



Social Worker: Sandra Buchanan Registration Number: SW128290 Fitness to Practise Final Hearing:

Date(s) of hearing: 24 January – 28 January 2022

Hearing Venue: Remote hearing

Hearing outcome: Removal Order

Interim order: 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. Ms Buchanan ('the Social Worker') did not attend and was not represented.
3. Social Work England was represented by Adrian Harris, as instructed by Capsticks LLP.

Adjudicators	Role
Gill Mullen	Chair
Belinda Henson	Social Worker Adjudicator
Douglas Thorpe	Lay Adjudicator

Tom Stoker	Hearings Officer
Paige Higgins	Hearing Support Officer
Margaret Obi	Legal Adviser

Service of Notice:

4. The panel of adjudicators ('the panel') took into account the documents contained in the final hearing service bundle which included:
 - An extract from Social Work England's Register ('the Register') confirming the Social Worker's registered postal and email addresses;
 - A copy of the Notice of Hearing, dated 14 December 2021, addressed to the Social Worker's postal and email addresses as they appear on the Social Work England Register;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 14 December 2021, a paralegal from Capsticks LLP sent the Notice of Hearing and related documents to the Social Worker's registered postal and email addresses.
5. The panel accepted the advice of the Legal Adviser in relation to service of notice.

6. The panel was satisfied that the Notice of Hearing had been properly served on the Social Worker in accordance with Rules 44 and 45 of the Fitness to Practise Rules (the Rules)

Proceeding in the absence of the Social Worker:

7. Mr Harris, on behalf of Social Work England, made an application under Rule 43 for the hearing to proceed in the absence of the Social Worker. He submitted that no application for an adjournment had been made by the Social Worker and that there has been no contact from her, since the telephone discussion on 15 December 2021, in which she stated that she would not be attending the hearing. Mr Harris invited the panel to conclude that the Social Worker's absence was deliberate and voluntary and that it is in the public interest for the hearing to proceed without delay as the Allegation is already two years old.
8. The panel accepted the advice of the Legal Adviser in relation to the factors it should take into account when considering the application to proceed in the Social Worker's absence. This included reference to the cases of *R v Jones [2003] UKPC* and *General Medical Council v Adeogba [2016] EWCA Civ 162*.
9. The panel determined that it was fair, reasonable and in the public interest to proceed in the Social Worker's absence for the following reasons:

- a. The note of the telephone discussion with the Social Worker which took place on 15 December 2021 states:

"SW confirmed that she will not be providing any further comments or evidence and we should just rely on what has already been provided to SWE. SW confirmed there is nothing else that she wishes to add.

SW confirmed she will NOT be attending the hearing."

The panel noted that there has been no further engagement from the Social Worker. In these circumstances, the panel was satisfied that it was reasonable to conclude that the Social Worker's non-attendance and non-participation is voluntary and demonstrates a deliberate waiver of her right to attend and to be represented.

- b. The Social Worker had not made an application for the hearing to be adjourned and there was no indication that she would be willing to attend on an alternative date. Therefore, re-listing this substantive hearing would serve no useful purpose.

- c. The panel recognised that there may be a disadvantage to the Social Worker in not being able to make oral submissions. However, she was given the opportunity to participate and chose not to do so. In these circumstances, the panel concluded that any disadvantage to the Social Worker was significantly outweighed by the public interest in ensuring that the substantive hearing is commenced and concluded as expeditiously as possible.

Allegation

10. The charges, arising out of the regulatory concerns referred by the Case Examiners on 25 January 2021, are as follows:

That you, a Registered Social Worker:

1. Posted, or authorised your daughter to post, images of yourself of a sexual nature:

1.1 on social media

1.2 on a subscription-only service website.

2. Sought to mislead your employer in that you:

2.1 informed your employer that your daughter had started the subscription account and posted photographs to website/s without your knowledge;

2.2 stated you were not a willing participant in the postings;

2.3 stated you had taken action to have the posts removed.

3. Your actions in charge 2 were dishonest, in that you:

3.1 knew you had authorised the postings / were complicit in starting the subscription account;

3.2 knew of the postings and were a willing participant in the postings;

3.3 knew you had caused or permitted the postings and/ or the accounts to remain active.

