehicle a document from a betting company which bore the name "*Richard*" and a mobile telephone number. GE later confirmed that the telephone number was in fact the work mobile number allocated to Mr Bleau, which she had saved in her phone and used to contact him. Person A said that on that occasion whilst in his car she told Mr Bleau that she had seen him at the Council offices and asked him if he worked there. Person A's statement for these proceedings says that Mr Bleau did not pick up Person A again after this occasion, and she told the panel that he "*ignored*" her after that. She confirmed her evidence under affirmation and the panel found her to be clear in her answers to its questions.

35. When interviewed by MC as part of the disciplinary investigation on 22 November 2017, after introductions and background information was exchanged, Mr Bleau was asked "*The allegation that is under investigation today Richard B, is that you've allegedly paid a care leaver for sex on several occasions. Can you explain why that would have been reported to us?*". Mr Bleau's response was:

*"Right, what happened is, I met this girl in town at pub called the New Penny.... It's a club and we were chatting, and everything else, we got on well together and I told her what I did and she was telling me what she did, she had a kid, and anyway at the end of the night she came back to mine. I dropped her off the next day and then it must have been about two or three weeks later I got a text, she said she wanted to meet me".*

He went on to recount that this lady then contacted him by text, stating "... *I need to see you, if you don't meet with me then I will tell people what you've been doing*". He said he met her and asked her why she was blackmailing him and then offered to lend her money (£20 – 30) to fix her car.

36. Mr Bleau also said that when he had been leaving the nightclub one night, a girl had jumped into his vehicle and asked him to take her somewhere as she was afraid of three men in the area. Mr Bleau said that he took her to his flat for *“five to ten minutes”* so she could go to the toilet and then drove her back to where he’d picked her up from. She asked him for money but he told her he had none. It was his position that this was Person A and he denied having sex with her. This was the position he maintained throughout the Council’s disciplinary process. There is no other information before the panel as to Mr Bleau’s current position on the allegation.
37. The panel is satisfied that it is more likely than not that Mr Bleau did pick up Person A from a managed area in Leeds, take her to his flat, and have unprotected sex with her. While Person A was unclear in some aspects of her evidence, such as whether the car was a 3 or 5 door model, she provided a level of detail, corroborated by MC in his investigation, as to the layout and content of Mr Bleau’s flat that the panel considered a person who had entered for 5 - 10 minutes to use the toilet was unlikely to recall.
38. Mr Bleau’s explanation of events appeared to be that he had sex with a woman in December 2016 or January 2017 who, when he avoided her afterwards, threatened to tell his *“lass”* about it then tried to blackmail him with a threat that she would *“tell people what you’ve been doing”*. Despite these blackmail threats, Mr Bleau met with the woman and lent her money to fix her car. He later contacted her to ask if she knew anything about his car being damaged, and she asked to meet him again. When he refused, she told him *‘if you don’t meet me then I’m going to make sure you lose your job as a social worker and I’ll be telling my mates’* that he’d been going with a working girl. He refused to see her again. Some four or five months later, in April 2017, a girl, believed by Mr Bleau to be Person A, jumped into his car as he left the nightclub and he took her to his flat so she could use the toilet. It is Mr Bleau’s position that this girl then caused the report to be made to the Council to make good on the woman’s threat to cause trouble for him, using her visit to the flat to use the toilet to provide details of his car and accommodation.
39. The panel rejected Mr Bleau’s explanation of the events, concluding that it was more likely than not that the events had occurred as Person A had described. It therefore found the allegation proved in its entirety on the balance of probability.

