

Social worker: Siphosenkosi
Matshokomola Bhalule

Registration number: SW38936

Fitness to practise: Final hearing

Date(s) of hearing: 16-23 March 2021; 11-22 October 2021

Hearing Venue: Remote hearing

Hearing outcome: Removal Order

Interim order: Interim Suspension Order – 18 Months

Introduction and attendees

1. This is a hearing of the Fitness to Practise Committee held under Part 5 of The Social Workers Regulations 2018.
2. Mr Bhalule attended and was represented by Mr Mhakayakora, with the exception of the afternoon of the 21 October 2021, when Mr Bhalule represented himself. Special Counsel appointed by Social Work England, Ms Colette Renton, attended on behalf of Mr Bhalule for the purposes of cross-examining the complainants.
3. Social Work England was represented by Ms Ruth Broadbent of Capsticks LLP.

Adjudicators	Role
Name: Carolyn Tetlow	Lay Chair
Name: Vicki Lawson-Brown	Social Worker Adjudicator
Name: Baljeet Basra	Lay Adjudicator

Name: Tom Stoker	Hearings Officer
Name: Robbie Morgan (16-23 March 2021)	Hearing Support Officer
Name: Graeme Dalgleish	Legal Adviser

Allegation (as amended at the final hearing)

“During the course of your employment as a Care Coordinator with a Mental Health NHS Trust:

1. *In or around April 2017 to July 2017, in relation to Witness 4, you:*
 - a) *Made inappropriate comments of a sexual nature*
 - b) *Physically restrained Witness 4 on at least one occasion*
2. *Commencing in or around March 2018 to September 2018, in relation to Witness 1, you:*
 - a) *Made inappropriate comments of a sexual nature*
 - b) *Behaved inappropriately in that you;*
 - i) *offered to pay for Witness 1 to go to a spa*
 - ii) *offered Witness 1 a sum of money as an alternative to paying for a spa*

3. *In or around April 2018, in relation to Witness 1, you*

a) made inappropriate advances in that you attempted to kiss Witness 1

b) Sexually assaulted Witness 1

4. *You were dishonest about the nature of your relationship with Witness 1 on:*

a) 4 December 2018

b) 11 February 2019 and/or

c) 12 February 2019

5. *Your actions at paragraphs 1 (a), 1 (b), 2 (a), 3 (a) and 3 (b) were sexually motivated*

6. *The matters as set out at paragraphs 1-5 amount to misconduct*

7. *By reason of your misconduct, your fitness to practice is impaired"*

Preliminary matters

Appointment of lay representative

4. Mr Bhalule confirmed to the Panel that he had instructed Mr Mhakayakora to represent him at this hearing and he had completed the required form advising Social Work England in that regard. There was no objection to the appointment of Mr Mhakayakora and the Panel agreed to proceed on that basis.

Application to conduct part of the hearing in private

5. Ms Broadbent applied for parts of the hearing to be heard in private in respect of Witness 1. She referred to her written application, specifically paragraph 10 onwards, and to Rules 37 and 38 of the Fitness to Practise Rules. She submitted that hearing part of the hearing in private was required to protect the interests and welfare of Witness 1 and that the application would cover all those parts of the evidence and submissions that touch upon Witness 1's allegation.
6. Ms Broadbent referred to Article 6 of the ECHR and to the exception to public hearings allowed for the protection of private life, here the private life of Witness 1. Witness 1 will give evidence which will unavoidably include reference to her private and family life and would be likely to identify her. Ms Broadbent referred to Witness 1's witness statement and her correspondence with the regulator. Witness 1 has asked not to be identified. Ms Broadbent submitted that simple anonymisation will not be sufficient as it could still be possible to deduce her identity from other evidence; that is by "jigsaw" identification. She submitted that it is fair and appropriate to hold those parts of the hearing in private that

may lead to the identification of Witness 1 and this would also serve the public interest. She submitted that the quality of the evidence would be improved where the witness is given sufficient protection of her identity and private life. She submitted that the panel is required to carefully consider derogating from the open justice principle.

7. Mr Mhakayakora opposed the application and submitted that to apply for the whole hearing to be held in private was not reasonable. Anonymising the name of Witness 1 was acceptable but to go further was not in keeping with the overriding objective of the regulator. He accepted the anonymisation of Witness 1 but objected to the whole hearing being in private. He said the employer was already aware of the case and the information was already in the public domain. He referred to case law which highlighted the importance of public confidence and he submitted that the panel should only anonymise issues in relation to her private life and health, which was not objected to.
8. The legal adviser reminded the Panel of the terms of Rule 38(b) and the importance of fairness and the default position, being the open justice principle. He advised the panel of the need to balance that with the interests and welfare of Witness 1 taking account of all the information before it. He also reminded it to consider the public interest and the overarching objectives of the regulator.

Decision on Privacy Application

9. The Panel was mindful of the open justice principle and the terms of Rule 38(b) and the Social Work England Guidance. It considered all the information before it, including the submissions from both parties and the correspondence between Witness 1 and the regulator. It noted that Mr Bhalule does not object to the anonymisation of her identity to protect her private life.
10. Witness 1 is a vulnerable witness as she is the alleged victim of a sexual assault. She had expressed serious concern about her identity being revealed and she was concerned to ensure that her evidence, her identity and her private and family details, are not made public. The panel concluded in these circumstances that it was fair and appropriate to derogate from the open justice principle in order to protect Witness 1's identity and to anonymise her. Further, the panel accepted that there is strong possibility that, if Witness 1's evidence and other evidence in relation to the allegation she has made, is heard in public, Witness 1's identity may be revealed by jigsaw identification. It did not accept that her identity is already in the public domain, **[PRIVATE]**.
11. The panel concluded that it was fair and in the interests of justice, given the nature and gravity of the allegations, to hear those aspects of the case that may result in Witness 1's identity being revealed in private, to protect her welfare and her right to family life. That protection will allow her the opportunity to give her best evidence and, as such, is also in the public interest and meets the overarching objective of the regulator to protect the public.

12. The panel decided that Witness 1's evidence, and any part of the case (whether in other evidence, questions or submissions) that may lead to her identification or that of her family members or associates, would be heard in private but that the remainder of the case will be heard in public. It decided that would appropriately and fairly balance the interests of justice with the welfare and the interests of the Witness 1. The Panel also concluded that to avoid inadvertent "jigsaw" disclosure of her identity, that she should be described henceforth as Witness 1.

Application for Special Measures

13. Ms Broadbent submitted an application for special measures in respect of Witness 1 and Witness 4. She referred to her written application. She explained that both witnesses will give evidence remotely but sought that Mr Bhalule attend at that time by telephone only, and that would prevent him from seeing those two witnesses. She submitted that this is the only option available as screens are not suitable at a remote hearing.
14. Ms Broadbent submitted that Witnesses 1 and 4 have stated that they do not want to see Mr Bhalule, and Witness 4 has stated that she does not want to be seen by him, during her evidence. The panel and representatives will be able to see the witnesses but will not, during their evidence, be able to see, or been seen by, Mr Bhalule. Ms Broadbent submitted that this was in the interests of justice and was made under Rule 32. The panel has the discretion to conduct the hearing as it sees fit and this was a fair and appropriate approach. Mr Mhakayakora did not oppose the application.

Decision on Special Measures

15. The panel took advice from the Legal Adviser who reminded it of its power to conduct proceedings as it sees fit subject to the requirement of fairness. He advised that Witnesses 1 and 4 were vulnerable witnesses, being the alleged victims in allegations of a sexual nature and both had asked not to be seen by Mr Bhalule when giving their evidence. The panel was required to balance the interests of justice with fairness to Mr Bhalule.
16. The panel considered matters and concluded that it was fair, proportionate and appropriate to grant the application. The special measures sought were pragmatic and sensible and did not cause undue prejudice to Mr Bhalule, who does not object, whilst serving to protect the interests of both Witness 1 and 4. The panel accordingly granted the application.

Application to Amend

17. Ms Broadbent applied to amend the charges in the following respects, so as to better reflect the evidence:

(a) By substituting "two" for "one" in charge 1(b), so that the particular will read "*Physically restrained Colleague 4 on at least one occasion*";

(b)By substituting “April” for “March” in the stem of charge 2, so that the stem will read “Commencing in or around March 2018 to September 2018, in relation to Colleague 1, you...” and

(c)By offering no evidence to support head of charge 4 .

18. Ms Broadbent submitted that in respect of 1(b) and 2 the changes were to better reflect the evidence as it is currently set out in the witness statements. There was no prejudice to Mr Bhalule.

19. In respect of the amendment to offer no evidence on charge 4 Ms Broadbent sought that her submission be heard in private.

20. Social Work England sought to offer no evidence on charge 4 which alleges dishonesty by Mr Bhalule. Ms Broadbent referred to the case of Misra v GMC 2003 UKPC 7. She advised that the central issue was the alleged sexual assault and misconduct [PRIVATE]. She submitted that the dishonesty allegation was therefore not the main allegation and was unnecessary and possibly oppressive. She submitted that it added little to the degree of culpability of Mr Bhalule. She submitted that this was not a case where the regulator is offering no evidence on a substantial limb or under-prosecuting the case, but that the dishonesty limb was oppressive and was not the “nub” of the allegation.

21. Ms Broadbent also submitted that the Mullender-Lock case Professional Standards Authority (PSA) v Health and Care Professions Council (HCPC) & Mullender-Lock, 30 November 2020 (CO/5008/2019) was different to the current case. She submitted that the panel ought not to speculate and that that case appeared to involve an admission of dishonesty. Each case must turn on its own facts and in the current case the dishonesty allegation was not admitted and all the charges would stand or fall together.

22. Mr Bhalule did not oppose any part of the application to amend.

23. The Legal Adviser referred to the relevant case law and to the need for the panel to balance the risk of under-prosecution and protecting the public, with avoiding proceeding with unnecessary and/or oppressive allegations. The Legal Adviser referred to the Misra case and to the recent High court case of Mullender-Lock, an appeal by the PSA. The PSA challenged the HCPC’s decision on sanction and on the failure of the panel at the final hearing to properly consider, amongst other issues, the registrant’s dishonesty which was part of the evidence before it. The appeal was formally conceded on that basis, and on the basis that the panel’s decision was not sufficient to protect the public.

Decision on Application to Amend

24. [PRIVATE].

25. The panel accepted the legal advice. It considered the Misra and Mullender-Lock cases. It carefully considered the submissions. Part 4 of the allegation states:—

“4. You were dishonest about the nature of your relationship with Witness 1 on:

a) 4 December 2018

b) 11 February 2019 and/or

c) 12 February 2019”

26. There is documentary evidence in the exhibits in respect of each of the three specific dates when Mr Bhalule is alleged to have been dishonest in particular 4 of the allegation (at exhibits bundle pages 70, 131, & 118). That documentation records the detailed explanations given by Mr Bhalule to his employers of what he states was a consensual sexual relationship with Witness 1. He offered a detailed context to explain the nature and extent of that relationship, and to deny the allegation in respect of Witness 1. He is entitled to do so.

27. The allegation at particular 4 alleges dishonesty in those three, prior, specific explanations given by Mr Bhalule about his relationship with Witness 1. The panel considered that the mischief in that part of the allegation is dishonesty. The central mischief in particulars 1, 2 and 3 of the allegation is one of sexual assault and sexually motivated conduct.

28. The panel was of the view that particular 4 of the allegation, whilst related to the rest of the allegation, stands apart in respect of the nature of the mischief it alleges. The mischief of dishonesty is a different mischief from that in the rest of the allegation.

29. In Misra the central issue, the mischief, was dishonesty; lying on oath about two telephone calls. The court took the view that adding further allegations of dishonesty about the same issue was unnecessary, as the central mischief was already that of dishonesty in respect of the telephone calls. The court appeared to have taken the view that the additional allegation essentially duplicated and added nothing to the existing, central mischief of dishonesty. The panel found that is not the position in the present case.

30. The panel considered the public interest, the overarching objectives of the regulator and the importance of avoiding under-prosecution. It was mindful of the PSA's position as successfully put and conceded by the HCPC in Mullender-Lock. It noted that in that case there had been an admission of dishonesty in the self-referral letter, which is not the case here.

31. The panel concluded that in the circumstances of this case, to allow particular 4 of the allegation to be abandoned would not serve the public interest. It would undermine the objective of the regulator to protect the public, to promote and maintain public confidence in social workers and to promote and maintain proper professional standards for social workers.