4. Your actions in particulars 1-3 constitute misconduct

5. By reason of your misconduct, your fitness to practise as a social worker is impaired.

Background

11. The background circumstances, as set out in the Statement of Case, are as follows.
12. On 21 January 2020, Social Work England received a referral regarding the Social Worker. The referral was made by LJH (now LF), on behalf of Lancashire County Council ('the Council'), as the Social Worker's employer.
13. The Social Worker was initially a student in the Children with Disabilities team with the Council for approximately three months before becoming a Family Support Worker on 26 August 2019. In October 2019, the Social Worker received her registration as a Social Worker and took up a social work position, ultimately being given a permanent position in the team.
14. The Social Worker started well but her performance then deteriorated, and the Team Manager's view was that she was not concentrating on her work or meeting her statutory timescales. It appeared that she was not focused on her work and an action plan had been put in place to assist her in getting up to date. The Social Worker stated that she was having difficulties at home involving her son. Support was offered to her but soon after that discussion the Social Worker resigned. She did not work her notice period as she was off work sick. Her notice period ended on 14 February 2020.
15. SH is another social worker within the Children with Disabilities team. She and the Social Worker were colleagues in late 2019 and the start of 2020. On 19 January 2020, SH was viewing her Twitter account when she noticed a particular 'retweeted' tweet. The tweet had been retweeted by an acquaintance of hers, who had added the caption above it '*you have got to be kidding me*'. The original tweet had been posted by the user '*pastaissick*' with the text '*mother n daughter! Subscribe to our onlyfans*', followed by web links to two profiles on the website onlyfans.com headed '*my onlyfans*' and '*mothers onlyfans*'. Onlyfans.com is a content subscription service operated via a website. Content creators can charge money from users who subscribe to their content and the content that they publish is only accessible to subscribers. The website can be used to publish pornographic content and content creators can upload images and videos.
16. The tweet contained two images of the Social Worker and her daughter underneath the text, with both of them dressed in underwear. This tweet had 1566 '*retweets*' and 6154 '*likes*' at the time.
17. SH immediately recognised the Social Worker from the photographs. She also recognised the Social Worker's daughter from other photographs she had seen on the

Social Worker's social media accounts. The profile photograph of the profile 'pastaissick' is that of the Social Worker's daughter.

18. From the post by the Social Worker's daughter (who was aged 18 at the time), SH found a link to a Twitter profile 'JessicaG1808', which she clicked on to see if it was the Social Worker. That account was not private, and she was able to see the profile and Twitter feed of tweets the account had posted. The description of the profile was '*content 18+ subscribe now for explicit content!*' followed by the same link as seen in the initial tweet (as headed '*mothers onlyfans*' [sic]) and had a profile photograph. This Twitter profile was not private and displayed the feed of posted messages.
19. The feed showed a series of sexual and explicit posts, both in text content and images. including an image of the Social Worker dressed only in underwear from the back showing a tattoo on her lower back. SH recognised the woman in the image as the Social Worker. There is also an image of the Social Worker's top half and SH could identify the Social Worker in this image. Although the pseudonym 'Jessica G' was used as the username, SH recognised the Social Worker in certain non-explicit images from her face, hair and tattoo, because she had seen it in other photographs posted on the Social Worker's social media profiles taken on family holidays. The images shown on Twitter were of a sexual, and in some instances explicit, nature. Some images showed the Social Worker in underwear. One image included an image of the Social Worker's naked breasts, and another image was of a man ejaculating upon her naked breasts. The posts were not all posted at the same time and had been posted across the previous several days.
20. SH clicked to the Onlyfans.com profile and could see some images with the caption '*subscribe to see more*'. Apart from a few images as shown on the Twitter profile, the rest of the content was private. Subscriptions were offered for \$14.99 USD per month and the user had last been active on Onlyfans just three minutes before SH took the screenshot.
21. SH also found a tweet posted by the Social Worker's daughter's profile 'pastaissick' on 1 December 2019, which states, '*update: my mum wants help setting up an onlyfans cba*' and includes a screenshot of a text discussion which appear to be between the Social Worker and her daughter. The messages from the Social Worker state, '*Oh my god how did you get that xx*' and '*Would you do mine for me if, I give you my bank details and pics? Xx*'.
22. SH contacted her line manager, SM, who in turn contacted LF, who was the Team Manager for the Children with Disabilities team. LF looked at the profiles online. She was also able to recognise the Social Worker from images of her face, but also from the unusual items of jewellery that were visible in some of the images and had been worn by the Social Worker in the office. During LF's investigation into the Social

Worker's conduct, the Twitter profile for both the Social Worker and her daughter became 'private' for a time. This meant that the user needed to approve someone who wanted to see their profile/feed, but the profiles were not taken down. There was no reference to her being a Social Worker, but she was easily recognisable by those that knew her.