**1(b): Whilst registered with the Health and Care Professions Council as a Social Worker, you, between March and August 2017 paid for sexual intercourse with a service user/ care leaver (Person A) on one or more occasions;**

40. The background to this matter is set out in relation to allegation 1(a) and is not repeated but is adopted in relation to this allegation.
41. The panel noted that Person A was open about her sex-work at the time of the Council's disciplinary investigation and in her evidence to the panel orally and in writing. It was also confirmed by the professionals engaged with her at the time. Further, she referenced being advised to memorise number plates and leave saliva at the properties where she had sex for payment in case of trouble. The panel had no doubt that Person A was engaged in sex-work in the Holbeck area of Leeds.
42. Mr Bleau admitted that the door of his car was damaged in 2017, which was a consistent feature of Person A's evidence. GE said she had been in the vehicle regularly with Mr Bleau and did not recall any issue with accessing the vehicle, however she could not be certain when this had been or whether there had been any damage to it. Mr Bleau said he did not pay Person A any money (for sex or otherwise) and "lent" money (of a similar amount to that alleged by Person A to have been paid to her to have unprotected sex with him) to the woman he accused of blackmailing him so she could fix her car.
43. The panel found that Mr Bleau's professional experience would have made him aware of the prevalence of sex-workers in that area of Leeds, and that vulnerable young people such as care leavers may be at risk of being engaged in it. However, even if he did not realise this when attending the nightclub, when Person A challenged him about seeing him at the Council offices, it should have been apparent to him that she was in some way connected to the social work service and therefore raised these concerns accordingly, but he did not. Instead, he continued to drive Person A back to his flat on that occasion, and went on to have unprotected sex with her. He, however, did not pick up Person A again.
44. The panel was satisfied that Person A visited Mr Bleau's flat on more than one occasion and that this was why she was able to provide a good and detailed account of the layout and content – her account of which was not disputed by Mr Bleau. It found that the reason she was able to recount these details was because she had been in the property on more than one occasion, and had spent more than a very short amount of time there. The reason for this was that she attended the property with Mr Bleau and was paid to have unprotected sex with him there. The panel was therefore content that this allegation was proved on the balance of probability.

**2: Your actions in 1 a) and / or b) were sexually motivated.**

45. The panel was satisfied that paying a person for sex would only occur if there was a sexual motivation, though it noted that this was an aspect of the event that had not

been addressed at all in the disciplinary proceedings conducted by the employer and there was no evidence put forward by Social Work England in support of this allegation.

46. The panel did not consider that sexually motivated payment for sex – a transaction between two consenting adults – added any additional weight or gravity to the conduct of Mr Bleau and could be considered to be over prosecution of the facts. Despite this reservation, the panel was satisfied that Mr Bleau did not use his position as a social worker to secure that transaction. This allegation was proved on the balance of probability.

### Finding and reasons on grounds

47. Ms Gillet submitted that there was no burden or standard of proof for Social Work England to discharge in relation to the issue of statutory ground, rather it was a matter entirely for the panel to judge. She said that misconduct is not defined other than by reference to case law and was commonly interpreted as being conduct falling short of what is proper in the circumstances. She particularly referred the panel to the case of *Nandi v General Medical Council* [2004] AER (D) 25 which found misconduct to be “*conduct which would be regarded as deplorable by fellow practitioners*”. Ms Gillet suggested that it may assist the panel to consider the standards of conduct set by the HCPC as the regulator at the material time, inviting the panel to have particular regard to standards 1.3, 1.7, 6.1, 6.2 and 9.1.
48. Ms Gillet noted the panel’s finding that there was no evidence to suggest that Mr Bleau was, or should have been, aware that Person A was a care leaver until the last occasion on which he paid her for sex, but submitted that, notwithstanding this, a social worker paying a young person for sex could harm the reputation of the social work profession. She reminded the panel that GE’s evidence was that she would have raised concerns about any social worker using the services of a sex-worker even if that sex-worker was not a care leaver. Ms Eaton considered that a key role of a social worker was to provide guidance to vulnerable people and not act in a manner that would exploit anyone. Ms Gillet reminded the panel that Ms Eaton was, at the relevant time, a registered social worker and therefore a fellow practitioner of Mr Bleau.
49. There was a high likelihood, in Ms Gillet’s submission, that by paying for the services of a sex-worker in the city he worked in, Mr Bleau would come into contact with people known to the social work service, and she reminded the panel of its finding that sex-work was prevalent in the ‘managed’ area of Leeds and that young care leavers may be particularly vulnerable to being involved in it. On the last occasion when Mr Bleau picked up Person A, when she disclosed to him that she had seen

him at the Council offices, it should have been apparent to him that she was at least connected to the service he worked for.