32. Further, given the separate mischief it has identified in particular 4 of the allegation, the panel concluded that the allegation was not unnecessary, oppressive or duplicatory. The allegation is very specific and Mr Bhalule has had notice of it as part of the original allegation. It refers to specific documentation served on him in the exhibits bundle.

33. The panel concluded in all the circumstances that to allow particular 4 of the allegation to be abandoned would amount to under-prosecution, would fail to uphold the overarching objectives of Social Work England and would fail to protect the public and the wider public interest in the proper and thorough hearing of allegations by the panel at a final hearing. The panel has an inquisitorial and active role.

34. In all the circumstances the panel has reached the view that particular 4 of the allegation is to proceed and it refuses the application to amend the allegation in that regard.

35. The panel is of the view that the remainder of the application to amend should be allowed. It is fair and appropriate to do so to properly reflect the evidence, and the amendments do not alter the nature or gravity of the allegation as a whole.

Background

36. Ms Broadbent opened the case for Social Work England. Mr Bhalule qualified as a social worker in 2006. He was registered with the previous regulator the HCPC and with Social Work England. He was employed by a Mental Health NHS Trust ("the Trust") and from 2008 he held the role of Care Coordinator. The complaints are made by Witnesses 1 and 4 who allege inappropriate sexual behaviour and sexual assault.
37. **[PRIVATE]**, it is alleged that he made comments to her about her appearance and said she was "*sexy*" and "*beautiful*." It is alleged that Witness 4 made clear to him that she was not interested in a relationship with him. On one occasion, it is alleged that Mr Bhalule said to Witness 4 that he wanted to have sex with her in a car. In a number of text messages between Witness 4 and Witness 5, it is alleged that Witness 4 expressed her concerns about Mr Bhalule.
38. In June 2017 it is alleged that the nature of the conduct escalated. Mr Bhalule tried to hug Witness 4 but she slapped him and ran out of the room. The hug allegedly involved Mr Bhalule lifting his hands so that they went up the sides of Witness 4's body under her clothes. He also allegedly pinned her arms down when doing so. The texts he later sent to her allegedly contained sexual innuendo and said for example "*I want to shag you*". Witness 4 did not return the sentiment. **[PRIVATE]**.
39. **[PRIVATE]** It is alleged that in around March 2018. Witness 1 suffered repeated sexually motivated and unwanted behaviour from Mr Bhalule, and she alleges that he sexually assaulted her **[PRIVATE]**. It is alleged that he made unsolicited comments about her body and appearance and he would hug her. It is alleged that he asked about her sex life and

asked if she would hug and kiss him and have sex with him. It is alleged that he asked her to send him “dirty” pictures and that Witness 1 sought to make clear that his comments and behaviour were unwanted **[PRIVATE]**.

40. In or around April 2018 **[PRIVATE]** it is alleged that Mr Bhalule said he thought she should go to a spa, but she repeatedly refused. It is alleged that he tried to give her money and made clear to her that he wanted a sexual relationship with her. It is alleged that Witness 1 accepted £30 to avoid further pressure from him.
41. In respect of charge 3, it is alleged that Mr Bhalule hugged and was tactile with Witness 1 who was uncomfortable with his behaviour and made that clear to him. On one occasion **[PRIVATE]**. Mr Bhalule made explicit sexual comments to her **[PRIVATE]**. It is alleged that he kissed her and she said no **[PRIVATE]**.
42. **[PRIVATE]**.
43. **[PRIVATE]**.
44. **[PRIVATE]**.
45. Social Work England called evidence from the following witnesses:
 - Witness 1: **[PRIVATE]**. Witness 1 is the complainant in respect of charges 2 and 3.
 - Witness 4: **[PRIVATE]** Witness 4 is the complainant in respect of charge 1.
 - Witness 6, **[PRIVATE]**, who first interviewed Mr Bhalule.
 - Witness 7, a Consultant Clinical Psychologist, clinical and operational manager for psychological services employed by the Trust, who carried out an internal investigation at the Trust in respect of the allegations and produced a report.
 - Mr Peter O’Dwyer, the expert instructed by Social Work England, a Senior Digital Forensic Examiner at IT Group UK Limited. He gave oral evidence and produced two reports on his examination of Witness 1’s mobile telephone, her Facebook account and the social media supplied in PDF format by Mr Bhalule.
46. Mr Bhalule denied all the allegations. The panel did not hear from Witness 2 or Witness 5.

Summary of Evidence

Witness 1

47. The panel heard from Witness 1. She confirmed her two witness statements were true to the best of her knowledge and belief. She stated that there were several occasions when Mr Bhalule offered her money and she said she took it on one occasion. [PRIVATE]. She said she had tried to make her chronology accurate and said she could remember the dates well and had used her diary and her mobile telephone to check dates. [PRIVATE]. Mr Bhalule never had her personal telephone number.
48. Witness 1 [PRIVATE] said she was too scared to talk to others about what had happened. [PRIVATE]. She captured the messages by taking a photo on her telephone and confirmed that the full conversation appeared in her exhibits.
49. [PRIVATE].
50. [PRIVATE]. She said that between December 2017 and March 2018 she had no direct conversations with Mr Bhalule. In March 2018 she said that Mr Bhalule starting “flirting” with her and making comments about her body. She said that she laughed it off at first and did not give him anything back. She said Mr Bhalule gave her his personal number on a Post-It note and she threw it away. She said that she did not respond to his text messages.
51. Witness 1 referred to the direct message on Facebook on 18 May 2018. Mr Bhalule had added her. She recalled that he had added her before 18 May 2018 and she said that her chronology was accurate as she made it closer to the events. Witness 1 said that Mr Bhalule’s flirting became more intense and he made more attempts to contact her. He made comments about wanting sex with [PRIVATE]. She confirmed that she did not enter into a relationship or have sexual intercourse with Mr Bhalule. [PRIVATE]. She said he directly asked her if she wanted to have sex with him and made it clear that he wanted to have sex with her.
52. Witness 1 told the panel about Mr Bhalule offering her money on several occasions. On one occasion, [PRIVATE] he practically forced money into her hands and she reluctantly accepted £30 from him. She said it was awkward and inappropriate and she had taken the money to get out of the room.
53. [PRIVATE].
54. Witness 1 said she next received a text from Mr Bhalule on 4 May 2018. She responded to it as she wanted to just carry on and was just trying to “*shut him up*”. On 18 May 2018 she explained the reference in the text to Mr Bhalule waiting for her and texting “*it was booked.*” She said that he had been trying to persuade her to go to a hotel to have sex with him. [PRIVATE]. She said she thought she was in denial at the time. She [PRIVATE] told him she was not interested.
55.]PRIVATE].
56. The panel decided that the cross examination of Witness 1 could not start given an issue with exhibits and the time of day. In order to make progress, the panel decided that,

although not ideal, other witnesses would be heard meantime. It was unavoidable that Witness 1's cross-examination would have to be delayed. It would be conducted by Special Counsel, Ms Renton, on day 5 of the hearing (Monday 22 March 2021) being the date on which she was next available.

Witness 6

57. Witness 6 confirmed that his witness statement was true to the best of his knowledge and belief. He is now [PRIVATE] Witness 6 told the panel about his telephone call from a very distressed Witness 1. He said he had made notes that day, 28 November 2018 and visited her on 4 December 2018 and he took the notes whilst they were talking. Witness 1 did not want to pursue anything and said she just wanted it to stop and be left alone. She did not want to feel intimidated and said she did not want to "*mess up*" anyone's career.
58. Witness 6 explained that [PRIVATE] Witness 1 [PRIVATE] had just wanted it to "*go away*". She had told him that Mr Bhalule was pursuing her aggressively, which he understood was a reference to Mr Bhalule's behaviour. He spoke to Mr Bhalule, whose version of events was very different from Witness 1's. Witness 6 said he wanted to be clear, so he went back to speak to Witness 1. She categorically denied there had ever been a sexual relationship. Witness 6 said that he told Mr Bhalule that Witness 1 wanted him to stop and not pursue her, as set out in his notes. He said he had only one meeting with Mr Bhalule [PRIVATE].
59. Witness 6 met with Mr Bhalule on the afternoon of 4 December 2018. The purpose of the meeting was to explain to him the concerns raised by Witness 1 about Mr Bhalule's behaviour, as Witness 1 was clear she wanted it to stop. Witness 6 said he also wanted Mr Bhalule's version of events. He took notes in his meeting with Mr Bhalule and said he was surprised by the amount of information that was volunteered by him. His version of events was very different from Witness 1. Witness 6 then met with Witness 1 again on 5 December 2018. He referred to his notes and explained that Witness 1 showed him some of the text messages between Mr Bhalule and herself. Copies were later obtained and passed to the Trust investigating officer, Witness 7.
60. Witness 6 said he was shown the messages by Witness 1 on her telephone. He said the notes were not circulated and were not approved by Witness 1 or Mr Bhalule and were taken simply to gather information, but he considered that his notes were accurate. He was subsequently interviewed in the course of the Trust investigation, but he played no further part in that investigation.
61. Witness 6 said he was concerned and had spoken to Witness 1 again on 5 December 2018 as he needed to clarify matters, given that Mr Bhalule had said they were in a relationship. At that stage, Witness 1 did not disclose any more to Witness 6 than she had at the first meeting, and had reiterated that they had never been in a relationship.

62. **[PRIVATE]** Witness 6 said that the nature of the concerns were such that they needed to be addressed despite Witness 1 not wishing to pursue matters. He was not aware of any further allegations by Witness 1.
63. Witness 4 approached Witness 6 sometime later. Witness 6 told the panel that Witness 4 told him that Mr Bhalule had allegedly tried to kiss her and had pursued her aggressively. **[PRIVATE]**.
64. **[PRIVATE]**.
65. Witness 6 said he has known Mr Bhalule for many years. He said Mr Bhalule was a kind and considerate person and good with service users. **[PRIVATE]** Witness 6 was not aware of any complaints about Mr Bhalule.
66. **[PRIVATE]**.

Witness 7

67. Witness 7 confirmed her witness statement was true to the best of her knowledge and belief. She is a manager of clinical psychological services at the Trust and holds a senior management role in the Trust. She conducted the Trust investigation into the allegations by Witnesses 1 and 4 against Mr Bhalule. She had no prior knowledge of Mr Bhalule, or Witnesses 1, 2, and 4. Witness 7 told the panel that she had done many investigations and had a lot of experience of conducting investigations.
68. Witness 7 told the panel about how she conducted her investigations and followed a process. She received written information and then conducted interviews. She identified people whose knowledge would be relevant to the investigation as it was a fact-finding procedure. **[PRIVATE]**.
69. Witness 7 confirmed that the original investigation was into sexual comments and advances by Mr Bhalule. She said more issues arose after the interviews with both Witness 1 and Mr Bhalule. **[PRIVATE]** and an allegation of dishonesty by Mr Bhalule was also added. Thereafter, further allegations about Witness 4 were added.
70. On 12 February 2019 her interview with Mr Bhalule took place and the notes of the interviews were appended to the Investigation report. She said that Witness 1 had submitted to her, prior to her interview, the chronology she (Witness 1) had prepared **[PRIVATE]**, and Mr Bhalule had submitted a written statement to her prior to his interview. She said she could not recall when she had received the notes taken by Witness 6. Witness 7 said that the sexual assault allegation from Witness 1 had emerged during the investigation and was not part of the initial terms of reference for the investigation. The original terms were expanded to include the allegation of sexual assault that emerged. She did not recall whether she saw any text messages during her interview with Witness 1. With regard to Witness 2, Witness 1 recalled seeing some text messages during the interview and further messages were sent to her after the interview.

71. Witness 7 referred to the texts appended to the Investigation Report including some photographs of Witness 1 that Mr Bhalule said Witness 1 had sent him from Facebook. She confirmed that she understood the text messages in the bundle were text messages between Witness 1 and Mr Bhalule. **[PRIVATE]**. Witness 7 said that Witness 1 denied ever sending photographs to Mr Bhalule and the photos that appeared in the appendix to the report were on Witness 1's Facebook account and she understood they were available to anyone.
72. Witness 7 **[PRIVATE]** said that Mr Bhalule did not provide his telephone, but he was invited, as all witnesses were, to present any additional evidence. She recalled some discussion during interviews about mobile telephones, and she recalled Mr Bhalule was invited to provide evidence. She recalled the discussions with Mr Bhalule about him meeting with Witness 1 for sex and she said his answers were hesitant and not very coherent.
73. **[PRIVATE]**.
74. **[PRIVATE]**.
75. Witness 7 said that Witness 4 was clearly worried and very anxious and Witness 7 had been concerned for her welfare. **[PRIVATE]**. Witness 7 said she could not emphasise enough how distressed Witness 4 had been.
76. **[PRIVATE]**.
77. Witness 7 said that the notes from the investigation show that Mr Bhalule had shown her some photos of Witness 1 on his mobile telephone, but there were no messages with the photographs, which she recalled he said he had deleted.

