



Social Worker: Karl Blackwell

Registration Number: SW131059

Fitness to Practise:

Final Hearing

Date(s) of hearing: 21 February 2022 – 25 February 2022

Hearing Venue: Remote hearing

Hearing outcome: Removal Order

Interim Order: Interim Suspension Order – 18 months

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

Introduction and Attendees

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018.
2. Mr Blackwell attended but was not represented.
3. Social Work England was represented by Ms Rebecca Steels, who was instructed by Capsticks LLP.

Adjudicators	Role
Rachel Cook	Chair
Stella Elliott	Social Worker Adjudicator
Janice Beards	Lay Adjudicator

Jyoti Chand	Hearings Officer
Paige Higgins	Hearing Support Officer
Margaret Obi	Legal Adviser

Allegation(s)

Whilst registered as a social worker:

1. *On or around 11 August 2020 you failed to attend a pre-arranged virtual Looked After Child visit with Child A and Person A.*
2. *You falsely recorded entries on case records by making a false entry on or around 25 August 2020 stating a virtual phone visit had taken place with Child A and Person A on 11 August 2020.*
3. *On or around 3 September 2020 you falsely informed your managers that the visit on 11 August 2020 had taken place when it had not.*
4. *On or around 7 September 2020 you behaved in a way that would bring into question your suitability as a social worker by causing deliberate damage to your work phone to prevent your managers from accessing information stored on it.*

5. Your conduct at paragraphs 2, 3 and 4 was dishonest.

Your conduct at each of paragraphs 1, 2, 3, 4 and 5 above, amounts to the statutory ground of Misconduct.

By reason of your misconduct your fitness to practise is impaired.

Preliminary matters

Application for Partially Private Hearing

4. Ms Steels made an application for parts of the hearing to be conducted in private. She submitted that as the case involves issues which relate to the health of Mr Blackwell and a member of his family, those aspects of the case should be heard in private.
5. Mr Blackwell supported the application.
6. The panel took into account the advice of the legal adviser and Rule 38(b) of Social Work England's Fitness to Practise Rules which states:

(b) The...adjudicators...may determine to hold part or all of the proceedings in private where they consider that to do so would be appropriate having regard to:

(i) the vulnerability, interests or welfare of any participant in the proceedings;
or
(ii) the public interest including in the effective pursuit of the regulator's over-arching objective.
7. The panel acknowledged that there is a strong public interest in ensuring that hearings are conducted in public as transparency of the fitness to practise process is one of the ways in which Social Work England demonstrates its accountability to the public. However, the panel also acknowledged that Mr Blackwell and his family member have a right to a private life and that discrete matters relating to their health should not form part of the public record. The panel was satisfied that there are issues which indicate vulnerability or welfare concerns which justify a partly private hearing. Therefore, the panel concluded that the hearing would be conducted in public, but any specific reference to matters relating to health would be heard in private.

Admissions

8. At the outset of the hearing Mr Blackwell admitted Particulars 1, 2 and 3 of the Allegation and Particular 5 (dishonesty) in relation to Particulars 2 and 3. He denied Particular 4 and Particular 5 (dishonesty) in relation to Particular 4.
9. The Chair announced, on behalf of the panel, that Particulars 1, 2 and 3 of the Allegation and Particular 5 in relation to Particulars 2 and 3 were found proved based on Mr Blackwell's admissions. As a consequence, the panel's factual findings solely relate to the matters which were in dispute.

Summary of Evidence

10. On 21 October 2020, Social Work England received a referral regarding Mr Blackwell. The referral was made by GH, Team Manager at Amber Valley Children's Services at Derbyshire County Council ('the Council').
11. Mr Blackwell was employed as an agency social worker by Amber Valley Children's Services at Derbyshire County Council between 6 July 2020 and 11 September 2020. The concerns in this case relate to visits by Mr Blackwell to Child A (and Person A). Mr Blackwell first visited Child A on 24 July 2020. Mr Blackwell then arranged a virtual statutory visit with Child A to take place on the afternoon of 11 August 2020. Due to Covid-19 all children in care were to be visited every 20 days. This was a directive from the Assistant Director of Early Help and Safeguarding during the pandemic. The temporary policy began in March 2020 and ended in June 2021.
12. The visit on 11 August 2020 did not take place. However, Mr Blackwell made a written record in the case notes (on 25 August 2020 at 22:17), in which he stated:

"Child [A] appeared happy and well. Child [A] was asked if she remembered A and A. Child [A] stated that she does not remember them. Child [A] was showing me her toys. Child [A] then said her tea was ready and that she was hungry

No concerns in regard to the home conditions

No concerns raised by the foster carers. The foster carers stated that she does not mention her family. The foster carers state that Child [A] she does not get upset when saying goodbye to her family members. Child [A] is happy when being collected by the foster carers and is happy when she returns home from placement."