50. Mr Bleau did not attend the hearing and was not represented. He had not engaged with the regulatory proceedings, other than to tell his regulator that he would not be attending the hearing. The panel did have the benefit of disciplinary hearing transcripts from which Mr Bleau's position at the time could be identified, but was conscious that those proceedings took place more than three years ago and related to his employment rather than his professional reputation. This was the only information available to it in respect of Mr Bleau's position however, and should therefore be carefully considered given Mr Bleau's failure to engage meaningfully with these proceedings.
51. Having decided the facts and found all of the allegations proved, the panel was required to judge whether the facts found proved amounted to a statutory ground as advanced by Social Work England. Aside from misconduct, none of the statutory grounds of impairment set out within the Regulations at paragraph 25(2) had been alleged by Social Work England. The panel therefore restricted its deliberations to whether Mr Bleau's behaviour as set out in the allegations amounted to misconduct. It was conscious that deciding the issue of misconduct was a matter for its own judgement.
52. The panel took into account the oral submissions of Ms Gillet. It accepted and applied the advice of the legal adviser, and had regard to the guidance issued by Social Work England. It noted that misconduct usually involves some act or omission falling short of what is considered proper in the circumstances. Standards of propriety are often set out for regulated professionals, and in this instance the Standards of Conduct, Performance and Ethics (2016) adopted by the HCPC were of relevance. The panel was also aware that breach of the professional standards alone does not necessarily constitute misconduct. The standards the panel believed were engaged, and breached, by Mr Bleau in this matter were:

**1 Promote and protect the interests of service users and carers**

*Treat service users and carers with respect*

- 1.1 You must treat service users and carers as individuals, respecting their privacy and dignity.

*Maintain appropriate boundaries*

- 1.7 You must keep your relationships with service users and carers professional.

**6 Manage risk**

*Identify and minimise risk*

- 6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.
- 6.2 You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk.

**7 Report concerns about safety**

*Report concerns*

- 7.1 You must report any concerns about the safety or well-being of service users promptly and appropriately.
- 7.3 You must take appropriate action if you have concerns about the safety or well-being of children or vulnerable adults

**9 Be honest and trustworthy**

*Personal and professional behaviour*

- 9.1 You must make sure that your conduct justifies the public's trust and confidence in you and your profession.

*Important information about your conduct and competence*

- 9.5 You must tell us as soon as possible if:
  - you have had any restriction placed on your practice, or been suspended or dismissed by an employer, because of concerns about your conduct or competence.
- 9.6 You must co-operate with any investigation into your conduct or competence, the conduct or competence of others, or the care, treatment or other services provided to service users.

53. The panel was satisfied that a social worker who picked up a young adult from a managed area and took her back to his flat where he paid her to have unprotected sex with him on multiple occasions as particularised in allegations 1 and 2, engaged in conduct which amounted to misconduct. The panel considered that conduct to be serious in any event, but found the seriousness was increased given that on the last occasion that Mr Bleau picked up Person A, she told him she had seen him in the Council offices. Even if he had not to that point entertained the possibility that a young adult working in the 'managed' area of Leeds was a care leaver or service

user, that conversation should have raised that prospect. However, he had continued to take Person A to his flat after that conversation and paid to have unprotected sex with her, although Person A said this was the last time because thereafter when she saw him in the 'managed' area, Mr Bleau had ignored her.

54. Accordingly, the panel found that Mr Bleau's conduct in relation to the facts proved fell below that expected of a registered professional social worker and was serious. The HCPC standards had been breached and his conduct amounted to the statutory ground of misconduct.