Applications on behalf of Mr Bhalule

78. Ms Broadbent raised an issue about the two expert reports and the evidence due to be heard from the expert. She referred to the Case Management Directions made on 15 December 2020 and advised the panel that in the disclosure made by Mr Bhalule on 20 January 2021 he had provided new material, being screenshots from a mobile device. As a result, on 8 February 2021 Social Work England asked Mr Bhalule to make his mobile telephone available for inspection by an expert. On 9 February 2021 Mr Bhalule declined that request.
79. On 25 February 2021 Social Work England told Mr Bhalule that they were going to instruct an independent expert to examine the new evidence he had provided. On 3 March 2021 Mr Bhalule replied and said he could not afford to call an expert witness and he asked that the expert be independent. There are two expert reports (from the same expert), one examining Witness 1's Facebook account and her mobile telephone, and a second examining the material provided by Mr Bhalule in the form of a 32-page PDF document. The expert was instructed by Social Work England on 22 February 2021 and 2 March 2021

respectively and the reports are dated 9 and 11 March 2021. They were served on Mr Bhalule on 12 March 2021.

80. Mr Bhakayakora opposed the admission of the first expert report which related to the screenshot material produced by Mr Bhalule on 20 January 2021. He said that the evidence was obtained without due care and process and that the way the evidence had been “harvested” was not “forensic” and this would prejudice Mr Bhalule’s case. He said it was not therefore possible to test its reliability, but he said that the source material was genuine and accurate and Mr Bhalule stands by it. He applied for the expert report dated 9 March 2021, and the social media material provided by Mr Bhalule, to be excluded from the evidence. He submitted the panel had a duty to ensure fairness and he considered the evidence was prejudicial. He confirmed he was applying only to exclude the first expert report, not the second one (dated 11 March 2021).
81. Ms Broadbent submitted that the central issue in the case was whether there had been a consensual relationship between Mr Bhalule and Witness 1. On 20 January 2021 Mr Bhalule had provided screenshots of messages that evidenced a consensual relationship, and which therefore contradicted Witness 1’s position. The material from Mr Bhalule shows explicit messages to and from Witness 1 referring to sexual activity between them. Witness 1 denied the existence of any additional material other than that which she had produced. Mr Bhalule had declined access by Social Work England to his mobile telephone.
82. Ms Broadbent explained that the evidence provided by Mr Bhalule had been examined by the expert appointed by Social Work England. She submitted that it was for Mr Bhalule to explain his position and it was not unfair to admit the evidence. She said that Social Work England had complied with the disclosure requirements and had acted expeditiously throughout. She said that although the expert reports had not been served by the deadline of 23 December 2020, this was because Mr Bhalule had not submitted the new evidence until 20 January 2021 and Social Work England had previously been unaware of its existence.
83. Mr Bhalule had said on 3 March 2021 that he was content for the expert to consider his material. She submitted that this material was admissible, given that under Rule 29 of the Fitness to Practice Rules there had been a material change of circumstances and it was in the interests of justice for it to be before the panel. The material was fundamental to the issues before the panel and was open to challenge by Mr Bhalule. Social Work England had acted expeditiously after receiving the new evidence.
84. Ms Broadbent opposed the application and submitted that Mr Bhalule had asked that the material he had exhibited be produced to the panel and the expert. She submitted that, despite the Directions, Rule 29 allowed for the panel to act in the interests of justice and it was fair to admit the material and the expert report.

85. Mr Mhakayakora also applied to recall Witness 7 as he had experienced technical problems and as a result had failed to finish all his questions for the witness. The application was not opposed.
86. The legal adviser reminded the panel that both expert reports failed to comply with the Directions, which required Social Work England to disclose its case by 23 December 2021. The expert reports were served on Mr Bhalule on Friday 12 March 2021, with the hearing commencing on Tuesday 16 March 2021. The legal adviser referred the panel to the rules and to the fundamental need to ensure proceedings are fair. He referred to the Fitness to Practise rules on case management and to Rule 32 under which the panel may regulate its own proceeding as it considers fair. He stressed that the onus and the burden of proof was upon Social Work England. It was Mr Bhalule's fundamental right to deny the allegations and to exercise his right not to incriminate himself. No adverse inference should therefore be drawn because he had chosen not to produce his mobile telephone for analysis. He advised the panel to consider whether the time scale had allowed Mr Bhalule and his non-legally qualified representative to properly consider the expert reports and prepare their case in response. He also advised the panel to be mindful of the interests of justice when considering the application to recall Witness 7.

Decision on the recall of Witness 7

87. The panel concluded that it was fair and appropriate to allow Witness 7 to be recalled. Mr Mhakayakora is not legally qualified, and he suffered an issue with his laptop which had led to him failing to complete all his questions. There is an element of inconvenience to the witness, but it is in the interests of fairness and justice to allow recall of the witness to enable Mr Mhakayakora to complete his cross-examination. The panel reminded him that he could bring technical difficulties to its immediate attention and seek short adjournments if necessary.

Decision on the application to exclude the expert report and Mr Bhalule's material

88. The panel considered the application by Mr Mhakayakora to exclude the first expert report and the material that Mr Bhalule had disclosed on 20 January 2021. The expert was instructed by Social Work England on 2 March 2021, less than two weeks before the hearing was due to start, and the report was served on Mr Bhalule on 12 March 2021. Mr Mhakayakora had opposed admitting both the first expert report and the material Mr Bhalule had provided (which was the subject of that report). He submitted this was prejudicial due to the means by which the material had been "*harvested*" from Mr Bhalule's telephone. It noted Mr Mhakayakora's submission that as a consequence of that process the evidence was not reliable and he would not be in a position to properly challenge the first expert report. He does not, however, deny that the material is genuine.
89. The panel accepted the legal adviser's advice. In order to effectively fulfil its role and meet the overarching objectives of regulation and public protection, the panel should have before

it all evidence that is relevant and of assistance, but it must be fair to allow that evidence. The panel was mindful of its powers to conduct proceedings as it considers fair.

90. In an email dated 3 March 2021 Mr Bhalule told Social Work England that he wanted the panel to see the material that he had disclosed and stated *“Your expert witness can get evidence from [Witness] 1 and compare my evidence and that one (sic) of [Witness] 1”*. The expert report on that material was served on Friday 12 March 2021. That was two working days before the commencement of the hearing on 16 March 2021. This was not fair to Mr Bhalule as it failed to provide him with a reasonable opportunity to consider the expert report and to prepare his case accordingly. Social Work England should have formally applied to admit that evidence given the date on which it was served. Evidence is not admitted by default merely because the other party fails to object.
91. The panel concluded that the evidence in the social media material submitted by Mr Bhalule and in the expert report was relevant. That material was produced by Mr Bhalule and he had asked that it be put before the panel and, indeed, considered by the expert whom he knew that Social Work England were intending to instruct. It goes to one of the central issues in this case: the nature of the relationship between Mr Bhalule and Witness 1.
92. The panel decided that it in all the circumstances it was fair to allow the social media material provided by Mr Bhalule to be admitted and, given its nature, for the first expert report on that material to be admitted, in order to assist the panel.
93. However, the panel decided that it would be fair in these circumstances to delay the hearing of the expert evidence. That will provide a proper and fair opportunity for Mr Bhalule and his representative to consider the expert report and prepare his case. It would allow Mr Bhalule, for example, to cross examine the expert on whether the method of *“harvesting”* the material had an impact on its reliability.
94. This case is very likely to go part-heard and the panel directed that the expert evidence be heard on the adjourned dates later this year, and not within this sitting of the hearing. That will allow Mr Bhalule time to consider the expert report and prepare his case.
95. The application to exclude the first expert report and the screenshot material was therefore refused and the panel directed that the expert evidence be heard when the hearing resumes later this year.

Witness 1’s Cross Examination

96. On Monday 22 March 2021, Witness 1 was cross-examined by Special Counsel for Mr Bhalule. **[PRIVATE]**.
97. Witness 1 said **[PRIVATE]** all the communication she made was what she had provided to Social Work England, and anything he had provided would be fake. **[PRIVATE]** said all sexual comments had come from him and never from her. **[PRIVATE]**. Witness 1 said she had never

used "Google Hangouts" and had not heard of that platform until it was mentioned by the solicitors in the preparation of this case.

98. Witness 1 denied that she had ever indicated she wanted to spend time with Mr Bhalule, [PRIVATE] and she had never suggested that they meet at a hotel to have sex. She denied that they met at a friend's house to have sex and said that she had never had sex with Mr Bhalule. She said that was not true.
99. [PRIVATE].
100. [PRIVATE].
101. Witness 1 did not accept that she had fabricated the allegation of the sexual assault by Mr Bhalule [PRIVATE].
102. Witness 1 denied fabricating the assault and that she had crafted her story so there would be no corroboration of the alleged assault. She accepted that after the assault she did not report it for some time after. She said she felt scared and ashamed. [PRIVATE].
103. [PRIVATE].
104. [PRIVATE] Witness 1 said she had never been to a spa, and she denied that she had asked Mr Bhalule for money to do so.
105. The case was briefly adjourned at this point. Mr Bhalule was given a warning by the legal adviser about his right not to incriminate himself. The panel was then advised by Ms Renton that Mr Bhalule did not intend to rely upon the documents in the bundle, which he had submitted, relating to his use of social media, and would not put any questions to Witness 1 about that material.
106. Witness 1 was taken to the messages from her mobile telephone dated 24 April 2018. She said she always places an "x" at the end of all her messages to everyone. Witness 1 said that she had not met with Mr Bhalule and had not accepted any gifts from him. She said that these messages were her attempt to make things normal and she was trying to "go along" with him and "be polite". She did not know how to handle the situation or cope. [PRIVATE].
107. Witness 1 said that the messages sent by Mr Bhalule in early May 2018, were about trying to have sex with her and that was the context. [PRIVATE]. She accepted that his text messages were not overtly sexual, apart from one on 8 May saying 'I want you so much x you look hot' but she understood the messages in the context of Mr Bhalule's behaviour, as indicating that he wanted to have sex with her. She said she was being pestered by him and was trying to ignore him. The reference by Mr Bhalule on 17 May 2018 to "it's booked" appears to be a reference to booking a hotel, but Witness 1 denied that they had ever made such an arrangement and said they had never met anywhere to have sex. Witness 1

accepted that some of the text messages themselves were not sexual and did not appear, on the face of it, to be inappropriate.

108. Witness 1 was taken to the notes of the interview with Witness 7 dated 25 January 2019. She denied that she had been 'led' by Witness 7 in that interview to make the statements about her being shocked and being sexually assaulted. [PRIVATE].
109. [PRIVATE].
110. [PRIVATE].
111. [PRIVATE].
112. Witness 1 said she had blocked Mr Bhalule from Facebook but could not recall when. [PRIVATE].
113. [PRIVATE]. Witness 1 said she had not deleted any messages from Mr Bhalule and had never sent him any photographs. She said the messages between her and Mr Bhalule were all included in her exhibits. Witness 1 also explained that when she was sexually assaulted by Mr Bhalule [PRIVATE], she had said "no" and "stop" and pushed him away. She said that the description of the assault was set out in the chronology she had prepared but she could not recall if Witness 7 had seen that before the interview with her in January 2019. She said that when she saw Mr Bhalule face to face he would pester and pressure her, and she never gave him any indication she was sexually interested in him.