13. On 2 September 2020, when another member of staff at Derbyshire County Council spoke to the Foster Carer for Child A, and the 11 August visit was mentioned, the Foster Carer stated that the visit had not taken place. This was looked into by RL, Mr Blackwell's Supervisor. She spoke to Person A, who explained that the only contact she had with Mr Blackwell, since 24 July 2020, was a very quick phone call followed by another short call in which he enquired whether it would be possible to facilitate contact whilst the family was on holiday.
14. RL held a virtual meeting with Mr Blackwell on 3 September 2020. GH was also present. During this meeting, Mr Blackwell stated that the visit had happened and that it had taken place by telephone (rather than video-call) as his camera phone was broken and so he was unable to conduct WhatsApp video calls. A further meeting was scheduled to enable Mr Blackwell to bring his work mobile phone into the office on 7 September 2020 for the call logs to be checked.
15. Mr Blackwell attended the office on 7 September 2020 to meet with RL. There was no-one else present at the meeting. Although the meeting was due to take place at 09.00am he arrived close to 11.00am. The phone needed to be charged. Once it had been charged it appeared to RL that it was damaged as only the home screen was responsive. RL made a telephone call to IT and was informed that the data from the phone could not be retrieved. Towards the end of the day, RL checked the phone and noticed that the phone had condensation droplets on the camera and that water was leaking from the phone when she pressed the side button which caused her fingers to become wet.
16. The next day, on 8 September 2020, RL telephoned Mr Blackwell and asked if there had been any water damage to the phone. Mr Blackwell denied that there was any water damage to the phone. However, he subsequently called back at least once. During the subsequent call(s) Mr Blackwell stated that his **[PRIVATE]** (hereon referred to as 'family member') may have knocked some water on the phone and/or he could have spilt some water on the phone when he was in his car.
17. RL, GH, and Mr Blackwell gave oral evidence. RL and GH gave evidence in relation to the disputed facts and matters which are relevant to later stages of these proceedings. The oral evidence provided to the panel is summarised below.

RL

18. RL, during her oral evidence adopted the content of her witness statement dated 8 November 2021.

19. RL explained that the phone she took possession of, on 7 September 2020, was Mr Blackwell's work mobile phone which had been provided by the Council. She stated that during the pandemic social workers were able to conduct visits via Microsoft Teams or Skype on their laptop and it was agreed that WhatsApp could be used as a video-call. RL also explained the importance of statutory visits.
20. RL informed the panel that the purpose of the meeting on 7 September 2020 was for her to check the call history on the Mr Blackwell's work phone. She stated that the phone did not appear to be water damaged until later on in the day after Mr Blackwell had left. When Mr Blackwell arrived the phone needed to be charged. RL stated in her witness statement, and confirmed during her oral evidence, that Mr Blackwell appeared to be '*surprised and worried*' when she charged the phone and the screen lit up. Mr Blackwell stated that he had charged the phone the night before and had no problems with it.
21. Mr Blackwell stated that, on 8 September 2020, when she telephoned Mr Blackwell, he stated that there had not been any water damage to the phone. However, he called back shortly afterwards and stated that the family member may have spilt water on the phone. He then called back again and suggested that he may have spilt water on the phone. RL had no recollection of Mr Blackwell stating that he had spoken to the family member.
22. In response to questions from the panel, RL stated that the phone was not wet until the end of the day. The phone was on her desk from approximately 11.00 until 17.00pm. During that time, there were occasions when (i) both RL and Mr Blackwell were present whilst the phone was charging; (ii) only RL was present (for example, because she was making or receiving a phone call and stepped away from her desk); (iii) only Mr Blackwell was present; and (iv) neither of them were present. RL stated that when she telephoned IT she asked if the phone logs could be retrieved without '*using the phone.*' She was told '*no.*' She did not think that she was given a more specific response. RL confirmed that there was a high turnover of staff during the relevant period, but she was unable to recall what effect this may have had on caseloads.
23. RL confirmed during re-examination that a key fob was required to enter the office. She could not recall if anyone else was in the office that day. She stated that she had not spilled any water on the phone.