23. The Council's Code of Conduct includes the expectation that employees will comply with professional Codes of Conduct, and conduct themselves, *'both on and off duty, in a manner appropriate to and compatible with your employment at the Council'*. The Code also requires that *'employees using social media and networking websites outside of work must also ensure that interactions on these sites...do not damage the reputation of the Council or working relationships with Council employees, customers or people who use Council services'*. In addition, employees were restricted from undertaking work outside their employment with the Council.
24. During the course of her investigation, LF visited the Social Worker's Onlyfans profile. It was apparent that further images were being uploaded and subscription numbers were increasing.
25. SH checked the Twitter and Onlyfans profiles again around March/April 2021. She also found a YouTube video on the Social Worker's daughter's profile, showing both her and the Social Worker. The video was not explicit, but rather a question and answer type video where the Social Worker was answering questions from her daughter.
26. Daniel Bond is an investigator for Social Work England. On 15 and 16 September 2021 he looked online to see if the profiles were still in active use. The Twitter profile *'Jessicag8081'* was still posting new, publicly-accessible tweets. These tweets and the profile header advertised explicit content on the Onlyfans account, which was also still posting regular content in the form of images and/or videos, including in the preceding few days.
27. On 20 January 2020, the day after SH reported what she had found, LF and PE (another Team Manager) held a meeting with the Social Worker. A summary of the discussion which took place is set out below:
 - a. The Social Worker was told that it appeared she had a social media account that held some explicit adult content and photographs of her, to which the Social Worker initially said she was not aware of what that could be, and she was a bit confused as to what was being referred to;
 - b. She was given details of what had been found and was informed that it could constitute gross misconduct;
 - c. The Social Worker denied any knowledge of it, saying it was a shock;

- d. A number of the posts and photographs were discussed, and the Social Worker confirmed that the photographs were of her and her daughter. However, she stated that the photographs were private between herself and her partner;
- e. She was asked to explain how they could have been added on to Twitter and have links to a subscription Onlyfans site, suggesting further explicit content could be viewed. The Social Worker stated that she was uncertain as to how the images could be on social media and that she would have to speak to her partner and her daughter to find out;
- f. When asked about the photographs of her with her daughter (posing in underwear) in a Tweet advertising Onlyfans profiles and why she was posing like that with her daughter, the Social Worker said that she had been asked by her daughter to show people how alike they were;
- g. The Social Worker was then asked why she would do so when others would see, and whether she considered it appropriate to pose like this, but she did not respond beyond saying she had not really thought about it;
- h. The Social Worker was asked whether she was aware that her daughter had her own social media account, and that it was being used to post explicit photographs asking for people to subscribe to her adult website, with screenshots of her account finances highlighting how much money she is making. She was shown the profile and stated that she was not aware of any such account. She also stated that her daughter now lived in Manchester, and they did not see each other much;
- i. The discussion continued and having been reminded of the importance of telling the truth, the Social Worker described herself as 'stunned' and stated that she had no idea how the photographs could have made it onto the internet;
- j. It was pointed out that if she had no involvement in the profile or posting the photographs then it was a criminal matter as her personal and private photographs have been exploited and used to make money; she was advised that it will be important as part of further investigation and disciplinary hearing that she had taken appropriate steps to take the Twitter and Onlyfans accounts down and reported the matter to the police. The Social Worker stated that she would consider taking these steps;
- k. The Social Worker was told she was not formally suspended but was not allowed to work while this was being investigated and was then given an invitation letter to a hearing on 30 January 2020. She was advised not to

discuss matters with the rest of the team whilst the investigation remained ongoing.

28. There was an article in the Daily Star, dated 20 January 2020, about the Social Worker and her daughter having Only Fans accounts. This article came up on SH 'newsfeed' online. The article did not contain any information regarding the Social Worker's profession, but it did contain a prominent image of the Social Worker and her daughter at the top of the story with the headline '*Mum and daughter take saucy snaps together for joint-Onlyfans account*'.
29. Having sent an email to the Social Worker but received no reply, LF spoke to the Social Worker by telephone on 24 January 2020. A summary of what was discussed is set out below:
- a. The Social Worker stated that she had established it was her daughter who had set up the twitter account on her behalf because she had been concerned about her mother's financial situation;
 - b. She stated that she had told her daughter to close down the sites. LF told her that the profiles had not been closed down and were still actively being marketed, to which the Social Worker stated that she would go back to her daughter about it;
 - c. The Social Worker said she was aware of the article in the Daily Star but had no involvement in its production;
 - d. As the Social Worker was by now signed off sick from work, she was asked to complete an Occupational Health referral to ensure she was fit to engage in the investigation process and to see what reasonable adjustments need to be made so was she comfortable in taking part, to which she agreed;
 - e. The Social Worker was asked to explain more about the social media account. She stated that her daughter had set up the Twitter feed to do her a favour;
 - f. When asked how this could be a favour to her, she explained that her daughter was worried about her money situation and felt that this would assist her;
 - g. The Social Worker was asked how her daughter had gained access to the photographs of her and she said that her daughter had obtained these from her iCloud;
 - h. The Social Worker said that she had asked her daughter to close the Twitter and Onlyfans profiles down because she did not know how to, and her daughter was going to do this; when informed that the Twitter profile was still actively being used with new posts added advertising subscriptions, she said

that she did not know that this was taking place and she had not seen the Twitter feed herself;

- i. The Social Worker said she did not intend to contact the police;
- j. She was advised that the potential impact upon her was huge and that she should seek professional support. The Social Worker repeated that she could not imagine herself contacting the police;
- k. The Social Worker was informed that a tweet on her daughter's Twitter feed had been discovered, posted on 1 December 2019 featuring a photo of a Facebook message that she has sent to her daughter asking her for help with setting up the Onlyfans account. The Social Worker was asked about how this could have happened if she knew nothing about it but was unable to explain how the message came to exist.