Witness 4

114. The panel heard from Witness 4 who adopted her signed witness statement. [PRIVATE].
115. [PRIVATE].
116. Witness 4 told the panel how Mr Bhalule [PRIVATE] had got too close to her and she pushed him back. She said she felt enclosed and it was too tight. She said he was holding her tight and not letting her go. She said his hands went under her clothes up at her sides slowly. She was wearing a T-shirt. She said she then panicked and tried to slap him, but he had taken hold of her and held her wrists. She said it was sudden and slapping him was her immediate reaction, but she had only just managed to slap him lightly because he was holding her wrists. Mr Bhalule had just laughed [PRIVATE].
117. [PRIVATE].
118. Witness 4 said that before the June incident, Mr Bhalule had asked her out several times. She referred to the text messages she had received from Mr Bhalule including one saying she was a "nice beautiful girl". These had been received on her personal mobile telephone and were screenshots taken by her on that telephone. [PRIVATE]. These messages were received after she had told him that she was not interested. [PRIVATE].
119. [PRIVATE].

120. Witness 4 told the panel about her interviews as part of the Trust's internal investigation when she was contacted by Witness 7. **[PRIVATE]**.
121. **[PRIVATE]**. Witness 4 said Mr Bhalule made sexual comments to her and she had no reason to fabricate her evidence.
122. **[PRIVATE]** She said she did not want to say anything about her concerns and about his comments to her, when he was leaning in through her car window, that he wanted to have sex with her in a car. She accepted that she did not report the conduct at the time.
123. **[PRIVATE]**.
124. **[PRIVATE]**. She said there were times Mr Bhalule was professional and pleasant and that had confused her.
125. **[PRIVATE]**.
126. The Hearing resumed on Monday 11 October 2021. At a Case Management Meeting on 24 September 2021 it was decided by the panel that the remaining days of this hearing would be heard remotely.

Expert evidence - Mr O'Dwyer

127. The panel heard expert evidence from Mr O'Dwyer, a senior digital forensic analyst. He explained his qualifications and referred to his two reports, the first dated 9 March 2021, the second dated 11 March 2021. He confirmed a correction to paragraph 1.6 of the first report to make clear that he was expressing his professional opinion as regards the authenticity of the images. He also corrected a reference to "Group A" in paragraph 4.13 when he had meant Group C.
128. Mr O'Dwyer said he had analysed texts, Google Hangouts, and Facebook messages provided by Mr Bhalule in a PDF, and that he deals with that material in his first report. He told the panel that he analysed Witness 1's mobile telephone for his second report. He was not able to extract the information from the telephone and he therefore examined Witness 1's Facebook account. He said that was the best evidence as the messages are stored by Facebook and directed to the telephone, so the Facebook account rather than the telephone was the better evidence. He accessed the account on 3 March 2021 using Witness 1's log-in details and was able to access the conversation between Witness 1 and Mr Bhalule.
129. In his first report, Mr O'Dwyer examined the 32 page PDF document showing social media and text messages that had been exhibited by Mr Bhalule. There was no "metadata" in the PDF as it was simply a photograph of the messages. He arranged the data into 5 groups, A – E. On a visual comparison he explained that in a number of the "chats" the profile name appeared to have been manipulated in some way as there were small variations in the layout of the page. He also looked at the text messages and told the panel there were

discrepancies in the layout of the screen shots and in some of the icons. Similar discrepancies also arose in his analysis of the Google Hangouts chats. He said that could be as a result of the particular mobile telephones used and that it could be that these screenshots came from different telephones, but he did not have access to the original telephone(s) to check this.

130. Mr O'Dwyer explained his methods and processes using a forensic tool – called Intella – which can extract and export embedded objects in an image. He explained that he then ran another tool to ascertain whether there was any metadata that may identify the make and model of telephone. That did not yield any useful results, so he had conducted a visual comparison of the results which he had placed in groups.
131. Mr O'Dwyer explained that Group A and B in his report were the text messages. He found Group B appeared to have no timeline. Group C were Google Hangouts messages; Group D was Facebook; and Group E was also Google Hangouts. With regard to the images in Group C that Mr O'Dwyer examined, he explained that there was inconsistent pixilation in some of the images. If screenshots are taken on the same telephone he would have expected the same pixilation. He said that Group D images had a scroll bar that appeared to be from a Samsung Galaxy, whereas the images in Group A, B and C did not have that scroll bar which may suggest that they were from different telephones. The Group E images from Google Hangouts were also analysed and Mr O'Dwyer stated that these appeared to be from a different telephone. He pointed out that one of the Google Hangouts screenshots had the 'Hangouts' header at the top of the page where one would expect to see the recipient's name. He confirmed the opinion expressed in his report that *"some or all of these images have been manipulated"*.
132. Mr O'Dwyer said that users can manipulate images relatively easily with "minimal" computer knowledge and using copies of screenshots. He also explained that two telephones can also be used by the same person to generate a fictional conversation apparently between two different people.
133. Under cross-examination, Mr O'Dwyer confirmed his CV and his training and said that he had previously worked with the police, analysing computers and mobile telephones. He agreed that image analysis was a different exercise from analysing computers but said that he had undertaken courses on computer and telephone analysis and operating systems and he had a knowledge of digital forensics. He said he had not presented a report in evidence before as they were normally agreed, but he had done many reports.
134. Mr O'Dwyer explained he had used the "Exiftool" but had not named that tool in his report. He said that tool could be used to extract metadata from an image but that had not revealed any useful data other than the pixel data. Mr O'Dwyer said he had extracted all of the metadata available and had only mentioned the pixel data in his report as that was the only relevant metadata.

135. Mr Mhakayakora put to Mr O'Dwyer that it was possible to use other methods to analyse images and that he had not analysed the images sufficiently. Mr O'Dwyer reiterated that he had not had the original telephone and that had limited his investigations. He said the lack of analysis of the metadata in the PDF containing the images did not compromise the report as that was irrelevant.

Witness 7 - Recalled

136. Given its nature the evidence of Witness 7 was heard in private to protect the identity of Witnesses 1 and 4 and third parties mentioned in the evidence. Witness 7 was recalled and cross-examined further by Mr Mhakayakora. She conducted the Trust's investigation. She was referred to the interview on 25 January 2019 that she had conducted with Witness 1. She was asked about the words used by Witness 1: "*shocked and confused*" and she explained that the notes were a summary of the interview and were not verbatim. Witness 7 accepted the words she used in some questions to Witness 1 derived from Witness 1's chronology that she had received before the interview, which included details of the alleged sexual assault. She said she was not a lawyer and the interview was not a legal interview and the wellbeing of Witness 1 was a significant factor. Witness 7 said these were very sensitive matters and she accepted that some questions could have been asked in different ways, but they were not therapeutic questions such as may be asked by a therapist. It had been a fact-finding interview. She described the questions as seeking clarification and they were not intended to be leading or suggesting the answer.
137. [PRIVATE].
138. [PRIVATE].
139. [PRIVATE]. Witness 7 said Witness 1 had given her plausible reasons for not disclosing the alleged assault.
140. [PRIVATE].
141. Witness 7 said Mr Bhalule showed her some texts and photos on his telephone during the interview but did not subsequently provide any evidence after the interview. [PRIVATE].
142. Witness 7 said she had never received an email from Mr Bhalule containing images and texts, despite inviting him to do so. She said that all she recalled Mr Bhalule submitting was a written statement. She recalled that the telephone text message images appended to the investigatory report were received from Witness 1. She had approached matters very carefully and refuted any suggestion she had missed out any evidence. Witness 7 was clear that she had not received the photographs in the appendix to the investigatory report from Mr Bhalule, but he had shown some to her at the interview and he had claimed Witness 1 had sent them to him. She said Witness 1 had sent these images to Witness 7 from her Facebook page, which was open to the public. She said that Witness 1 had denied ever sending the images to Mr Bhalule.

143. [PRIVATE]

Mr Bhalule's Evidence

144. Mr Bhalule took the oath and gave extensive oral evidence over three days. He said that at paragraph 2 of his statement it should also mention that he has never “*sexually assaulted*” anyone and he removed the reference to the need for him to “*disprove*” the allegation. He also referred to paragraph 12 the word “he” was needed in line 4. He confirmed the statement was his, he adopted it as his evidence and he confirmed he had signed it.
145. Mr Bhalule [PRIVATE] said he had a good record and no complaints from colleagues or service users. [PRIVATE].
146. [PRIVATE].
147. Mr Bhakayakora referred to particular 1 of the allegation regarding Witness 4. Mr Bhalule denied ever making inappropriate sexual remarks and said he never physically restrained Witness 4. He said he understood these were serious allegations and would cause alarm, but he said that this conduct never happened and he would never put anyone in this situation. [PRIVATE]. He took his role seriously knowing the importance of the social worker role in society. [PRIVATE]
148. [PRIVATE].
149. As regards the allegation of inappropriate comments of a sexual nature he said the allegations were false, untrue and did not happen. [PRIVATE].
150. [PRIVATE]. He said that when he was interviewed by Witness 7 he was not aware Witness 4 had also made a complaint. He said he had been shocked and said he was now no longer able to help all those he supported [PRIVATE].
151. [PRIVATE].
152. [PRIVATE].
153. In respect of the allegation regarding Witness 1, particular 2 a) Mr Bhalule denied making any comments of a sexual nature. [PRIVATE].
154. Regarding the text messages Mr Bhalule said this was an exchange of text messages with Witness 1 and that the panel cannot see the replies from her. [PRIVATE]. Mr Bhalule said the messages shown in the photographs of the mobile telephone in the exhibits were taken by him. They were of his own mobile phone and they showed his name at the top because he had saved his own number and name so that he could remember his own telephone numbers. This was because he had three mobile telephones, one of which he used only for his secret relationship with Witness 1. He said the texts and Facebook messages were sent by email to Witness 7 by him during her investigation and he did not know why they were not included in the investigation report or appendices by Witness 7.

155. [PRIVATE].
156. Mr Bhalule said he met with Witness 1 for sex in a hotel and in his friend's house nearby. That was all agreed and Witness 1 was happy with that arrangement. [PRIVATE]
157. [PRIVATE].
158. [PRIVATE].
159. [PRIVATE]. He denied offering to pay for a spa but said he gave her money when she asked. He said the texts she had exhibited did not reflect their conversations as she had also telephoned him. When Witness 1 said in the text on 22 May 2018 to him stating "*I just want it to stop*" Mr Bhalule said that text was not about ending the relationship but because he had broken the rules they had agreed. He said that in November 2018 he was still in a sexual relationship with Witness 1 although she replied to few of his messages. He denied lying about his relationship throughout and lying to Witness 6 and 7 and to the panel and said that Witness 1 had lied and changed her story.
160. Mr Bhalule said that, [PRIVATE] he had since deleted the two emails he said he had sent to the Trust which contained the social media material. He had not thought to refer to the exhibits in his statement made at that stage. He said that he was so shocked by the investigation outcome that he was unwell at that time, did not consider it properly and wanted to move on, which is why he had not queried the absence of the information he had supplied to the Trust investigation.
161. Mr Bhalule referred to his written statement dated 11 February 2018 which mentions the £600 he gave Witness 1. He said he had told Witness 6 about this from the outset and said he had been consistent about that and it was the truth. He said Witness 1 and 4 have both changed their stories.
162. In respect of the allegation at particular 3, Mr Bhalule said the assault and attempt to kiss Witness 1 did not happen. He said he was distressed about the accusation and he said it was a "*total and utter lie*". [PRIVATE]. He said Witness 1 "*had thrown him into the abyss.*"
163. Mr Bhalule [PRIVATE] denied having a conversation with her about having sex, kissing her and then pulling her toward him. [PRIVATE]. He said he considered that any sexual assault was a violation and denied any assault. [PRIVATE].
164. [PRIVATE].
165. [PRIVATE].
166. In respect of the texts between Witness 1 and Witness 2, Mr Bhalule said Witness 1 was preparing her version of events against him when she says in a text to Witness 2 "*I can't remember if I told you about him touching me??*" and Witness 2 replies "*Yeah you did tell me.*" Mr Bhalule said that no such thing happened and this conversation with Witness 2 was Witness 1 "*building her story*".[PRIVATE].