GH

24. During her oral evidence, GH adopted the content of her witness statement dated 2 November 2021.

25. GH informed the panel that it was her suggestion that Mr Blackwell bring in his work phone on 7 September 2020. She stated that it was the easiest way to evidence that he had undertaken the virtual visit on 11 August 2020. She confirmed that she was not present at the meeting which took place on 7 September 2020 and, when questioned by Mr Blackwell about this, she stated that during the pandemic it was not a good idea for a number of people to be in the office and that RL as his practice supervisor was *'perfectly capable of undertaking the task.'* She stated that she had attended the meeting on 3 September 2020 to assess what *"direction [she] needed to take."*
26. In response to questions from the panel, GH stated that the staff workload during the relevant period was *"incredibly high."* She stated that Mr Blackwell was expected to take on the more difficult and complex cases and helped many of the newly qualified social workers. GH stated that during Mr Blackwell's time with the Council there were no concerns about his practice other than the matters which have given rise to these proceedings.
27. Mr Blackwell informed the panel, during his oral evidence, that he had to look after the family member (at the family member's address) the weekend following the meeting he had with RL and GH on 3 September 2020.
28. Mr Blackwell stated that on Sunday 6 September 2020 his work phone was not working. He had left his charger at his own home address and so borrowed the family member's charger, but it did not appear to be charging. However, he left it to charge overnight. The following day he attended the meeting with RL at the Council's office. He stated that he was late for the meeting and had spilled some water on the phone in his rush to get to the meeting. He described himself as being in "a panic" and stated that the circumstances were *'a bit stressful'* as he had *"a lot of things going on."* Mr Blackwell stated that he was not surprised when the phone lit up as it was charging but may have appeared to have been under stress.
29. Mr Blackwell stated that RL telephoned him on 8 September 2020, and he called her back shortly afterwards; but only once. He informed the panel that he thought that he might have caused water damage to the phone but after the phone call from RL he telephoned the family member to ask if his charger was working. During that call, his family member admitted that they had spilt their drink over the phone. They were deeply sorry about it but thought that Mr Blackwell would not notice.
30. During cross examination, Mr Blackwell confirmed that he had made a false entry in the case records of Child A. He accepted that he had concealed the fact that the visit had not taken place and that his actions were dishonest. However, he denied that he was in a panic with regards to the request to bring his phone to work for it to be inspected. He stated that he knew that the phone records would reveal that there had been no virtual visit to Child A on 11 August 2020, but he was not concerned that the

Council would find out because he was planning to leave anyway. He stated that he could have refused to attend the meeting but volunteered to bring his phone in knowing that he would be “*caught out*.” Mr Blackwell informed the panel that he thought the phone needed to be charged and when RL asked whether the phone was damaged, he thought the battery was dead. He stated that on 8 September 2020, when he was asked by RL about water damage to the phone, he thought that he may have caused the damage whilst in a rush to get to the meeting. He phoned back once after he spoke to the family member. [PRIVATE] It was put to Mr Blackwell that when he came out of the shower the phone would have been wet. Mr Blackwell responded that he thought this was because he had not dried his hand properly. Mr Blackwell acknowledged that he had not provided this explanation before but denied trying to fit his account to the evidence.

31. In response to questions from the panel, Mr Blackwell stated that when he attended the Council’s office, he thought that RL would open his phone and see the phone logs. He thought IT would be able to access the phone logs by contacting the phone network. He was stressed and nervous and thought that he would have to explain his actions and admit everything, but he had not deliberately damaged the phone. He acknowledged that he had initially denied making a false entry in the case records but stated that he had been prepared to admit everything on 7 September 2020. He did not think that would be the end of his career. He might have received a warning or be “*stricken off (sic)*” He was not relieved when the phone did not work as he knew that it was not over. When he spoke to his family member, he did not assume that his family member had spilt his drink on the phone which is why he asked about the charger. [PRIVATE].

Finding and reasons on facts

Particular 4: Found Proved

“On or around 7 September 2020 you behaved in a way that would bring into question your suitability as a social worker by causing deliberate damage to your work phone to prevent your managers from accessing information stored on it.”

32. The panel noted that Mr Blackwell has admitted that he made a false entry in the case records of Child A and that he lied to RL and Ms Humphries when he insisted that a virtual visit had taken place on 11 August 2020. He also admitted that these actions were dishonest. The panel also noted that, during the investigation stage, in various communications with Social Work England (25 November 2020 and 5 December 2020), Mr Blackwell repeatedly failed to acknowledge that the entry in the case records for 11 August 2020 was false. He did not admit that that he had made the false entry until 13 December 2020. The admission was made in a document titled ‘written submissions of Karl Anthony Blackwell’.