30. The Social Worker subsequently sent an email to LF on 26 January 2020, in which she described herself as *'incredibly upset and concerned about some of the things you said to me'* before indicating she had taken legal advice. She said she had been *'very clear'* about her version of events and that during the telephone call she felt under pressure to change her story. The email contained no suggestion that the things she said were not her version of events, nor that she had changed her story during the telephone call.

31. During the course of Social Work England's preliminary investigation (by email dated 18 May 2020), the Social Worker stated that:

- a. She maintained that her daughter had accessed personal photos on the Social Worker's laptop at home and had created an account on Twitter and Onlyfans under a fake name, because she was earning money this way and so started the account for her mother to put money aside for her to live on;
- b. When all this was brought to her attention she was *'bewildered and devastated'*;
- c. She was then working her notice and actively looking for another social work post.
- d. The Social Worker claimed that her daughter deleted the Twitter account at her request, but that Onlyfans could not be deleted until the subscription ran out. By this point it was March and she decided to withdraw from social work having completed her notice period and requested to withdraw from social work for a while.

- e. The Social Worker claimed she had *'in no way condoned her actions'* in setting up the account, although she later decided to make a living from Onlyfans.
32. In an email, dated 24 September 2020, the Social Worker maintained her denials in respect of the allegations against her.
33. On 15 December 2021, a paralegal at Capsticks spoke to the Social Worker by telephone. The Social Worker stated that she would not be providing any further comments or evidence and Social Work England should *'just rely on what has already been provided'*.

Finding and reasons on facts

The panel's approach

34. The panel accepted the advice of the Legal Adviser.
35. The panel was aware that the burden of proving the facts was on Social Work England. The Social Worker did not have to prove anything and the particulars of the Allegation could only be found proved, if the panel was satisfied, on the balance of probabilities.
36. In reaching its decision the panel took into account the witness statements of LF, SH and Mr Bond as well as the supporting documentation.
37. The panel noted that following the Supreme Court decision in Ivey v Genting Casinos [2017] UKSC 67 the test for dishonesty is an objective test only. The panel first had to determine the Social Worker's actual knowledge or belief and then determine whether her acts or omissions were, on the balance of probabilities, dishonest by the ordinary standards of reasonable and honest people.

Head of Charge 1 – Found Proved

"Posted, or authorised your daughter to post, images of yourself of a sexual nature:

1.1 on social media

1.2 on a subscription-only service website."

38. The panel accepted the evidence of SH and LF that images of the Social Worker, which are of a sexual nature, had been uploaded to social media and a subscription-only service website. Both SH and LF gave oral evidence to the panel. They affirmed the contents of their witness statements and in response to a question from the panel both confirmed that the display picture, attributed to the text message sent via twitter

on 1 December 2019, was an image of the Social Worker. The panel noted that their evidence was supported by screenshots of the relevant images. These images included photographs of the Social Worker dressed only in lingerie and one image showed her naked breasts, and another showed a man ejaculating on her naked breasts.

39. The panel noted that at no time did the Social Worker dispute that she appeared in the various images; nor did she dispute that these images had been posted on social media and on a subscription-only service website. However, the Social Worker denied during the Council investigation, that she had posted the sexual images or that they had been posted at her behest. This denial was maintained during Social Work England's investigation.
40. The panel was unable to accept the assertion by the Social Worker that the sexual images were uploaded by her daughter without the Social Worker's knowledge. The panel concluded that it is inherently unlikely that the Social Worker's daughter would have access to a variety of intimate and explicit photographs of the Social Worker and if she did have access to such images that she would publish them on social media and a subscription-only service website without express permission. There was clear evidence before the panel that the text message, sent via twitter on 1 December 2019 asking for help in setting up an Onlyfans account, had been sent by the Social Worker. The Social Worker was positively identified by SH and LF based on the display picture and the panel concluded that it was clear from the text message that she was interested in setting up an Onlyfans account. The panel noted that an Onlyfans account linked to the Social Worker was discovered by SH approximately one month later on 19 January 2020. The panel also noted that the 'selfie' photograph of 'mother and daughter' dressed only in underwear demonstrates clearly that the image was of a sexual nature and was taken for the purposes of displaying it to others.
41. The panel concluded that the only plausible explanation is that the Social Worker's daughter acceded to the Social Workers request and either set up the Onlyfans account or showed her mother how to set up the account.
42. Accordingly, Head of Charge 1 was found proved in its entirety.