### Finding and reasons on current impairment

55. Ms Gillet submitted that the issue of impairment to a degree overlapped the issue of statutory grounds, and invited the panel to consider whether Mr Bleau's fitness to practise was currently impaired. She reminded the panel of the questions posed in the case of *Meadow v General Medical Council* [2007] 1 AER, which related to whether service users had been put at risk of harm, the profession brought into disrepute, or a fundamental tenet of the profession having been breached, the last question in relation to dishonesty not being relevant in this case. She also referred the panel to the case of *Cohen v General Medical Council* [2008] EWCH 581 (Admin) which encouraged panels to consider whether the conduct was remediable, had been remedied and was unlikely to be repeated.
56. Ms Gillet added that picking up Person A encouraged the sex industry and exploited Person A, putting her at risk of harm. There was a high likelihood that by paying for the services of sex-workers, Mr Bleau would come into contact with those accessing Council social work services, which was compounded by him doing so in the city he worked in. His conduct was likely to damage trust in his profession and he had acted in a way that was capable of bringing the profession into disrepute. Ms Gillet reminded the panel that a key tenet of the social work profession is to reduce harm or the risk of harm to the most vulnerable. The nature of Mr Bleau's transaction – paying for unprotected sex – exploited the very individuals with whom he was likely to professionally engage. Ms Gillet concluded her submission with the suggestion that the conduct was attitudinal. The conduct had been denied and Mr Bleau had provided no evidence of insight or remediation, and no engagement with the regulatory process. She invited the panel to find that his conduct was not easily remediable, had not been remedied and was highly likely to be repeated.
57. The panel noted the submissions from Ms Gillet on impairment. It received and relied upon advice from the legal adviser and had regard to guidance issued by Social Work England in relation to impairment, particularly that contained within the Sanctions guidance.

58. The panel reminded itself that the test of impairment is expressed in the present tense in relation to the need to protect the public against the acts and omissions of those who are not fit to practise, but this cannot be achieved without taking account of the way a person has acted or failed to act in the past. There is therefore both a personal element and a public element to impairment. When assessing the likelihood of recurrence of harm, panels can take account of the degree of harm caused by the social worker, recognising that the harm could have been greater or less than the harm which was intended or reasonably foreseeable. Panels may also take account of character evidence.
59. The panel considered Mr Bleau's current fitness to practise firstly from the personal perspective and then from the wider public perspective. During disciplinary proceedings conducted by his employer (which concluded some three years ago), Mr Bleau denied having sex with Person A, and denied paying for sex. There was no information before the panel to suggest that Mr Bleau fulfilled his duty to inform his then regulator (the HCPC) when he was suspended from his role, in breach of paragraph 9.5 of the HCPC standards of conduct, performance and ethics. There was also no evidence that Mr Bleau had co-operated with the regulatory investigation, in breach of standard 9.6, as set out above. There was no evidence at all to suggest that Mr Bleau recognised the issues which were of concern to Social Work England in this matter, even if he denied them – he simply did not engage at all other than to confirm by telephone and email on 22 and 23 April 2021 that he would not be attending the hearing.
60. The panel carefully considered the issues of risk, repetition, history, insight, harm and remediation and concluded that while the conduct at the centre of this matter may be capable of remediation, the attitudinal nature of the conduct made this harder to remediate than other conduct. The panel recalled that during the Council's disciplinary investigation, Mr Bleau referenced a one night "*relationship*" in December 2016 or January 2017 which resulted in him being "*blackmailed*" with the threat of disclosing that he was "*going with a working girl*". He then picked up Person A in the managed area of Leeds on at least three occasions between March 2017 and August 2017. Person A told the panel that she saw Mr Bleau on several occasions in the 'managed' area after the last time she had sex with him but he had ignored her. The panel was satisfied that Mr Bleau had frequented the 'managed' area over at least a nine month period, and accordingly found that the conduct was highly likely to be repeated in the absence of any other information to the contrary being supplied by Mr Bleau.
61. Given that, in addition to the above, Mr Bleau had not:
- engaged in the proceedings,

- informed Social Work England of his current position on the allegations,
- made any comment on the evidence relied upon by Social Work England,
- provided any evidence of insight, reflection, remediation or remorse

the panel concluded that his fitness to practise was currently impaired on the “personal” aspect.

62. The panel then proceeded to consider the “public” element of the test for impairment, having regard to the important public policy issues which include the need to maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It recognised that some concerns are so serious that action is required even if the social worker poses no current risk to the public, because not marking the conduct could undermine public confidence in social workers generally, or may fail to maintain the professional standards expected of social workers.