33. The panel was mindful that although Mr Blackwell has admitted making a dishonest entry in the case records it does not necessarily mean that he deliberately caused damage to the phone. The panel noted that until the current concerns were referred to Social Work England by GH, Mr Blackwell had an unblemished history and recognised that Mr Blackwell has admitted other instances of dishonesty which may indicate that he would not, at this late stage, maintain that he had not deliberately damaged the phone unless that was true. The panel also noted that Mr Blackwell stated during his oral evidence that he has commenced a new career which he is "*passionate about*", which may be another reason why he may be less inclined to deny damaging the phone unless that was true, given that he does not envisage practising as a social worker in the foreseeable future. The panel was also mindful that interpreting demeanour is notoriously unreliable and therefore disregarded the evidence from RL that Mr Blackwell looked "*surprised and worried*" when the phone lit up as it was being charged.
34. There is a dispute as to how many telephone calls took place between RL and Mr Blackwell on 8 September 2020. In her witness statement, RL stated that there were three calls whilst Mr Blackwell stated that there were only two. The panel noted that RL did not have a good independent recollection of the events that took place, which is understandable as the events occurred nearly 18 months ago. She appeared to be reliant on the notes of the meeting. The notes indicate that Mr Blackwell offered two possible explanations for the water damage (he spilled water on his phone, or the family member did). It is unclear from the notes whether these explanations were provided at the same time during the second call or whether they were split between the second call and a third call. The panel concluded that it was likely that there were only two calls but in any event the number of calls was less important than the content of those calls which was not materially in dispute.
35. The panel balanced the features of the evidence referred to above with the other aspects of the case which support a finding that the damage to the phone was deliberate.
36. The panel was unable to accept certain parts of Mr Blackwell's evidence. He knew that, when examined, the call logs held on his phone would reveal that he did not have a virtual meeting with Child A and Person A on 11 August 2020. Although he stated that he was prepared to admit everything when he attended the office on 7 September 2020 he did not do so. He handed in his notice on 7 September 2020 but continued to work for the Council until 11 September 2020. At no time during that period, when he was still employed by the Council, did he take the opportunity to tell the truth and admit that the visit had not taken place. The panel was satisfied that Mr Blackwell, at that time, chose not to be open and honest with his employer and this provided a motivation for him to frustrate the enquiries that were going to be made.

As stated by Ms Humphries, the easiest way to establish whether the visit had taken place was to examine the phone. The panel accepted the evidence of Mr Blackwell that he was aware that an alternative way of interrogating the phone logs may have been to contact the network provider. However, it is unlikely that that information would, if retrievable, be available immediately.

37. The panel considered it would have been a remarkable coincidence if the phone had been accidentally damaged the evening before Mr Blackwell was due to hand his phone over to RL. The panel examined the accounts given by Mr Blackwell and noted that in an email to Social Work England, dated 22 January 2022, he denied destroying the phone but did not provide any further explanation. However, within the same email he provides details about the care and support that he provides to his family member [PRIVATE] and explains that he was struggling to manage at work. Mr Blackwell, on 21 May 2021, in his written response to the Case Investigation Report, stated in relation to the concern which is now set out in Particular 4 that:

"I Was (sic) at my [family member]'s home, the weekend before I went to work on the Monday. Whilst I was looking after my [family member] I had my work equipment at my [family member]'s. [PRIVATE:]

...

I do not admit to deliberately destroying my phone as my [family member] did this by accident."

In a further email from Mr Blackwell, dated 18 October 2021, to Social Work England, he stated:

"The only thing I deny is deliberately destroying the work phone as this was an accident from my [family member] when [they] spilt [their] drink due to Derbyshire being aware that [PRIVATE] and I am [their] carer..."

On 9 January 2022, in another email from Mr Blackwell to Social Work England, he stated:

"As I have stated I am a carer for my [family member] [PRIVATE] and [they] told me and i told my manager (sic)."

Mr Blackwell in the written submissions that he sent as an attachment to his email to Social Work England on 16 January 2022 stated:

"I did not deliberately destroy my phone, this was accidently damaged, I called my [family member] [PRIVATE]"

38. The panel noted that Mr Blackwell has consistently stated from 8 September 2020 onwards that the phone was damaged as a result of an accidental spillage. The panel

acknowledged that Mr Blackwell (based on his own account) may have been reluctant to disclose [PRIVATE] but that does not explain why he referred to water being 'spilt' when, for the first time during cross examination, he stated that the phone had actually been submerged in a jug of liquid. Mr Blackwell, according to his version of events, was aware of the actual cause of the damage to the phone from 8 September 2020. However, he did not tell RL that the phone had been dropped into a jug of liquid; he stated that water had been spilt onto the phone by the family member. The panel took the view that there is a significant difference between the two versions of events provided by Mr Blackwell. The panel noted that Mr Blackwell could have explained, at a much earlier stage, that the phone had been submerged in a liquid. [PRIVATE].