Head of Charge 2 – Found Proved

"Sought to mislead your employer in that you:

2.1 informed your employer that your daughter had started the subscription account and posted photographs to website/s without your knowledge;

2.2 stated you were not a willing participant in the postings;

2.3 stated you had taken action to have the posts removed."

43. LF and PE held a meeting with the Social Worker to discuss what had been discovered on social media. During that meeting the Social Worker denied any knowledge of the Onlyfans account and social media posts. When the Social Worker was specifically asked about the photographs of her with her daughter posing in underwear in a Tweet advertising Onlyfans profiles she stated that she had been asked by her daughter to pose for a photo to show people how alike they looked. When the appropriateness of this was challenged the Social Worker's stated that she had not really thought about it.
44. The Panel, having already concluded that the Social Worker had invited her daughter to set up the Onlyfans account or had set it up herself with the help of her daughter, concluded that the responses she gave during the meeting on 20 January 2020 were an attempt to mislead her employers into believing that her private photographs had been misappropriated. The panel took the view that it was inherently unlikely that the primary purpose of the 'selfie' was taken to show how alike the Social Worker and her daughter were. The panel concluded that the photograph was taken to entice viewers to subscribe to their respective Onlyfans accounts.
45. The panel noted that the Social Worker had the opportunity to correct the misleading information she had given in the initial meeting on 20 January 2020 when she spoke with LF on 26 January 2020. However, the Social Worker maintained that the Onlyfans account and social media posts had been created without her knowledge. The Social Worker stated that since the meeting on 20 January 2020 she had established that her daughter had set them up as she had been concerned about her mother's financial situation. The panel concluded that this was another attempt to mislead as the Onlyfans and social media posts had been created with her full knowledge. The panel was satisfied that the misleading information was conscious and deliberate. Further, the Social Worker continued to mislead her employer in the email she sent to LF on 26 January 2021 when she stated that she had been very clear about her version of events.
46. The panel noted that the profiles were not taken down after (on her version of events) the Social Worker discovered their existence and did not want them online. The panel concluded that if the Social Worker had taken action to remove the posts they would have been removed. The profiles, including the explicit material seeking subscribers to the Onlyfans account, were still in active use in 2021. Although the Social Worker indicated, in her email to Social Work England on 18 May 2020, that it was only later that she had decided to make a living from Onlyfans, the panel concluded that this was inherently unlikely. The panel took the view that the decision to set up a subscription-only account with Onlyfans was made in December 2019 and by the new year her account was active. The panel noted that the Onlyfans account had been

created in the period leading up to her resignation and concluded that when she provided her employer with misleading information, she knew that steps would not be taken to have the posts removed.

47. Accordingly, Head of Charge 2 was found proved in its entirety.

Head of Charge 3 – Found Proved

“Your actions in charge 2 were dishonest, in that you:

3.1 knew you had authorised the postings / were complicit in starting the subscription account;

3.2 knew of the postings and were a willing participant in the postings;

3.3 knew you had caused or permitted the postings and/ or the accounts to remain active.”

48. The panel took into account its findings in relation to Head of Charge 2. The panel concluded that based on the findings the Social Worker knew that she had authorised the creation of the Onlyfans account and the social media postings. She also knew that she had done so willingly and that through her acts or omissions the postings and Onlyfans account remained active until at least 2021.

49. The panel concluded that in falsely denying responsibility for the web profiles showing sexual and sexually explicit material she acted dishonestly. The Social Worker sought to conceal how indecent images of herself came to be posted on the internet and how she appeared to be profiting from pornographic images of herself being available on a subscription website. These were facts known to the Social Worker at the time she spoke to her employer.

50. The panel had no hesitation in concluding that ordinary reasonable and honest people would consider that a professional repeatedly deceiving her employer in order to cover the true circumstances of how she came to appear in sexual images online, and so preserve both her reputation and her position at work, were acts of dishonesty. The panel accepted the submission made by Mr Harris that the Social Worker stood to gain in relation to her reputation, and financially, if her deception was believed. Although the Social Worker had already handed in her notice, a finding of misconduct could potentially affect the end of her employment with the Council as well as impacting on any future employment.