63. In this case, the panel identified concerns about repetition. It found that Mr Bleau had breached the standards of conduct, performance and ethics adopted by the relevant regulator, and was satisfied that these were fundamental tenets of the social work profession. The behaviour exhibited by Mr Bleau posed a risk to the public in a number of regards:

- he had unprotected sex with a young adult sex worker (Person A),
- he repeatedly sought the services of a sex worker in the area of the local authority for whom he worked in the social work 13+ Team.

64. The panel determined that Mr Bleau’s conduct posed a risk of harm to the public in that rather than encouraging and helping a vulnerable young adult, he was paying her for unprotected sex, even after being made aware she was likely to be known to social care services and therefore should be considered to be particularly vulnerable. He therefore demonstrated that rather than guiding and helping a young adult in values and ethics, as well as giving supportive action, he instead demonstrated by his behaviour that professionals could lack the values and ethics they should promote by engaging in such behaviour. This was aggravated by the fact that he did so blatantly in the area in which he worked.

65. Ms Eaton told the panel that her opinion as a retired registered professional was that social workers should maintain standards and not exploit anyone. She was clear in her evidence that she would have reported her concerns about Mr Bleau paying someone for sex even if Person A had not been a care leaver.

66. The panel was satisfied that a reasonable member of the public, having knowledge of all of the above factors, would be appalled that an experienced social worker who worked with 13+ service users in the care system had procured the services of a care leaver for sex on multiple occasions at his home. It had no doubt that this would undermine their trust and confidence in the profession as a whole. Further, the public and the profession would be shocked, and their trust in the regulator undermined, if Mr Bleau's fitness to practise were not to be found impaired.
67. In the light of its findings, the panel concluded that Mr Bleau's fitness to practise is also currently impaired on the public aspect of the test for impairment.

### Decision on sanction

68. Ms Gillet addressed the panel in respect of sanction, reminding it that the overarching objective of Social Work England is to protect the public. She submitted that protection of the public includes protection from a direct risk of harm, as well as upholding proper standards of behaviour and maintaining confidence in the profession. She invited the panel to consider both the personal and the public aspects of impairment when considering what sanction is proportionate in this case.
69. In respect of aggravating features of this case, Ms Gillet reminded the panel that Mr Bleau had unprotected sex with an "*obviously young*" sex worker in the city that he worked in as a social worker. Further, the panel had already identified that on the last occasion, Mr Bleau was, or should have been aware, that Person A was likely to have been known to social care services. He had not engaged in the regulatory proceedings, nor had he provided any information as to insight or remediation. He had not supplied any information as to his current circumstances.
70. Ms Gillet considered the fact that Person A made clear that Mr Bleau had not hurt her or treated her badly to be a mitigating factor, as was the fact that Mr Bleau picked up Person A from the 'managed area', which existed to allow sex-workers and their clients to operate without fear of prosecution. She told the panel that it was not a criminal offence to pay for sex, however it was illegal to kerb crawl.
71. Ms Gillet confirmed that the panel should consider the least restrictive sanction first, but submitted that no further action, advice or warning were not appropriate in this case, given that a fundamental tenet of the profession had been breached in that Mr Bleau had exploited an individual whom the social work profession had an obligation to properly engage with. She told the panel that "*at best*" Mr Bleau had ignored the clear signs that Person A was a likely service user. Ms Gillet also submitted that there were no workable conditions that could safeguard against attitudinal issues such as those identified in this case. She referred the panel to the guidance issued by Social Work England on sanctions, which confirms that conditions of practice are more

appropriate to matters of competence or health, and less appropriate to behavioural failings. She encouraged the panel to remove Mr Bleau from the register.