39. The panel noted that RL's account was more consistent with the phone having been submerged in water than a spillage. The panel concluded, for the reasons stated above, that the 'accidental jug incident' was untrue. It was, in the panel's view, an attempt by Mr Blackwell to make his evidence fit much more closely with that of RL.
40. The panel, having rejected the account provided by Mr Blackwell during his cross examination, was left with his original account of the water damage having occurred due to a spillage. In light of the observations that have already been made, the panel concluded that Mr Blackwell's evidence on this issue was fundamentally unreliable. The panel acknowledged that Mr Blackwell may have indicated, during the meeting that took place on 3 September 2020, that he was willing to bring his phone to the office. However, the panel concluded that it is inherently unlikely that he instigated this cause of action as at that stage he was still insisting that the virtual meeting on 11 August 2020 had taken place and by his own admission he knew that his lies would be discovered once the phone was examined. The panel also noted that Mr Blackwell asserts that he asked the family member about the charger when he telephoned them on 8 September 2020, even though the enquiry from RL was about water damage. The panel found Mr Blackwell's explanation for this (that he did not want to assume anything when speaking to the family member to be unsatisfactory.
41. The panel, for the reasons stated above, concluded that Mr Blackwell's conduct and the varying detail of his account is inconsistent with his assertion that the damage was caused inadvertently. The panel came to the conclusion that it is more likely than not that Mr Blackwell deliberately damaged the phone. The panel was satisfied that no other finding would make sense.

42. Accordingly, Particular 4 was found proved.

Particular 5: Found Proved (in relation to Particular 4)

43. Mr Blackwell knew that a virtual visit with Child A and Person A had not taken place on 11 August 2020. He also knew that his note in the case records that the visit had

taken place was false and therefore dishonest. Mr Blackwell did not want his dishonesty to come to light and sought to conceal his wrongdoing by lying to GH and RL. He knew that once he handed over the phone to RL, she would discover his deception and so he sought to cover up his initial dishonest acts by deliberately damaging the phone.

44. As the phone was not functioning Mr Blackwell was obliged to provide an explanation as the phone had been in his possession immediately before he handed the phone over to RL. Mr Blackwell chose to invent an account which would be consistent with accidental damage and maintained that account until he was cross examined. During cross examination, he sought to embellish his account by suggesting that the phone had been submerged **[PRIVATE]** in order to make it more consistent with the evidence of RL.
45. Reasonable and honest people would expect a registered social worker to be open and honest with their employer when they have done something wrong and to co-operate with an internal enquiry. The panel concluded that by the standards of reasonable and honest people Mr Blackwell's actions were dishonest.
46. Accordingly, Particular 5 in relation to Particular 4 was found proved.

Finding and Reasons on Misconduct:

The Panel's Approach

47. In light of the factual findings the panel went on to consider whether Mr Blackwell's acts and omissions amount to misconduct.
48. The panel was provided with an unredacted bundle of Mr Blackwell's responses to the allegation. The panel considered these responses which includes an undated Essay on Trustworthiness. The panel also took into account the oral submissions of both parties.
49. The panel accepted and followed the advice of the Legal Adviser.
50. The panel was mindful that in the Privy Council case of *Roylance v GMC (No.2)* [2000] 1 AC 311 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 ... Secondly, the

misconduct is qualified by the word 'serious'. It is not any professional misconduct which will qualify. The professional misconduct must be serious."

51. The panel also took into account the observation of J Collins in *Nandi v GMC* [2004] EWHC 2317 (Admin) that:

"The adjective 'serious' must be given its proper weight and in other contexts there has been reference to conduct which would be regarded as deplorable by fellow practitioners."

52. The panel was aware that departures from Social Work England's Professional Standards do not necessarily constitute misconduct.