51. Accordingly, Head of Charge 3 was found proved in its entirety.

Finding and reasons on grounds

Panel's Approach

52. Having found the Heads of Charge proved in their entirety the panel went on to consider whether the facts amount to the statutory grounds of misconduct.
53. In considering the issue of misconduct, the panel took into account the oral submissions of Mr Harris and bore in mind the explanation of that term provided by the Privy Council in the case of Roylance v GMC (No.2) [2000] 1 AC 311 where it was stated that:

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

Misconduct

54. The panel noted that registered social workers have a professional obligation to:
- protect, promote and maintain the health and wellbeing of the public;
 - promote and maintain public confidence in social workers in England;
 - promote and maintain proper professional standards for social workers in England.
55. The Social Worker posted social media content of a sexual nature and set up a subscription-only service account or permitted such actions to be undertaken on her behalf. The social media posts were publicly accessible as their purpose was to direct potential subscribers to the Onlyfans website. The Social Worker caused the sexual images to be uploaded on social media in order to pursue a new occupation within the field of online adult entertainment. The panel noted that there was no evidence that actual harm had been caused. However, the panel concluded that there was a real risk of harm. Social work by its very nature involves contact with vulnerable service users who may be at risk of sexual exploitation or may be perpetrators of such exploits. The panel took the view that the Social Worker may be less willing or able to recognise the issues associated with sexual exploitation given her decision to provide sexual images of herself on a subscription-only website and her willingness to utilise the relationship with her daughter in order to attract subscribers to her Onlyfans

account. Further, service users and their families are likely to lose confidence in the Social Worker, and the profession as a whole, in the event that it became known that the Social Worker was seeking payment for access to sexual images of herself. This is not a moral judgment; it is a direct consequence of the incompatibility of online sex work with the role of a registered social worker. For these reasons, the panel concluded that the Social Worker's actions in posting images of a sexual nature on social media and setting up a subscription-only service account or permitting such actions to be undertaken on her behalf is sufficiently serious to be characterised as misconduct.

56. The panel was satisfied that a finding of misconduct in these circumstances would not constitute an infringement of the Social Worker's right to a private life. The sexual images were posted on a publicly accessible social media platform and directed users to the subscription-only website. This was not the Social Worker's private life; it was an aspect of her life that she had made public. There was a real risk that the Social Worker would be recognised from her photographic images by a colleague (as in fact occurred), former colleague, a service user, or a member of their family. Although the Social Worker made no reference to her social work role in the social media posts, she was prepared to risk identification in furtherance of her aim to earn an income from her sexual images. Such actions, undermines her professional standing as a social worker and the profession as a whole for the reasons identified in paragraph 55 above.
57. Further, it is essential that local authorities and employers can rely on the professionalism of registered social workers at all times. The willingness and ability to adhere to high standards of behaviour is fundamental to the role of a social worker. This includes being open and honest about potential conflicts of interest during internal investigations. In misleading her employer on more than one occasion, the Social Worker acted dishonestly. The Social Worker's behaviour demonstrates a willingness to put her own interests first and disregard her professional obligations. The panel had no hesitation in concluding that the Social Worker's dishonesty was sufficiently serious to amount to misconduct.
58. The panel considered the Professional Standards for social workers. The panel was satisfied that the Social Worker's conduct breached the following standards:

2.1 Be open, honest, reliable and fair.

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

*5.6 Use technology, social media or other forms of electronic communication
...in a way that brings the profession into disrepute.*

59. The panel was aware that breach of the standards alone does not necessarily constitute misconduct. However, the panel was satisfied that the Social Worker's conduct fell far below the standards expected of a registered social worker. The panel took the view that members of the public and fellow members of the social work profession would be appalled by the social worker's course of conduct.
60. The panel concluded that the Social Worker's acts and omissions individually and cumulatively amount to misconduct.

Finding and Reasons on Impairment:

The panel's approach

61. In considering whether the Social Worker's fitness to practise is currently impaired, the panel took into account its findings in relation to misconduct and the oral submissions of Mr Harris.
62. The panel accepted the advice of the Legal Adviser.
63. In determining current impairment, the panel had regard to the following aspects of the public interest:
- The extent to which the Social Worker has the skills, knowledge and character to practise their profession safely and effectively without restriction; and
 - The wider public interest which includes the need to promote and maintain public confidence in social workers in England and the need promote and maintain proper professional standards for these social workers.

Decision

64. The panel considered the Social Worker's current fitness to practise firstly from the perspective of her ability to work safely and effectively as a social worker and then from the perspective of the wider public interest.
65. The Social Worker undermined her professional standing and the social work profession as a whole by posting social media content of a sexual nature and setting up a subscription-only service account (or permitting such actions to be undertaken on her behalf), dishonestly withheld information from her employer and by putting forward, on more than one occasion, an explanation which she knew not to be true.

The Social Worker's course of conduct significantly breached the high standards expected of registered social workers.