167. **[PRIVATE]**. He said his position was that Witness 7 had undermined his position as she failed to act on the social media he had provided to the Trust investigation and she had withheld evidence from this hearing.
168. Mr Bhalule said his witness statement was wrong when he stated in paragraph 10 that the first kiss he had with Witness 1 was in May 2018 and it should have said April or February. He said that they only met twice in a hotel, **[PRIVATE]** and he said it was an error to say “often” as stated in his statement. He said it was also an error in his interview with Witness 7 to say that he met Witness 1 only once in a hotel and he said it was his mistake. He said that they had also met twice for sex at his friend’s house.
169. **[PRIVATE]**. In respect of the allegation, particular 3, Mr Bhalule said he never sexually assaulted Witness 1 or tried to kiss her without her consent and he refuted the allegation categorically and said he would never do so. He said he was not that sort of person. He said that when Witness 1 met with Witness 7 she had added the sexual assault and changed her story twice. **[PRIVATE]**.
170. Mr Bhalule said he had made the application to exclude the social media evidence and the expert report because the salvaging of the information was such that he considered it would undermine his case. Given its “*contention*” he had decided not to put any of these messages to Witness 1 and that was made clear by Ms Renton, Special Counsel acting for Mr Bhalule at that stage in the hearing.
171. With regard to allegation, particular 4, Mr Bhalule denied being dishonest and said he had been consistent throughout about his secret, sexual, consensual relationship with Witness 1. He said there was evidence they communicated about that relationship. He said he told the truth and that was his value.
172. With regard to allegation, particular 5, Mr Bhalule denied any inappropriate sexual conduct with Witness 1 **[PRIVATE]**.
173. **[PRIVATE]**.
174. Mr Bhalule disagreed with Mr O’Dwyer’s report as he had simply used a visual approach which was inadequate. He said the expert had not used the tools of his trade and had simply looked at the texts. He said the conclusion of the expert report was not correct. He stated that he had been given a fair opportunity in this hearing to tell his side of the story and that he had been truthful.
175. Mr Bhalule said he was excluded by the Trust during the investigation and could not complain or respond. He said that the notes taken during the interviews were not verbatim and did not include what he had said. He said he had made a subject access request to the Trust for his emails which had resulted in a reply from them that his emails had been deleted. He said he had wanted access to emails between him and Witness 1 and those between Witness 7 and Witness 1. He said that the Trust should have retained his emails

whilst he was subject to these proceedings and they had undermined his position by deleting them after the standard 2 year policy.

176. [PRIVATE].

177. With reference to the screenshots exhibited by Witness 1, Mr Bhalule said these were the photographs he had sent to Social Work England but he could not recall exactly what he had sent. He insisted that the exhibits were photographs he had submitted and that some messages may have been deleted by Witness 1 and by him. He denied that Witness 1 had asked to end the relationship in May and said that they continued to text but she had deleted some of her replies.

178. Mr Bhalule was asked about particular 5 and sexually motivated conduct. He agreed, in principle that if the allegations happened it would be sexually motivated.

179. Mr Bhalule said that he had not shown all the messages to Witness 6 as it was not the proper thing to bring all the messages to the meeting. He said he decided not to ask Witness 1 in this hearing about the messages he claims she sent him, as he considered that they were retrieved from his telephone in a way that would undermine his own case. He said he would have given Social Work England access to his telephone remotely but they did not ask, and it was not for him to assist them and the messages were not fake. Mr Bhalule was unable to explain why the colour of the text messages between him and Witness 1 were mixed up, but he said that was because they were not salvaged properly. He denied that he had made a mistake when creating them. He said he had not checked the salvaged social network material when he sent it to Social Work England. When he noticed the mistakes he no longer had the telephone, [PRIVATE], and therefore could not take screenshots.

180. Mr Bhalule said he had asked for all the records in a subject access request (SAR) to the Trust and he accepted that was not in fact what he had requested in the SAR made on 28 January 2021 but he said that he had also made another SAR.

181. With regard to Witness 4, Mr Bhalule [PRIVATE] referring to wanting to “*shag*” her despite stating their relationship was not sexual [PRIVATE]. He said he was “*taking a chance to chat her up*” [PRIVATE], taking her wrists, putting his hands on her under her T-shirt and trying to hug her.

182. In response to panel questions, Mr Bhalule said he had three mobile telephones and that he could not hand in the main telephone he used as it he needed it for international calls. He said despite being in a supportive team, it was a massive team and that he was generally popular [PRIVATE].

183. [PRIVATE].

184. As regards the photographs of the handset exhibited by Witness 1, Mr Bhalule confirmed that was his telephone. He reiterated that Witness 1’s exhibits of screenshots was some of the material that he had sent to Witness 7 during the Trust investigation after his interview

with her, but he said they were not referred to in the Trust report. He said he was in such a “*bad state*” when he got the report that he did not raise that issue, but he also had the other reasons he had expressed in his statement about not appealing the Trust’s decision.

185. Mr Bhalule said he accepted that his conduct may have been seen differently by other people, but he had never sexually assaulted anyone. He could not recall the date of his second SAR to the Trust and said it sought correspondence between Witness 1 and 7. He said he had sent that to the Trust and copied it to the Hearings team at Social Work England.
186. The emails were located by Social Work England, and it was agreed with the parties that the emails between Mr Bhalule and the Trust dated 11 March 2021, 3 and 4 June 2021 and 15 September 2021 regarding his second SAR were exhibited by Mr Bhalule.

Closing Submissions for Social Work England

187. Ms Broadbent reminded the panel the onus of proof was on Social Work England on the balance of probabilities. Ms Broadbent submitted that Witnesses 1 and 4 had given precise evidence of a campaign of sexually motivated conduct and a sexual assault on Witness 1. She submitted that the evidence from both witnesses was open and clear and Witness 1 had explained the complex emotions she experienced as a result of the sexual assault, including shame and embarrassment. Ms Broadbent submitted that Witness 1 was clear in her evidence about the sexual assault by Mr Bhalule and said she had frozen and was scared and ashamed about what was happening. She submitted there can be no doubt this was a sexual assault and there is no basis for a genuine belief of consent as she said “no” to him repeatedly. Ms Broadbent submitted that there was a constant pursuance of Witness 1 by Mr Bhalule and she had been consistent in her evidence.
188. Ms Broadbent summarised the position in relation to Witness 4 stating that Mr Bhalule pursued Witness 4. Witness 4 said he had commented on her figure and had said to her he wanted to kiss her. He also said to her that he wanted to have sex with her in a car. Witness 4 told Witness 5 about the barrage of comments and chat up lines from Mr Bhalule. She submitted that Witness 4 was highly unlikely to invent such conduct and to give evidence to this panel in that regard. Witness 4 was clear about Mr Bhalule’s inappropriate unwanted conduct and her evidence was clear that he had hugged her, touched her under her top and then he grabbed her wrists when she tried to stop him and had slapped him. **[PRIVATE]**.
189. Ms Broadbent submitted that Mr Bhalule began to invent his version at the interview with Witness 6 on 4 December 2018. His position has been inconsistent in the extreme, as was evident in the text messages which make no sense and which he exhibited and then sought to remove from the evidence. She referred to the text messages where the colour of the message thread changes around. She submitted that Mr Bhalule’s explanation that they had been “*scrambled*” during the extraction process was not supported by any evidence and Mr O’Dwyer the expert could offer no explanation for that change.

190. Ms Broadbent submitted that Mr Bhalule's account "*slips and slides*" and was seriously inconsistent because it was untrue. She submitted that his account of his [PRIVATE] relationship with Witness 4 is not true, and that was clear from the texts he admits sending to her about wanting to "*shag*" her.
191. On 22 May 2018 Witness 1 sent Mr Bhalule a text saying "*I just want it to stop*" and "*never wanted this*". [PRIVATE]. Further, she submitted that Mr Bhalule had chosen not to ask Witness 1 any questions about the social media messages he had provided to Social Work England in January 2021 and had then sought to withdraw them from the evidence. He did so when he realised the seriousness of the texts which Witness 1 said were entirely fake and fictional. Further, she submitted Mr Bhalule's evidence about the so-called ground rules in the relationship were inconsistent. He said it was agreed he and Witness 1 would not text one another but had then apparently sent explicit texts to one another. She submitted that where and when, and how often he said they had sex was not clear in Mr Bhalule's evidence.
192. Ms Broadbent submitted that a further example of Mr Bhalule's lies is regarding the text messages that he says were photographed on his telephone but which were exhibited by Witness 1 as photographs of her own telephone. Ms Broadbent said that was never put to Witness 1 and he was unable to explain why his name appeared on his own telephone. His explanation made no sense, nor did his attempt to explain the texts with Witness 1 about his car needing to be fixed. Ms Broadbent submitted that Mr Bhalule also lied about Witness 7 when he said that she had failed to put the material he had provided to her into the Trust report. Ms Broadbent said that the material he claims he sent to Witness 7 and which was missing from her report, was not material that he had ever sent her nor had he ever requested that material in his SARs to the Trust.
193. Ms Broadbent submitted that Mr Bhalule has lied and his account conflicts with Witness 1, Witness 4 and Witness 7 who have no reason to lie. Mr Bhalule states that there was a complex plot against him, which was not credible and was a lie. Witness 1 and Witness 4 had not wanted to give evidence about the alleged conduct and Witness 1 said she wanted to move on and never see Mr Bhalule again.
194. Ms Broadbent submitted that the panel should consider all the evidence and be mindful of how victims of sexual offences can respond. It should beware of the cliches it may have heard about vengeful women [PRIVATE]. She said that no other inference or motivation could be drawn about the conduct other than that alleged, and the evidence was clear that the whole allegation had been proved.

Closing Submissions for Mr Bhalule

195. [PRIVATE].
196. [PRIVATE].

197. In relation to the attempt to exclude the social media messages, Mr Mhakayakora submitted that was because it was difficult to identify which text came from which telephone. **[PRIVATE]**.
198. **[PRIVATE]**. His position was that Witnesses **[PRIVATE]** were “*out to get him*” as they were a clique of friends. His position was that Witness 7 may have lost the evidence he had submitted to her, or it may have been lost by the Human Resources department, but Witness 7 was not part of that clique.

Finding and reasons on facts

199. The legal adviser reminded the panel of the onus and standard of proof, the balance of probabilities, and that Mr Bhalule need prove nothing. He referred the panel to sections 3 and 78 of the Sexual Offences Act 2003 which define “sexual assault” and “sexual” respectively. He referred the panel to the guidance on sexual motivation in Basson v GMC [2018] EWHC 505 (Admin) and in Haris v GMC [2021] EWCA Civ 763. He also advised the panel on the objective test to be applied in considering dishonesty given the guidance in Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67.
200. The panel considered and assessed all the evidence before it and the submissions from Ms Broadbent and Mr Mhakayakora and it applied the balance of probabilities bearing in mind the case is for Social Work England to prove. Both the live and documentary evidence was extensive.
201. Before turning to the specifics of the allegation, the panel found it helpful to first consider and assess the documentary evidence, the expert reports and a number of associated evidential issues that arise from that evidence.

The Social Media evidence

202. The panel decided that it was appropriate to consider the social media evidence first. This occupied considerable time in the live evidence. There is considerable duplication in the exhibits as some social media is exhibited by numerous witnesses and there is confusion and dispute about who provided what social media and when.
203. The panel identified a number of groups of social media. Much of the social media appears as exhibits 1-5 to Witness 1’s statement. This evidence also appears in appendix 14 of the Trust Report exhibited by Witness 7, which also includes additional social media evidence provided by Witness 2 and Witness 4.
204. The appendices to the Trust Report contain text SMS messages, except 14a) which contains Facebook messages. Appendices 14 a)- f) are described in the Trust Report as follows:-
- 14 a) Facebook messenger messages between Mr Bhalule and Witness 1, provided by Witness 1

- 14 b) texts from SS (Mr Bhalule) personal and old work phone to Witness 1; provided by Witness 1
- 14 c) texts from SS (Mr Bhalule) new work phone to Witness 1 provided by Witness 1
- 14 d) texts Witness 1 and Witness 2, provided by Witness 2
- 14 e) texts Witness 1 and Witness 2 provided by Witness 1
- 14 f) messages between Witness 4, and SS, Witness 4 and Witness 5 , provided by Witness 4

205. In Appendix 15 are photographs from Facebook submitted to the Trust by Witness 1.

206. Thirdly, there are the text, Google Hangouts and Facebook messages submitted by Mr Bhalule to Social Work England as a PDF in January 2021. During the hearing Mr Bhalule sought to withdraw this material and Mr O'Dwyer's first expert report analysing it, from evidence. That was refused. None of this social media evidence was put to Witness 1 by Mr Bhalule.

207. The fourth group of media is the Facebook media analysed by Mr O'Dwyer in his second report dated 11 March 2021. This report analyses Witness 1's Facebook account to which he was given access by Witness 1. Having cross-referenced this social media with the Trust report appendix 14 a), the panel found these are the same messages.