Decision

53. Mr Blackwell failed to attend a statutory visit with Child A and Person A, dishonestly recorded in the case records that the visit had taken place and lied to Ms Humphries and RL when asked about that visit. Mr Blackwell then destroyed his work phone in an attempt to cover up his original dishonesty and lied to RL about the cause of the damage.
54. The panel noted that there was no evidence that actual harm had been caused to Child A. However, the panel took the view that there was a significant risk of harm. Service users, their families and foster carers are entitled to expect registered social workers to be trusted to make entries in case records which are true and accurate. Furthermore, it is essential that local authorities, other professionals and courts can rely on the honesty and integrity of registered social workers as the case records form the basis of a variety of risk assessments and reports upon which crucial decisions about the future care and support of service users is made. In making a false entry in the case records Mr Blackwell chose to put his own interests above the interests of Child A, Person A, Child A's family, his obligations as a social work professional and breached his employer's trust and confidence. The false narrative that Child A "*appeared happy and well*", could not remember "*A and A*" and according to her foster carers "*does not mention her family*" deprived the local authority of knowledge regarding the true circumstances of Child A and had the potential to adversely affect the outcome of the assessment process.
55. The willingness and ability to adhere to high standards of behaviour at all times is fundamental to safe and effective practice as a social worker. Mr Blackwell had the opportunity, after his meeting with GH and RL on 3 September 2020, to reflect on his behaviour and 'come clean'. Instead, he chose to attempt to cover up his wrongdoing by destroying his work phone and, in doing so, he once again put his own interests first and demonstrated a reckless disregard for the high standards of conduct and behaviour expected of all registered social workers.

56. Mr Blackwell's actions were dishonest. The panel noted that dishonesty is inherently serious. In this case the panel has found repeated acts of dishonesty directly involving a vulnerable child, the child's family, the foster carer and his employer, which places Mr Blackwell's behaviour towards the highest end of the spectrum for this type of conduct.

57. The panel considered the Professional Standards and concluded that Mr Blackwell's conduct breached the following standards:

2.1 Be open, honest, reliable and fair.

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

5.2 [will not] Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

5.3 [will not] Falsify records...

58. The panel was aware that breach of the Professional Standards alone does not necessarily constitute misconduct. However, the panel was satisfied that Mr Blackwell's conduct fell far below the threshold standards expected of a registered social worker. Furthermore, the panel took the view that fellow practitioners would regard Mr Blackwell's conduct as deplorable.

59. For the reasons stated above, the panel concluded that Mr Blackwell's dishonest conduct and behaviour individually and cumulatively amounts to misconduct.

Finding and Reasons on Impairment:

The Panel's approach

60. In considering whether Mr Blackwell's fitness to practise is currently impaired, the panel took into account the oral submissions of Ms Steels, on behalf of Social Work England. She invited the panel to conclude that Mr Blackwell's conduct amounts to misconduct and that his fitness to practise is currently impaired. She submitted that Mr Blackwell has not reflected on the harm that has been caused to Child A or the effect on trust and confidence in the profession as a consequence of his actions.

61. The panel also took into account the submissions made by Mr Blackwell. He conceded that his admitted behaviour amounts to misconduct and that his fitness to practise is currently impaired. He maintained his denials in respect of the damage to his work phone. He informed the panel that he could not be sure that the behaviour, which he had admitted, would not be repeated if he found himself subject to the same stressors

in the future without adequate support. He stated that for this reason, he has chosen to embark on a new career as a chef. He stated he would “*rather be stricken off (sic)*”. He contrasted his role as a chef to his previous role as a social worker and stated that he “*would rather do [his] best during the day and switch off at night.*” Mr Blackwell disputed the suggestion that he has not reflected on his conduct. He stated that he has reflected on his behaviour and that is why he has chosen to pursue a different career path.

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 Mr Blackwell 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 Mr Blackwell’s current fitness to practise firstly from the perspective of his ability to work safely and effectively as a social worker and then from the perspective of the wider public interest.

65. Mr Blackwell failed to attend a statutory visit, made a false entry in Child A’s case records and lied about the visit when challenged. He then attempted to cover up his initial dishonesty by destroying his phone and lying about the cause of the damage to RL. As stated above, the panel concluded that Mr Blackwell’s course of conduct significantly breached the high standards expected of a registered social worker.

66. The panel was aware that demonstrating remediation following findings of repeated dishonesty is inherently difficult as it indicates a deep seated attitudinal failing. However, the panel took the view that provided that there is meaningful reflection and a commitment to addressing the underlying behaviours dishonesty is capable of being remedied. The panel noted that the false entry in Child A’s case records occurred during a period when Mr Blackwell was managing a high caseload and had responsibility for a number of complex cases. He also had caring responsibilities and experienced a number of personal issues. Although these features do not excuse Mr Blackwell’s behaviour the panel was mindful that these circumstances provide the context in which his dishonest behaviour took place.