66. The panel recognised that demonstrating remediation, following a finding of dishonesty, can be difficult. It is particularly difficult when a social worker does not attend the hearing. The Social Worker was entitled to deny the Heads of Charge and the panel noted that the denial in itself would not prevent her from demonstrating insight. However, as there has been no engagement from the Social Worker during the hearing, there was no evidence before the panel that she fully appreciates the gravity of its findings. Nor is there any evidence before the panel that she appreciates the impact of her behaviour on her former employer, her professional standing as a registered social worker and the wider profession as a whole. There has been no apology, no explanation as to how the Social Worker would behave in the future and no assurance that she has taken appropriate steps to reduce the risk of repetition. In the absence of any insight and steps taken towards remediation, the panel concluded that there is a real risk of repetition.
67. In these circumstances, the panel concluded that the Social Worker's ability to practise safely and effectively is currently impaired.
68. In considering the wider public interest the panel had regard to the need to promote and maintain public confidence in the profession and to promote and maintain proper standards of conduct and behaviour.
69. The panel was mindful of the duty to uphold proper standards of conduct and behaviour and maintain public trust and confidence in the profession. The Social Worker's conduct and behaviour had the potential to put service users at risk of harm, breached fundamental tenets of the profession which include honesty and trustworthiness and, in so doing, brought the profession into disrepute. The panel concluded that a finding of impairment is required to declare that it is wholly unacceptable for a registered social worker to post images of a sexual nature on publicly accessible social media and dishonestly mislead her employer during an internal investigation into her conduct.
70. The panel also concluded that a reasonable and well-informed member of the public would be extremely concerned by the Social Worker's misconduct. The panel took the view that public trust and confidence in the profession and in Social Work England would be significantly undermined if a finding of impairment of fitness to practise was not made, given the nature and seriousness of the Social Worker's conduct and behaviour.
71. Therefore, the panel concluded that the Social Worker's current fitness to practise is also impaired based on the wider public interest.

Decision and reasons on sanction:

The Panel's Approach

72. The panel considered the submissions made by Mr Harris. He invited the panel to impose a Removal Order to protect the public and the wider public interest.
73. The panel accepted the advice of the Legal Adviser and took into account the Sanctions Guidance published by Social Work England.
74. The panel was mindful that the purpose of any sanction is not to punish the Social Worker, but to protect the public and the wider public interest. The public interest includes protecting the health, safety and well-being of service users, promoting and maintaining public confidence in the profession and promoting and maintaining proper standards of conduct and behaviour.
75. The panel applied the principle of proportionality by weighing the Social Worker's interests with the public interest and by considering each available sanction in ascending order of severity.
76. The panel identified the following aggravating factors:
- Activity on the Social Worker's twitter account continued and even increased during the Council's internal investigation and the early stages of Social Work England's investigation.
 - The Social Worker's dishonest responses during the Council's internal investigation were repeated on at least two occasions.
 - The Social Worker has demonstrated no insight or remorse and no evidence that she recognises the impact of her conduct on service users, her professional standing as a social worker and the wider profession as a whole.
77. The panel was unable to identify any mitigating factors. The panel noted that the Social Worker informed her employers that she was experiencing some difficulties at home involving her son. She also described, in an email to Social Work England on 18 May 2020, her role as a newly qualified social worker as "*horrendous*". She stated that she had no support or guidance and suggested that this had affected her mental health. However, the panel was mindful that the Social Worker did not attend the hearing to give oral evidence, nor did she provide the panel with written submissions or any supporting evidence. Therefore, the panel was unable to assess whether any of

the factors identified by the Social Worker can be properly characterised as mitigating factors.

No Further Action

78. The panel first considered taking no further action. The panel concluded that, in view of the nature and seriousness of the Social Worker's misconduct, and in the absence of exceptional circumstances, it would be inappropriate to take no action on her registration. Furthermore, it would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

Advice or Warning

79. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict the Social Worker's ability to practise and is therefore not appropriate where, as in this case, there is a current risk to public safety. The Social Worker's conduct had the potential to cause harm to vulnerable children and adults and in so doing undermine trust and confidence in the profession. The risk is ongoing as there is no evidence before the panel that any action has been taken to remove the sexual images. As a consequence, some form of restriction on the Social Worker's practise is required. Therefore, the panel concluded that issuing advice or a warning would be inappropriate and insufficient to protect the public and the wider public interest.

Conditions of Practice Order

80. The panel went on to consider a Conditions of Practice Order. The panel noted that it would be unusual to address multiple findings of dishonesty by imposing a Conditions of Practice Order as such conduct is based on an attitudinal failing. The Social Worker's dishonesty was repeated on at least one occasion and had the potential to adversely impact vulnerable service users. The panel took the view that it would not be possible to formulate measurable and workable conditions to address the Social Worker's dishonesty. Furthermore, although in theory the Social Worker's dishonesty is capable of being remedied, such remediation requires an acknowledgment of fault, deep and meaningful reflection, and a commitment to ensuring that the dishonesty and underlying conduct will not be repeated. There was no evidence before the panel that the Social Worker is willing to take active steps to remediate her misconduct. On the contrary, the Social Worker has made it clear in correspondence with Social Work England that she intends to continue to make money via the Onlyfans website. As a consequence, there is no incentive for her to remediate the impairment of her fitness

to practise. In these circumstances, the panel had no confidence that the Social Worker would comply with a Conditions of Practice Order, even if suitable conditions could be formulated. Therefore, the panel concluded that conditions would not be appropriate or workable.