The Expert Reports

208. The panel considered the two expert reports from Mr O'Dwyer dated 9 and 11 March 2021. He is a senior digital forensic examiner. The expert was cross examined on his qualifications. He has a degree in Forensic Computing and he has experience working for the police. The panel was satisfied that Mr O'Dwyer had the necessary expertise and experience to act as an expert and he had made the required expert declarations.

209. Mr O'Dwyer in his first report analysed five groups of media A) – E), submitted by Mr Bhalule to Social Work England in January 2021 and analyses the media in groups he called "Chats". Mr O'Dwyer found that there was no metadata in what Mr Bhalule had provided to him, ie there was none of the code that is hidden within social media messages. Mr Bhalule did not provide Mr O'Dwyer with any of his mobile telephones but submitted a 32 page PDF document containing screenshots of the messages being texts, Google Hangouts and Facebook messages. In the absence of metadata Mr O'Dwyer conducted a visual analysis of the messages.

210. He states in his executive summary to the first report (as corrected in his oral evidence) that in his professional opinion some or all of the images he had analysed had been manipulated. He concluded that variously due to changes in pixel size, the nature and position of headers, the back button, the battery icon, the Facebook profile and home button, and the position

of the side bar that the “Chats” in his groups 1-2; 3-1; 3-2; 4-3; and 4-9 to 4-12 had been manipulated in some way.

211. The panel accepted Mr O’Dwyer’s evidence that the Chats he had identified had been manipulated in some way.
212. Further, the panel considered the content of the messages in Chat 1-2 about Mr Bhalule’s car needing to be fixed. It found there was a reversing of the colour of the messages indicating sender and receiver. The colour of the bubbles for sender and receiver changed in what purported to be one conversation. Further, on reading the content of the Chat in 3-4 the panel noted that this appeared to involve Mr Bhalule answering his own questions.
213. The panel was not able to make sense of Mr Bhalule’s explanation for these discrepancies despite asking for clarification. His case was that the messages had become ‘*scrambled*’ in the process of being extracted by the “*high street*” company he had used.
214. The second expert report analyses Witness 1’s Facebook account to which Mr O’Dwyer was given access by Witness 1. Significantly, the panel noted that these are the same messages as those previously provided by Witness 1 to Witness 7 for the Trust report (albeit with a somewhat different appearance). Mr O’Dwyer stated in his report that he could not conclude whether or not there had been any messages deleted from the conversation with Mr Bhalule.
215. The panel noted that the Facebook messages provided by Mr Bhalule to Mr O’Dwyer in the PDF and analysed in his first report, did not match the Facebook messages provided by Witness 1 to Witness 7, which corresponded to those Mr O’Dwyer had downloaded direct from Witness 1’s Facebook account.
216. Mr Bhalule sought to explain the inconsistencies identified by Mr O’Dwyer’s first report in the texts, and by the panel in the Facebook messages. He sought to do in the absence of an expert analysis of his own mobile telephone or his Facebook account. His evidence was not consistent with the expert evidence and it conflicted with Witness 1 who had given Mr O’Dwyer access to her phone and Facebook account and exhibited the social media.
217. Witness 1 said in her evidence that the Facebook messages provided by Mr Bhalule were “*fake*” and she had never heard of or used Google Hangouts.

Witness 7’s evidence

218. Witness 7 conducted the Trust’s investigatory report. She was clear and consistent in her live evidence that after her interview with Mr Bhalule, he had failed to provide any social media evidence to her, despite being invited to do so. She said that he had shown her some texts and photographs on his telephone during her interview with him, but he did not thereafter send her any further evidence. Witness 7 also made a supplementary statement for these proceedings confirming that Mr Bhalule did not produce any messages, in any

form, during the investigation. She added that he did not, despite a request to do so, provide any evidence of a hotel booking.

219. The panel was able from Witness 7's evidence to identify the texts shown by Mr Bhalule to her, which appear in the texts exhibited by Witness 1. Witness 7 said all the information she received is listed in the appendices to the Trust report.
220. Mr Bhalule said that after the interview, he sent Witness 7 two emails containing all the social media in support of his case. He was adamant that he had done so as he said it supported his position about his relationship with Witness 1. He was not able to provide dates for the emails and said in his evidence that Witness 7 had failed to take any account of what he claimed he had sent her and that had undermined his case. He told the panel that Witness 7 had misled this panel. The panel could find no evidence or reason or motive by Witness 7 to ignore evidence sent to her by Mr Bhalule.
221. The panel found Witness 7 credible, thorough, independent, objective and neutral. She had clearly taken her role as investigating officer seriously and was an experienced investigator. The panel found no evidence to suggest that she failed to fulfil her role fairly and properly.

The photographs of the mobile telephone exhibited by Witness 1

222. Photographs of a mobile telephone were exhibited by Witness 1. These are laid out showing Mr Bhalule as the sender at the top of the page. He told the panel that these were photographs of his own telephone that he had taken himself, and which he had submitted in evidence. He explained that he had set up his own telephone to show his name in the place where the sender would normally appear, to help him identify and remember his own number as he had more than one telephone.
223. Despite a number of searching questions from both Ms Broadbent and from the panel, his explanations on this point made no sense and were somewhat incoherent. It was not clear how or why he had apparently replaced the sender's name with his own on his own telephone.

Mr Bhalule's Case

224. In summary, the panel understood Mr Bhalule's position to be as follows. He denies the **[PRIVATE]**. Mr Bhalule's position is that these five people were in a friendship group (clique) and colluded to support Witness 1.
225. **[PRIVATE]**.
226. Mr Bhalule's position is that he sent to Witness 7, who conducted the Trust investigation, two emails. One attached the Facebook photographs which he said Witness 1 sent to him, and the second email attached social media supporting his denial. His position is that Witness 7 failed to consider and address that information in the Trust report and as a result she undermined his position and misled this panel. In submissions it was suggested that

Witness 7 may not in fact have received this information and it may have gone astray in the Human Resources department. He further claims that the photographs of the mobile telephone that appear in Witness 1 exhibits, and in the appendix 14b) to the Trust report, were photographs of his own mobile telephone and were also sent by him to Witness 7.

227. [PRIVATE].

228. The panel did not have a witness statement from Witness 2 and did not hear from her. It had sight of texts between Witness 1 and Witness 2 and Mr Bhalule states that these texts show that these witnesses were close friends. He explains that Witness 1's question "*I can't remember if I told you about him touching me??*" and Witness 2's response "*yeah you did tell me about that*" was them preparing the ground for Witness 1 to make the false complaint about Mr Bhalule. These texts appear in appendix 14d) and 14e) in the Trust Report.

229. Similarly, the panel did not have a witness statement from Witness 5 and did not hear from him. [PRIVATE].

230. The panel did not have a witness statement and did not hear from person [PRIVATE]. This person was interviewed by Witness 7 as part of the Trust investigation, but that statement is not before the panel. [PRIVATE]. Mr Bhalule states that he was also part of the "clique" who conspired against him in support of Witness 1.

231. [PRIVATE].

232. [PRIVATE].

233. Mr Bhalule in his evidence stated that he had three mobile telephones but that the one he used for the secret relationship with Witness 1 he had sent [PRIVATE] and so he could not submit that telephone for analysis.

Decision on the Allegation

"During the course of your employment as a Care Coordinator with a Mental Health NHS Trust:

1. In or around April 2017 to July 2017, in relation to Witness 4, you:

a) Made inappropriate comments of a sexual nature

b) Physically restrained Witness 4 on at least one occasion

234. 1 a) – The panel found that the "*comments*" alleged could include comments made both verbally and by text.

235. The panel had before it at appendix 14f) of the Trust Report the texts between Witness 4 and Mr Bhalule. Mr Bhalule admits sending the texts to Witness 4 where he states "*Yeh I actually wanted to shag you...*" He also states "*love you ha ha...*[PRIVATE] Mr Bhalule states

"I actually wanted to shag you". Whilst these have no date, the texts that follow are dated 19 June 2017 and the panel infer that the earlier texts took place before 19 June 2017.

236. **[PRIVATE]** Mr Bhalule states *"you saw me looking at your bum...I was embarrassed you caught me out."* Mr Bhalule admits sending these texts.
237. Witness 4 **[PRIVATE]** states in her witness statement that from around April 2017 Mr Bhalule verbally and directly told her he wanted take her to a night club and kiss her. He told her she looked sexy and beautiful. Witness 4 states that he had also leaned into her car **[PRIVATE]** and said to her that he *"would love to have sex with you in your car."* **[PRIVATE]** She also reported these texts and comments to Witness 7, and her accounts are consistent. Mr Bhalule denies these comments.
238. The panel found that these texts and comments were inappropriate and are manifestly sexual in nature. **[PRIVATE]**. The comments were **[PRIVATE]**. The panel preferred the evidence of Witness 4 who was consistent and clear in her witness statement and in her live evidence about the texts and the alleged conduct. The panel did not accept Mr Bhalule's denial of the verbal comments, which was not plausible or credible, particularly given his admission that he had sent texts to Witness 4 which were of a clearly sexual nature.
239. 1 b) - The panel accepted Witness 4's evidence in her witness statement and live evidence where she describes in detail being restrained by Mr Bhalule in June 2017 **[PRIVATE]**. She states in her witness statement that *"I tried to push him away but he held my wrists down. I panicked a bit, I thought he was going to attempt to kiss me; he did not. I said "somebody's going to walk past in a minute and I'm going to shout"...On that day in June 2017 while hugging me he lifted his hands so they went up my sides and under my clothes ...I did try to push him off but he is quite strong ...He had his hands round my waist and I pushed on his chest and he just laughed. I slapped him across the face. My arms were kind of pinned so it was not a hard slap."*
240. This event was reported by Witness 4 to **[PRIVATE]** Witness 7, whose record of that disclosure supports Witness 4's version of events. The panel found these earlier accounts by Witness 4 are consistent with her later witness statement and her live evidence. This incident also took place in a wider context in which Mr Bhalule admits sending her the texts which the panel has found were of an overtly sexual nature.
241. Witness 4's evidence was clear and the panel found it consistent, credible and reliable. It preferred her evidence to Mr Bhalule's denial and it found particulars 1a) and 1b) proved.

2. Commencing in or around March 2018 to September 2018, in relation to Witness 1, you:

a) Made inappropriate comments of a sexual nature

b) Behaved inappropriately in that you;

i) offered to pay for Witness 1 to go to a spa

ii) offered Witness 1 a sum of money as an alternative to paying for a spa

2 a - Proved

242. The panel had regard to Witness 1's witness statement and live evidence and to Mr Bhalule's evidence. It also had regard to the detailed chronology that Witness 1 prepared [PRIVATE] before the Trust investigatory interview. The panel also had regard to the text dated 8 May 2018 in Witness 1's exhibits and in appendix 14b) of the Trust Report. This text is after the alleged assault. Mr Bhalule's texts on 8 May at 15.45 *"I want you so much x you look hot."*
243. [PRIVATE].
244. The following comments are identified by the panel as occurring in the period alleged and are set out in Witness 1's chronology and in her live evidence:-
- In early May 2018 Mr Bhalule told Witness 1 in a [PRIVATE], that he wanted to have sex with her, [PRIVATE], and that he wanted to get to know her body.
 - In March 2018 Mr Bhalule told Witness 1 she had a nice figure.
 - Mr Bhalule sent Witness 1 a text on 8 May 2018 at 15.45 - *"I want you so much x you look hot."*
 - Around March 2018 Mr Bhalule told Witness 1 he was attracted to her, and her boyfriend was *"lucky"* to have her.
 - Around 27 April 2018 he said if they slept together he would be gentle with Witness 1 unless she wanted him to be rough.

245. Mr Bhalule's denies this allegation. The panel found that the Witness 1 was consistent in her detailed account of the many instances of inappropriate comments directed at her by Mr Bhalule as set out in her chronology, her live evidence and witness statement. The panel accepted the evidence of Witness 1 as credible and reliable given its clarity, consistency and cogency.
246. The panel found that the comments it has identified, set out above, were all inappropriate and they were unwanted by Witness 1. It found that all of the identified comments were of a sexual nature as they were manifestly and overtly sexual. Mr Bhalule was pursuing a sexual relationship with Witness 1. The panel found this particular proved.

2 b i) & ii) Proved

247. The panel considered the evidence of Witness 1 and Mr Bhalule. The panel noted that Mr Bhalule states he was in a consensual relationship with her and that Witness 1 had asked him for money to visit a spa. Witness 1 said that he had offered her money to visit a spa.