67. In considering whether Mr Blackwell has remediated his conduct the panel carefully considered his written representations. The panel noted that Mr Blackwell, in his

written responses to Social Work England and in his oral submissions to the panel has repeatedly apologised and expressed remorse for his conduct and behaviour. In his Essay on Trustworthiness he outlined the importance of trust and honesty in social work. He stated that he had allowed his personal life to affect his work due to his high case load and his caring responsibilities which had led to him feeling “overwhelmed”. At the time Mr Blackwell wrote the essay he was working as a Team Leader in a care home. He stated:

“In regards to trustworthy profession, I am building this back again with the new setting that I am in and my managers and my colleagues trust me and I have raised concerns within the setting that I am in. I am always honest with the residents I am working with and as well with my colleagues. I feel that I have started to gain my confidence back in the caring sector. Whilst my personal problems have escalated, I have kept my managers informed of the issues in regards to my life [PRIVATE]. I believe that trust and honest is an important thing in life and my mangers trust me as I am honest with them (sic)”.

Mr Blackwell explained what had motivated him to become a social work professional and described himself as a reflective practitioner. He stated that he has learnt to think more deeply about his actions and to examine his personal values. He acknowledged that he had put his own needs and the needs of his family above his obligations to service users but is no longer alone in “policing” his own emotions.

68. Within his essay Mr Blackwell quoted from various articles and/or texts about the meaning of trustworthiness, trust characteristics and moral competence.
69. The panel also noted that Mr Blackwell, in his written comments in response to the regulatory concern, stated that he had completed online courses on safeguarding and had undertaken independent research with regard to social work and the impact of Covid-19.
70. The panel acknowledged that Mr Blackwell has some insight in that he recognises that failing to attend a statutory visit, making a false entry in the case notes, and lying about the visit to Ms Humphries and RL on 3 September 2020 was wrong and has repeatedly apologised for his actions. However, the panel was not satisfied that he has demonstrated any meaningful insight into the consequences of his dishonesty and lack of judgment and the impact of his behaviour on Child A, her family, the foster carer, his former employer, his former colleagues, the wider profession, and the public. The panel noted that the false entry had the potential to affect the arrangements for Child A’s future care which would also impact on her family and her foster carer. Mr Blackwell’s employer was exposed to reputational damage and as a consequence there was a real risk that trust and confidence in his former colleagues

and the profession as a whole would be undermined. Social workers are trusted to enter private homes, have the power to request court orders in order to remove children from their families and have access to highly sensitive confidential information. When, as in this case, a social worker departs significantly from the high standards expected public trust and confidence in the profession as a whole is undermined. It is within this context that the panel concluded that Mr Blackwell's acknowledgement of fault lacked depth and any qualitative analysis relating to why he had acted as he did and what he had learned from the experience. Mr Blackwell was unable to demonstrate that he had taken appropriate action to ensure that it did not happen again in the future. On the contrary, he informed the panel that he could offer no assurance that his admitted misconduct would not be repeated were he to be subject to the same stressors in the future without adequate support.

71. The panel also noted that Mr Blackwell has attended a number of online courses. However, safeguarding and the impact of Covid-19 on social work are not directly relevant to the misconduct findings. Leaving aside the deliberate damage to the phone and the lie that it had occurred accidentally, Mr Blackwell did not need to attend a course to know that failing to attend a statutory visit, making a false record, and lying about it to Ms Humphries and RL had the potential to cause harm. In any event, the panel was not provided with any documentary evidence of attendance. Nor did Mr Blackwell take the opportunity to demonstrate to the panel the learning he had achieved as a result of these courses which would reduce the risk of repetition.
72. Mr Blackwell made a series of decisions which necessarily involved a degree of premeditation. Instead of focusing on his own actions Mr Blackwell emphasised in his written representations the environment within which he had been working and his personal difficulties. However, the panel noted that dishonesty is a conscious and deliberate act or omission; there is no direct causal link between stressors/personal problems and dishonest behaviour. As a consequence, the panel concluded that Mr Blackwell has demonstrated only limited insight.
73. The panel concluded that Mr Blackwell repeatedly and for a significant period of time put his own personal interests above the interests of Child A, Person A, his employer and his professional obligations. He exposed Child A to the risk of harm, brought the profession into disrepute, breached fundamental tenets of the profession and demonstrated as a consequence of his dishonest behaviour that his integrity could not be relied upon. All of these features undermine the fundamental role of a social work practitioner. There was only limited evidence before the panel that the Social Worker had fully and appropriately reflected on these issues. The Panel was particularly concerned by the pattern of behaviour over an extended period of time. In the absence of sufficient insight and meaningful reflection the panel was determined that there is a current and ongoing risk of harm to service users.