Suspension Order

81. The panel, having determined that a Conditions of Practice Order would not be appropriate went on to consider whether to impose a Suspension Order.
82. The panel noted that a Suspension Order would reaffirm to the social worker, the profession, and the public the standards expected of a registered social worker. It would also prevent the social worker from practising during the suspension period, which would therefore provide temporary protection to the public and the wider public interest. However, the Social Worker has demonstrated no insight into her dishonest behaviour and has not taken the opportunity to persuade the panel that meaningful lessons have been learnt. Furthermore, there is no evidence that the Social Worker is either willing or able to resolve the underlying attitudinal failures which culminated in her dishonest conduct and failure to comply with the Council's Code of Conduct.
83. The panel noted that repeated dishonesty is inherently difficult to remediate. It is even more difficult when, as in this case, the social worker has not demonstrated any willingness or ability to remediate her conduct. The Social Worker's misconduct involved a reckless disregard for her professional obligations as a registered social worker and the public would be shocked if no action was taken to prevent the Social Worker from practising.
84. In these circumstances, the panel concluded that a Suspension Order would not be sufficient to protect service users, uphold standards of conduct and behaviour and maintain public trust in the profession.

Removal Order

85. The panel, having determined that a Suspension Order does not meet the wider public interest, determined that the Social Worker's name should be removed from the Register. A Removal Order is a sanction of last resort and should be reserved for those categories of cases where there is no other means of protecting the public and the wider public interest. The panel decided that the Social Worker's case falls into this category because of the nature and gravity of her dishonest conduct, her persistent

lack of insight and the high risk of repetition. The panel was also satisfied that any lesser sanction would undermine public trust and confidence in the profession.

86. In reaching this conclusion the panel balanced the wider public interest against the Social Worker's interests. The panel noted that the Social Worker indicated in her email to Social Work England on 24 September 2021, that she may wish to work as a social worker at some point in the future. Therefore, the panel took into account the consequential personal and professional impact a Removal Order may have upon the Social Worker but concluded that these considerations were significantly outweighed by the panel's duty to give priority to the wider public interest.
87. The panel concluded that the Social Worker's misconduct is fundamentally incompatible with continued registration such that any sanction short of a Removal Order would fail to promote and maintain proper standards of conduct and would fail to promote and maintain public confidence in the profession. The panel took into account the Social Worker's non-engagement during the hearing and noted the observation of Mitting J, in NMC v Parkinson [2010] EWHC 1898 where he stated:

"A [practitioner] found to have acted dishonestly is always going to be at severe risk of having his or her name [removed] from the register. A [practitioner] who has acted dishonestly, who does not appear before the Panel either personally or by solicitors or counsel to demonstrate remorse, a realisation that the conduct criticised was dishonest, and an undertaking that there will be no repetition, effectively forfeits the small chance of persuading the Panel to adopt a lenient or merciful outcome and to suspend for a period rather than to direct [a Removal Order]."

88. In this case the Social Worker has disengaged from the regulatory process and has chosen not to re-engage. In doing so, she has not provided the panel with any opportunity to consider exercising a degree of leniency.
89. The panel decided that the appropriate and proportionate order is a Removal Order.

Interim Order

90. Mr Harris made an application for an 18 month interim Suspension Order to cover the 28 day appeal period and, if necessary, any appeal.

91. The panel accepted the advice of the Legal Adviser that the bar for imposing an interim Suspension Order is set high. It must be necessary for the protection of members of the public, be otherwise in the public interest or the interests of the Social Worker.
92. The panel determined that an interim order is necessary for the protection of the public because of the nature and seriousness of the findings made against the Social Worker. Members of the public would be extremely concerned if she was able to continue to practise during the appeal period, in circumstances where her acts and omissions potentially exposed vulnerable service users to the risk of harm. Furthermore, it would be perverse and inconsistent with the panel's determination that there is an ongoing risk of repetition which justifies removal from the Register. The panel concluded that Conditions of Practice would be inappropriate and unworkable for the same reasons that conditions were not imposed as a substantive order. Therefore, the Panel determined that an Interim Suspension Order should be imposed on the Social Worker's registration for a period of 18 months.

Right of Appeal:

1. Under paragraph 16 (1) (b) of schedule 2, part 5 of the Social Workers Regulations 2018, the Social Worker may appeal to the High Court against:
 - a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,
 - iv. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
 - b. Under regulation 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.
2. 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.

Review of final orders

3. Under regulation 15 (2) and 15 (3) of schedule 2, part 4 of the Social Workers Regulations 2018:
 - 15 (2) – The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
 - 15 (3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under regulation 25(5), and a final order does not have effect until after the expiry of that period.
4. Under rule 16 (aa) of Social Work England's fitness to practise rules, a registered social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.