72. Ms Gillet directed the panel to paragraph 105 of the sanctions guidance issued by Social Work England which confirms that abuse of position with service users is a serious abuse of trust, as many service users who necessarily access social care have increased vulnerability. She accepted that there was no evidence before the panel to suggest that Mr Bleau used his position to pursue a relationship with Person A, but once he was on notice that she was potentially accessing services, he should have been aware of the associated risks to her and acted accordingly. Instead, he had continued to support the sex work industry and the exploitation of Person A by continuing on this occasion to pay her to have sex with him, and therefore, by the possible exploitation of Person A from Person B (Person A had alleged in her evidence that Person B was at the time coercing her into sex work and benefiting financially from it). In her submission, Ms Gillet stated that these factors are so fundamental that no sanction other than removal would address the concerns identified by the panel.
73. Mr Bleau did not engage in the proceedings and therefore made no representations on the issue of sanction. During the Council's disciplinary proceedings he denied having sex with Person A and / or paying for sex. The panel was mindful that a denial of an allegation does not prevent registered professionals from refuting the allegation and then making submissions on insight, remorse and remediation if impairment is found. The panel considered it would have been assisted by Mr Bleau engaging in the regulatory proceedings.
74. The panel received advice from the legal adviser, which it accepted, and was conscious that each case must be determined on its own merits and therefore Social Work England does not have a tariff of sanctions but has issued guidance in respect of sanctions to aid panels to make fair, consistent and transparent decisions. It was aware that clear and cogent reasons should be given if the panel decided to depart from the guidance. The purpose of fitness to practise proceedings is not to punish but to:
- a. protect the public by ensuring that registered social workers practise to a minimum universal standard;
  - b. maintain public confidence in the regulatory process and protect the reputation of the profession;
75. The sanctions available to the panel are contained within Schedule 2 of the Regulations at paragraph 13 and are:

- a. the removal of the social worker's entry from the register (a "removal order");
  - b. suspension of the social worker from practising for such period as is specified in the order (a "suspension order");
  - c. the imposition of a restriction or condition with which the social worker must comply for such period as is specified in the order (a "conditions of practice order");
  - d. the giving of a warning to the social worker regarding their future conduct or performance (a "warning order")
  - e. to take no further action.
76. When determining the appropriate level of sanction, there is an expectation that the panel will ensure that the sanction is proportionate to the circumstances, protects the public in the least restrictive manner and takes account of the wider public interest, striking a proper balance between the interests of the social worker and the public.
77. The identification of aggravating and mitigating features can aid panels in making a decision on sanction. Aggravating factors are features which increase the seriousness of the concerns and are likely to lead to stronger sanctions in order to protect the public. Mitigating factors do not excuse or justify poor conduct or competence but can indicate a reduced ongoing risk posed to service user safety and therefore reduce the severity of the sanction required.
78. In this matter, the panel considered that there were the following aggravating features of the case against Mr Bleau:
- a. He paid to have unprotected sex with Person A, thereby increasing the risk of harm to Person A and any other partner he or she may have,
  - b. He solicited the services of Person A in the geographic area in which he worked,
  - c. Person A was a care leaver and a service user so she was particularly vulnerable,
  - d. He did not support Person A or act as an empathetic advisor to her.
79. The panel considered the only mitigating feature of this case was that Person A clearly was not concerned about her interactions with Mr Bleau, and in fact went so far as to say she did not wish to cause trouble for him as he had not ill-treated her.

80. The panel could not identify any insight or remediation from Mr Bleau. He made no admissions in the Council's disciplinary proceedings and instead denied having sex with, or paying for sex with a care leaver. He had engaged with his employer's disciplinary investigation process, having a ready explanation when the detail of the concern was first put to him by MC on 22 November 2017. The panel noted that Mr Bleau appealed the findings of the first disciplinary hearing on the basis that:

- i. *"You did not believe the investigation was carried out thoroughly or fairly,*
- ii. *the Disciplinary Meeting Officer ignored the flaws in the investigation and did not take all the evidence into account when making their decision".*

81. The most recent indication of Mr Bleau's position available to the panel was the summary of Mr Bleau's comments to the officer hearing his disciplinary appeal on 9 August 2018, which was contained in the appeal outcome letter dated 10 August 2018:

*"You said that you had never paid anyone to have sex. You explained how you regularly visited a club in the managed area, and had taken a young woman back to your flat because she had got into your car to avoid being followed or chased by other people, and said she need to use the toilet. You then drove her back home to Holbeck. You explained that you had recently managed to contact the woman with whom you had a relationship and who you believed to be "Samantha" but she had made it clear she did not wish to be involved."*

82. Given the facts that had been found proved in this matter, the panel was satisfied that it would not be appropriate to address the concerns by way of no further action, advice or a warning. The misconduct took place on multiple occasions between March 2017 and August 2017 and the panel was satisfied that there was no evidence to suggest that the conduct would not be repeated. The fact that the sex was unprotected put Person A and any other partner she or Mr Bleau may have had at increased risk. The panel recognised that social workers may feel that a denial is undermined if they engage in remediation or reflection, but this is not correct, and it is possible for any registered professional to demonstrate reflection, insight and learning from a situation such as this, even if denying the allegations.