248. The panel concluded that Witness 1's evidence indicated that Mr Bhalule had offered her money. Mr Bhalule gave evidence that he had given her a total of about £600. Witness 1 said she had never been to a spa and that she strongly disliked spas. She said in her evidence that he had been pressuring her repeatedly to accept money, and that he had once forced £30 into her hands. To get out of the situation she accepted it. She said it had felt awkward and inappropriate and she had accepted it to get away from him.
249. The panel did not consider Mr Bhalule's denial that he offered to pay for a spa was credible particularly in light of his evidence that he had given Witness 1 around £600. Mr Bhalule had by his own account given money to Witness 1 for "*nights out*". Witness 1 said she did not ask for money for a spa as she disliked spas.
250. On balance the panel preferred the evidence of Witness 1 as it has been more consistent. Mr Bhalule admits giving her money. Mr Bhalule told Witness 6, in the notes exhibited by Witness 6 to his witness statement and in the Trust Report, that Mr Bhalule told him that he had given Witness 1 a few hundred pounds over several occasions, for instance when she was going out, and that he suggested she go to a spa.
251. The panel concluded on the balance of probabilities, that Mr Bhalule did offer Witness 1 money for a spa visit and that he also gave her £30 as an alternative to doing so. It found that it was inappropriate to do so. Witness [PRIVATE] said she felt pressured by him and awkward and had felt his conduct was inappropriate. The panel finds this particular proved.

3. In or around April 2018, in relation to Witness 1, you

a) made inappropriate advances in that you attempted to kiss Witness 1

b) Sexually assaulted Witness 1

3 a) made inappropriate advances in that you attempted to kiss Witness 1 – Proved

252. The panel considered the evidence from Witness 1 and Mr Bhalule. It understood this particular of the allegation to be in relation to the alleged incident on 27 April 2018. Mr Bhalule denies this particular. [PRIVATE].
253. The panel considered Witness 1's evidence both in her witness statement and in her live evidence. She states that on 27 April 2018 [PRIVATE] Mr Bhalule had pulled her to her feet, [PRIVATE] and kissed her. In her chronology she states that he put his tongue in her mouth. She was clear, consistent and detailed in her description of the incident. Her chronology was written closest to the time of the alleged incident, and before she was interviewed by Witness 7 or Witness 6. It is highly detailed. It is entirely consistent with her later interview with Witness 7 and the details are consistent with her witness statement and live evidence before this panel. The panel found her evidence clear, credible and compelling.
254. The panel accepted the evidence of Witness 1 and found this particular proved and indeed that Mr Bhalule did kiss her and did not simply "*attempt*" to kiss her. It found that was

unwanted and was an inappropriate advance, as alleged. The greater including the lesser, this particular is found proved.

3 b) Sexually assaulted Witness 1 – Proved

255. The panel took account of the definition of “sexual assault” in section 3 of the Sexual Offences Act 2003 and it considered all the evidence, in particular Mr Bhalule’s denial and explanations, and all the evidence from Witness 1. No other witness can speak directly to this matter.
256. Mr Bhalule states this assault did not happen. **[PRIVATE]**.
257. Mr Bhalule has not made out any case of consent to this alleged incident, **[PRIVATE]**.
258. Regarding the existence or otherwise of the alleged consensual sexual relationship, Mr Bhalule’s evidence in respect of how often, where and when he met Witness 1 for sex was not consistent. **[PRIVATE]**. His account of the alleged relationship, so far as that is relevant, was inconsistent and the panel found it lacked credibility and reliability.
259. The panel considered the claim by Mr Bhalule that a clique had conspired and colluded to “get” him. The panel could find no motive for such a wide conspiracy **[PRIVATE]**. There was no credible motive for those five **[PRIVATE]** to conspire and lie to support false claims by Witnesses 1 and 4.
260. The conspiracy and collusion theory put forward by Mr Bhalule is not plausible. **[PRIVATE]**, none of whom gave evidence to this panel, and none of whom have had an opportunity to respond to this theory. Mr Bhalule did not put this theory to Witnesses 1 and 4. **[PRIVATE]**
261. Mr Bhalule’s theory has no proper or credible foundation in the evidence before the panel and it is not accepted by the panel. The panel concluded that the contention by Mr Bhalule’s of a widespread and rather complex conspiracy was not credible and is untrue. The panel did not accept the contention that Witness 1 was out for revenge and it concluded that was a fabricated and somewhat stereotyped motive by Mr Bhalule to try to undermine Witness 1.
262. Witness 1 described in detail what happened **[PRIVATE]**. She did not consent, she said “no” and she tried to push him away.
263. The panel found the fact that Witness 1 did not immediately report this incident in no way diminished the strength of her evidence. The shame and fear she felt was entirely understandable, plausible and credible. In due course she reported the assault in detail to Witness 7 and in less graphic detail to Witness 5. Her version of events had been consistent throughout, from her detailed record of it in her chronology **[PRIVATE]**, her subsequent interview with Witness 7 and in her witness statement and live evidence to the panel. She was cross-examined extensively and maintained a consistent, coherent and credible account of the incident.

264. Witness 1's account and her concerns are supported by the texts she sent to Witness 2, as exhibited by both Witness 1 and 2. The texts do not contain the explicit details but refer to Mr Bhalule touching Witness 1 and pestering her. Further, her account is to a degree supported by the sexually motivated texts the panel has found were sent to her by Mr Bhalule which place his conduct in a context in which he was pursuing her sexually.
265. The panel found that Witness 1's evidence was clear, cogent and compelling. She was consistent and clear in her evidence about what happened and that she did not consent. She also denied that she had ever been in a consensual sexual relationship with him. The panel accepted that evidence and it found that there was no consensual, sexual relationship between them. It accepted the expert evidence and found that the social media evidence put forward by Mr Bhalule in support of his case that there was a consensual sexual relationship had been manipulated. The panel concluded that the social media evidence submitted in January 2021 by Mr Bhalule was not genuine and there was no such consensual relationship. It noted, additionally, that even if there had been such a relationship, it would not have provided a defence to the allegation of sexual assault in the absence of any evidence of consent by Witness 1 to the incident in question.
266. The panel accepted Witness 1's evidence and preferred it to Mr Bhalule's evidence which lacked consistency, cogency and credibility. The panel found this particular proved.
- 4. You were dishonest about the nature of your relationship with Witness 1 on:*
- a) 4 December 2018*
- b) 11 February 2019 and/or*
- c) 12 February 2019*
267. The panel approached this allegation with the guidance in Ivey in mind. The panel was mindful that it has not accepted Mr Bhalule's evidence about the existence of a sexual, consensual relationship with Witness 1, and it has preferred the evidence of Witness 1 that there was never any consensual, sexual relationship between them.
268. The panel considered the three statements referred to in the particulars:-

4a) - Proved

- 4 December 2018 is the meeting between Mr Bhalule and Witness 6. Mr Bhalule stated to Witness 6 that he had a sexual relationship with Witness 1, when he denied that he had aggressively pursued her. It found that Mr Bhalule was dishonest when he told Witness 6 on 4 December 2018 about the nature of his relationship with Witness 1 when he said he was in a sexual relationship with her.

4b) – Proved

- 11 February 2019 is the date on which Mr Bhalule wrote a statement that forms appendix 13 to the Trust report, which Witness 7 said he gave to her at the interview the following day, 12 February 2019. The panel noted that Mr Bhalule has put the wrong year in the date on this statement. He refers in paragraph 2.5 to a letter he had received from the Trust in January 2019 and he also refers to his interview in December 2018 with Witness 6, but signs and dates the statement 11 February 2018. The panel therefore concluded that this statement was likely made by Mr Bhalule on 11 February 2019.
- He states that he is in a consensual, sexual relationship with Witness 1 – *“I had an affair with Witness 1 in April 2018 and we consumed (SIC) the relationship consensually and passionately all the time during this period”*. He states that he had told Witness 6 he had a sexual relationship with Witness 1 and that he had given her money. The panel found that Mr Bhalule was dishonest about the nature of his relationship with Witness 1 in his statement dated 11 February 2019.

4c) – Proved

- 12 February 2019 is the date Mr Bhalule is interviewed by Witness 7 as part of the Trust investigation. Mr Bhalule reiterates what he told Witness 6 to Witness 7, and the interview records that he describes an affair with Witness 1. He refers to *“friends with benefits”* and that *“we did have sex and this was consensual, it was about four or five time. It was agreed in advance.”*
- Given the panel’s findings on the non-existence of the alleged relationship, it found that Mr Bhalule was dishonest about the nature of his relationship with Witness 1 when he was interviewed by Witness 7 on 12 February 2019.

5. Your actions at paragraphs 1 (a), 1 (b), 2 (a), 3 (a) and 3 (b) were sexually motivated

269. The panel was mindful of the guidance in both Basson and Haris as regards findings of sexually motivated behaviour. Basson states:- *“A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship. The tribunal did not, in fact stipulate explicitly what the appellant’s sexual motive was; inferentially they found that he behaved in the way that he did for sexual gratification.”* The panel considered all the circumstances, the context and its earlier findings. It considered whether there were other more plausible motives for the conduct.
270. Particular 1 b) was in the context of conduct admitted by Mr Bhalule in that he sent Witness 4 overtly sexual texts saying amongst other things that he wanted to *“shag”* her. In these circumstances the panel found that the most plausible motivation for restraining Witness 4 was one of sexual motivation, in that he was seeking sexual gratification and was in pursuit of a sexual relationship with her.

271. The panel has already found that the conduct alleged at 1a) and 2a) was of a sexual nature. It concluded that these particulars were sexually motivated as that is the most plausible explanation. They were made in pursuit of both sexual gratification and a sexual relationship.
272. The panel has found particular 3 b) proved, being a finding of a sexual assault. Given that, there is little need to find that the sexual assault was sexually motivated, but for the avoidance of doubt that panel finds that is the case.
273. Particular 3a) was the pre-cursor to, and indeed may be seen as part of, the sexual assault found proved at 3b). As such, the panel found that in the circumstances 3a) was sexually motivated as it was an overtly sexual act conducted in pursuit of sexual gratification. There is no other plausible explanation.

Submissions on Misconduct and Impairment of Fitness to Practise

274. The panel next considered whether the facts found proved amounted to misconduct. Ms Broadbent provided written submissions on misconduct and current impairment and referred to the relevant case law. She sought a finding of misconduct and current impairment of fitness to practice. She submitted that Mr Bhalule had not acted in a manner that befits a Social Worker. He had breached fundamental tenets of the profession, namely, to be honest and not to cause harm. The panel had found he was sexually motivated and breached professional boundaries in respect of Witnesses 1 and 4, both of whom she submitted were vulnerable.
277. Ms Broadbent referred to the relevant standards applicable in this case, being the standards of the former regulator responsible for the regulation of Social Workers at the time of the events in question, the Health and Care Professions Council - the HCPC Standards of Conduct, Performance and Ethics (2016). Ms Broadbent submitted that the following professional standards had been breached by Mr Bhalule:

“6 Manage Risk

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

7.2 You must support and encourage others to report concerns and not prevent anyone from raising concerns.

9 Be honest and trustworthy

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

278. Ms Broadbent sought a finding of current impairment and referred to the panel's findings of a repeated pattern of behaviour of sexual misconduct with Witnesses 1 and 4, and the sexual assault of Witness 1. She submitted that the findings concern fundamental flaws in Mr Bhalule's character, and there was an absence of any insight or remediation. He had presented fake media and an untrue narrative about the nature of his relationship with Witness 1. Ms Broadbent submitted that Mr Bhalule had seriously abused the trust place in him as a Social Worker. She also sought a finding of impairment on public interest grounds in order to maintain confidence in the profession and to declare and uphold proper standards.
279. Mr Bhalule made a submission to the panel. He said that he accepted the facts had been established by a thorough process. He said that any harm caused is significant and he truly recognised how people may feel the pain of his actions, and he was sorry and ashamed. He had shamed his family, friends, [PRIVATE]. He said that he seeks to correct his mistakes. He said he had failed [PRIVATE], but that his work with service users was excellent. He said he had learned a life lesson about cheating, and he was seeking help from his local church to address issues about women and consent. He said he now understood the seriousness of the allegations.
280. Mr Bhalule said that he was prepared to undertake any remedial work required to assist him to be a better person and a better professional and to work safely with others. He said he fallen short and was sorry. He said he had never had complaints about his work with service users in over ten years of practice. He said he loved his job and he wanted to contribute to his community who had welcomed him as a refugee. He said that he knew he had made a serious mistake and he wanted to learn. He asked for a second chance to remediate his character. He said he was willing to change and had never been on the wrong side of the law. He said he was sorry and wanted the complainants to know that he was sorry for the harm he caused to them and he wanted them to forgive him. He said mistakes happen and he had let people down and that his mistake had cost him his livelihood, family and friends.