83. The panel therefore moved on to consider whether a conditions of practice order would be appropriate. The purpose of a conditions of practice order is to restrict a social worker's practice to protect the public, require them to take remedial action or impose a combination of both. Imposition of a conditions of practice order means

that the panel is satisfied that the social worker is capable of practising safely and effectively, beyond the conditions, the conditions being remedial or rehabilitative in nature. It noted however that conditions will rarely be effective unless the social worker is genuinely committed to resolving the issues to be addressed and can be trusted to make an effort to do so.

84. The panel considered whether any conditions could be drafted in this case to address their concerns and protect the public. It concluded that it would not be possible to draft workable conditions that afforded the level of public protection required given that the misconduct was attitudinal in nature as Mr Bleau did not appear to have any concerns in respect of:

- i. frequenting the “*managed area*” to attend a club several times a month,
- ii. having a one night relationship which resulted in him being blackmailed and “*lending*” money to the female involved,
- iii. his vehicle being broken into and damaged,
- iv. items containing his work mobile telephone number being removed from his vehicle (the bookmakers card) by (on his account) either the woman who jumped into his car, or the vandals, or the woman by whom he was blackmailed.

The panel also could not formulate workable or verifiable conditions which would adequately protect the public, particularly given that Mr Bleau had not engaged with the regulatory proceedings or provided any information as to his current circumstances. Accordingly, a conditions of practice order was not an appropriate sanction to impose in this case. Furthermore, the panel did not consider that a conditions of practice order adequately reflected the seriousness of the misconduct.

85. The panel then considered the imposition of an order of suspension. It carefully considered the guidance issued by Social Work England on sanctions, focusing particularly on the provision at paragraph 92:

*“Suspension orders can be imposed for a period of up to three years. 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 or where removal is not an option.”*

And that at paragraph 96:

*“As a general principle, longer periods of suspension may be appropriate where this is necessary to protect public safety. If the suspension is aimed primarily at maintaining confidence in the profession or setting the professional standards to be observed, then a sanction of suspension up to one year may be appropriate. Given the risk of deskilling, decision makers should consider whether a case warranting a period of suspension longer than one year on the grounds of public confidence might be more appropriately disposed of by means of a removal order.”*

86. The panel also had regard to the “further” guidance on types of concerns, noting that *“Social workers hold privileged positions of trust. Their role often requires them to engage with people over extended periods when those people may be highly vulnerable. It is essential to the effective delivery of social work that the public can trust social workers implicitly”*. The panel did not consider that Mr Bleau had abused his position as a social worker for his own gratification, or that his procurement of unprotected sex with Person A was in any way connected with his profession. It was however satisfied that by picking up Person A in the area in which he worked, he did not have regard to the vulnerabilities of the people he and his colleagues worked with on a daily basis. He appeared oblivious to the impact that his conduct would have upon the trust and confidence service users, care leavers and the public would have in the Council’s social work service and the profession as a whole. Indeed, there was reference within the Council’s disciplinary proceedings to a community support organisation working in the ‘managed area’ being aware that there was a social worker picking sex-workers up and procuring their services.
87. For all of the reasons set out above, the panel found that a suspension order was not appropriate in the circumstances.
88. The panel concluded that this was a case which required Mr Bleau to be removed from the register. The misconduct was such that the public and the wider profession would consider anything less than a removal order to be insufficient. Had Mr Bleau engaged in the regulatory proceedings the panel may have been able to address its concerns with a lesser order, but in the absence of any engagement, it had no option but to impose a removal order.

## Right of Appeal

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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

- v. Under paragraph 15 (2) and 15 (3) of schedule 2, part 4 of the Social Workers Regulations 2018:
  - (i) 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.
  - (ii) 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.
- vi. 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.