Findings and reasons on Misconduct and Impairment

281. The legal adviser referred the panel to the guidance in Roylance v GMC (no 2) [2000] 1 AC 311 where misconduct was defined as "*a word of general effect, involving some act or*

omission which falls short of what would be proper in the circumstances". He advised that misconduct was a matter for the panel's own professional judgement and there was no burden or onus of proof. The panel should also have regard to any relevant professional standards of conduct. The panel heard submissions from Ms Broadbent and Mr Bhalule on the issues of misconduct and impairment.

282. On impairment of fitness to practise, the legal adviser referred the panel to the authoritative guidance in CHRE v NMC & Grant [2011] EWHC 927 (Admin) and Social Work England's guidance on impairment. He reminded the panel to consider the crucial issues of insight, remediation and the risk of repetition. He advised the panel that on the question of impairment, there was no burden of proof and it was a matter for its own professional judgement. He stressed to the panel the central importance of protecting the public and the wider public interest in maintaining confidence in the profession and upholding proper standards.

283. The panel has made findings of sexual assault, repeated sexually motivated conduct and dishonesty. The findings are of the most serious, both in nature and gravity. The panel was mindful of the guidance in Roylance. It concluded that the findings are a fundamental breach of the professional standards referred to by Ms Broadbent. The findings, both individually and cumulatively, demonstrate conduct which falls seriously short of what would have been proper in the circumstances and in the panel's view undoubtedly amounts to misconduct.

284. The panel next considered the issue of current impairment of fitness to practice. It accepted the legal adviser's advice and exercised its own professional judgement. It considered the guidance in Grant and it was mindful of the central importance of protecting the public and the wider public interest, including public confidence in, and the reputation of the profession, and also that of the regulator.

285. The panel considered insight and the risk of repetition and was mindful of the tests in the Grant case which states:-

"Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:

- a. has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b. has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c. has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d. has in the past acted dishonestly and/or is liable to act dishonestly in the future."*

286. The panel found that Mr Bhalule's conduct engages all four limbs of this test. The panel has found that Mr Bhalule sexually assaulted one person and repeatedly behaved in a sexually inappropriate way to two people over an extended period of time. Mr Bhalule repeatedly and seriously breached professional boundaries. He abused his position of trust and was dishonest. He used his physical and professional power in a sexually predatory way in order to seek sexual gratification from two people, one of whom he sexually assaulted, **[PRIVATE]**. Both were vulnerable and he caused harm to both.
287. Mr Bhalule made an apology and he showed some remorse. He showed some limited insight into the consequences for the people he has harmed. However, the panel found that he did not demonstrate any real insight into the sexual assault or his calculated, persistent, repeated and deliberate sexually motivated, predatory behaviour.
288. Mr Bhalule was also dishonest. He constructed and maintained a false narrative and lied **[PRIVATE]** in order to hide his misconduct. To try to support this false narrative, he presented in evidence social media that the panel found had been manipulated and was not genuine. He constructed a web of collusion and conspiracy, which did not exist, to seek to undermine his accusers. He did not demonstrate any insight whatsoever into that deliberate and premeditated dishonesty. He failed to demonstrate that he has undertaken any meaningful steps to seek to understand and remedy his conduct and behaviour, although he stated he was willing to learn from his mistakes.
289. In all these circumstances, the panel found Mr Bhalule has in the past and is in the future liable to put others at unwarranted risk of harm; that he was liable in the future to bring the profession into disrepute and to breach fundamental tenets of the profession, namely not to cause harm and to be trustworthy and honest. The panel found that he is liable in the future to act dishonestly. The panel found that Mr Bhalule continues to present a real risk of repetition of the sexual and dishonest conduct found proved. It concluded that Mr Bhalule's fitness to practice is currently impaired in respect of public protection.
290. Further, given the nature and gravity of the findings the panel concluded that a reasonable member of the public would be shocked were Mr Bhalule's fitness to practise not to be found to be currently impaired. In the circumstances, the panel concluded that a finding of current impairment was required in order to uphold and declare proper standards and to maintain public confidence in the profession.

Submissions on Sanction

291. Ms Broadbent referred to her written submissions on sanction and to the Social Work England Sanctions Guidance. She submitted that a Removal Order was the only proportionate and appropriate order. She reminded the panel of the overriding objective of the regulator, being the protection of the public.
292. Ms Broadbent submitted that the misconduct was of the most serious kind involving a sexual assault and dishonesty, albeit there was no criminal conviction. She reminded the

panel of its findings of sexually motivated behaviour which caused fear, shame and embarrassment to Witnesses 1 and 4 who were, to an extent, vulnerable. Mr Bhalule had also lied and shown highly limited insight. Mr Bhalule had caused harm and his conduct had taken place at work.

293. Ms Broadbent submitted that the public interest was engaged, and Mr Bhalule had repeatedly breached the trust placed by the public in the profession. She submitted that Removal was the necessary sanction in this case. She also applied for an interim order to cover the appeal period if a sanction is applied.

294. Mr Bhakayakora submitted that Mr Bhalule believes the suitable sanction for his conduct would be a Caution, given his insight, and that Suspension may also be suitable. He referred to the fact that Mr Bhalule has worked diligently and, before this incident, he had a good work record. Mr Bhakayakora submitted that Mr Bhalule has insight into the impact of his actions on his personal and family life and his financial position.

Decision on sanction

295. The panel accepted the advice of the legal adviser. He advised it to consider Social Work England's Sanctions Guidance and to consider each sanction in ascending order of severity, applying the least restrictive sanction necessary to protect the public, maintain confidence in the profession and uphold and declare proper standards. The panel must act proportionately, consider any aggravating and mitigating factors and be mindful of the public interest and that the primary purpose of sanction is protection of the public. The panel should balance the interests of Mr Bhalule with the need to protect the public and maintain public confidence in the profession.

296. In considering the appropriate sanction, the panel had regard to its earlier findings. It was mindful of the need to act proportionately, and it carefully considered the Sanctions Guidance. It took account of the submissions from both parties and the references and testimonials submitted by Mr Bhalule.

297. The panel was mindful of Bolton v Law Society [1994] 1 WLR 512, which stated :*'the reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price'*

298. The panel first identified and took account of mitigating and aggravating factors. It identified the following mitigating features:-

- Five positive references and testimonials from work colleagues and former students. The panel noted that one of the references is unsigned. Some of the referees indicate they are aware of the nature of the allegation and some do not.

- The panel was not aware of any previous complaints or disciplinary proceedings against Mr Bhalule and he appeared to be previously of good character.
- Witness 6 spoke positively about Mr Bhalule and said he was kind and considerate and a good Social Worker.
- Mr Bhalule expressed some remorse and made an apology.
- Mr Bhalule's full engagement throughout these proceedings.

299. The panel identified the following aggravating features:-

- A repeated, persistent campaign of sexually motivated behaviour.
- A pattern of similar behaviour over a protracted period, targeting two individuals at different times.
- Sustained, deliberate and premeditated dishonesty.
- The submission in evidence of social media material that was manipulated and was not genuine.
- Actual harm was caused to two vulnerable complainants causing them to feel fear and shame and exploiting their vulnerabilities.
- Abuse of power and breach of trust.

300. Given the nature and gravity of the findings, the panel decided that to take No Further Action, or to give Advice or a Warning would all fail to protect the public and would undermine the public interest in maintaining confidence in the profession. These sanctions would fail to reflect the seriousness of the findings, and would not be proportionate or appropriate in the circumstances of this case.

301. The panel next considered conditions of practice and paragraphs 84 and 85 of the Sanctions Guidance. The seriousness of the findings and their nature and character are not susceptible to being sufficiently dealt with by conditions, as they involve character and attitudinal flaws. The panel found that there are no workable, proportionate or sufficient conditions of practice that could be formulated in the circumstances of this case that would sufficiently protect the public and the public interest.

302. The panel next considered Suspension and considered paragraphs 92 and 93 of the Sanctions Guidance. The panel considered its findings and the submissions from Ms Broadbent quoting from the Sanctions Guidance which stated at paragraphs 105 and 106:-

“Abuse of a professional position to pursue a sexual relationship or improper emotional or social relationship with a service user or a member of their family or a work colleague is a serious abuse of trust. Many people will be accessing social care for reasons that increase

their vulnerability and that of their family. Pursuit of a sexual or improper emotional or social relationship with a vulnerable person is likely to require a more serious sanction against a social worker ... Social workers are routinely trusted with access to people's homes and lives. Any individual dishonesty is likely to threaten public confidence in the proper discharge of these responsibilities by all social workers"

303. The panel agreed with these submissions and it was also mindful of the guidance on breach of trust, sexual misconduct and dishonesty at paragraphs 102 – 109 of the Sanctions Guidance. Mr Bhalule has been found to have breached the trust placed in him in a most serious way and to have caused actual harm to two vulnerable people. His conduct includes a sexual assault and a campaign of sexually motivated behaviour over a prolonged period against two people. This **[PRIVATE]** was premeditated. He was also deliberately dishonest in constructing an elaborate conspiracy to conceal his conduct.
304. The panel was mindful of the serious nature and gravity of the findings. It was of the view that Mr Bhalule has little insight into his sexual misconduct and had demonstrated no insight at all into his dishonesty. It has identified a real risk of repetition, which places the public, **[PRIVATE]** and service users at significant risk of harm.
305. In all the circumstances and taking into account paragraph 97 of the Sanctions Guidance, the panel concluded that nothing less than a Removal Order would suffice to protect the public and serve to maintain public confidence in the profession and uphold proper standards.
306. The panel has balanced Mr Bhalule's interests with the need to protect the public. In light of the seriousness of the findings it concluded that the need to protect the public and the public interest by imposing a Removal Order outweighed his interests.

Redactions to Transcript and Determination

307. The panel raised a concern with regard to protecting the privacy of Witness 4. It heard from Ms Broadbent who submitted that to place additional parts of the transcript in private in relation to Witness 4 was not necessary unless the evidence identified Witness 4, or related to her private life. Witness 4 had given her evidence in public and the transcript should reflect that. Ms Broadbent accepted that any redactions in the panel's determination were a matter for the panel's discretion. Mr Mhakyakora did not object to Witness 4's evidence being placed in private in the transcript and accepted that redactions in the determination were a matter for the panel.
308. The panel took into account Ms Broadbent's suggested redactions to the determination but reached its own decision as to which passages to redact. The panel, having taken legal advice, decided that it was in the interests of justice to place in private those parts of the determination which referred to Witness 4's evidence, in order to reflect the fact that she

was a vulnerable witness, had been afforded Special Measures when giving her evidence, and also to protect her privacy.

309. With respect to the transcript, it also decided that evidence in respect of Witness 4 that might identify her, including by jigsaw identification, or that relates to her private life should be placed in private retrospectively. Any transcript that may be requested in future by any person entitled to do so under the Fitness to Practise Rules, should be appropriately redacted having regard to this decision, in order to protect Witnesses 4's privacy in addition to that of Witness 1.

Interim order

310. The panel heard from Ms Broadbent and took account of all the information before it. Ms Broadbent applied for an Interim Suspension Order given the panel's findings in order to protect the public and the public interest to cover the 28-day appeal period before the Removal Order takes effect. Mr Mhakyakora did not oppose this application.
311. The panel accepted the advice of the legal adviser. He reminded it that the primary purpose of an interim order is protection of the public and that it is necessary to balance the interests of the Registrant with the need to protect the public.
312. The Panel decided that it would be wholly incompatible with its earlier findings, and with the sanction it has imposed, to conclude that an Interim Order is not necessary for protection of the public or in the wider public interest. The panel accordingly find that an Interim Order is necessary on both public protection and public interest grounds
313. Given the gravity and nature of its findings the Panel determined that it is appropriate that an Interim Suspension Order is imposed for a period of 18 months to cover any appeal period. When the appeal period expires this interim order will come to an end unless there has been an application to appeal. If there is no appeal the Removal Order shall apply.

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.