74. The panel concluded that, for these reasons, Mr Blackwell has demonstrated a persistent attitudinal failing and as a consequence his ability to practise safely and effectively is currently impaired.
75. In considering the wider public interest the panel had regard to the important public policy issues which include the need to maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour.
76. In the panel's view Mr Blackwell's dishonest conduct demonstrated a blatant disregard of his professional obligations. Well-informed members of the public would be extremely concerned to learn that a registered Social Worker had failed to attend a statutory visit, made a false entry in a case record to cover up the non-attendance, lied about it when challenged, then destroyed the phone to conceal the initial deception and told a further lie to cover up the destruction of the phone. It is critically important that case records have integrity and the ability to trust the word and actions of a professional social worker is a vital part of that process.
77. A significant aspect of the wider public interest is upholding proper standards of behaviour. Mr Blackwell's conduct fell far below the standard expected and the panel concluded that public confidence would be undermined if a finding of fitness to practise was not made, given the seriousness of Mr Blackwell's dishonest conduct and behaviour.
78. Therefore, the panel also concluded that Mr Blackwell's fitness to practice is impaired based on the wider public interest.

Decision and reasons on sanction:

The Panel's Approach

79. The panel considered the submissions made by Ms Steels on behalf of Social Work England. She invited the panel to impose a Suspension Order to protect the public and the wider public interest.
80. Mr Blackwell informed the panel that he recognised that his admitted conduct and behaviour is serious. He stated that he has reflected on his misconduct and is anxious to avoid bringing the profession into disrepute and this is why he has chosen an alternative career. He informed the panel that working as a chef will allow him to fulfil his caring responsibilities without the added pressure of an "emotionally tied" role which is how he described social work. Mr Blackwell stated he would have understood if Social Work England had invited the panel to remove him from the register and expressed gratitude that they submitted that a Suspension Order would be appropriate. Nonetheless, he stated that he has no intention of returning to social work

and reiterated the observation he made during the impairment stage that he could not offer the panel any assurance that he would not act in the same way again if subject to the same pressures he was under whilst working for the Council.

81. The panel accepted the advice of the Legal Adviser and took into account the Sanctions Guidance published by Social Work England.
82. The panel was mindful that the purpose of any sanction is not to punish Mr Blackwell, 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.
83. The panel applied the principle of proportionality by weighing Mr Blackwell's interests with the public interest and by considering each available sanction in ascending order of severity.

Decision

84. The panel identified the following aggravating factors:
 - Mr Blackwell has provided no evidence that he has taken adequate steps towards remediating his misconduct.
 - Mr Blackwell has demonstrated only limited insight into the nature and extent of his dishonest conduct and the impact it had on Child A, Person A, his professional standing as a social worker, the wider profession as a whole and the trust and confidence of the public.
 - Although the factual findings which led to the finding of impairment took place within a discrete period of time lasting no more than a month this was not a one-off isolated incident of dishonesty; the dishonesty was repeated on three occasions and involved two separate attempts to cover-up his initial deception. To this extent his actions were persistent.
 - Mr Blackwell failed to 'come clean' even when he was given the opportunity to do so by his employers.
85. The panel noted that Mr Blackwell had a heavy caseload during the relevant period and was responsible for a number of complex cases. However, the panel took the view that this is the nature of front-line social work. Although work pressure together with Mr Blackwell's personal issues undoubtedly caused a degree of stress the panel was not satisfied that this mitigates his repeated and persistent dishonesty. However, the

panel acknowledged that this was the context within which the misconduct took place.

86. Mr Blackwell has indicated that he had health problems during the relevant period. However, no medical evidence was provided. In any event, the panel noted that poor health may, in certain circumstances, mitigate poor performance and matters that can be properly described as an oversight but cannot mitigate Mr Blackwell's dishonesty as, by its very nature, it involves a deliberate and conscious act or omission.
87. The panel also concluded that the absence of an adverse disciplinary record did not amount to a mitigating factor as the expectation is that registered social workers will be of good standing at all times.
88. In these circumstances, the panel concluded that the only mitigating factor is Mr Blackwell's apology and expressions of remorse which the panel accepted as genuine.

No Further Action

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

Advice or Warning

90. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict Mr Blackwell's ability to practise and is therefore not appropriate where, as in this case, there is a current risk to the public. Mr Blackwell's conduct had the potential to cause harm to a vulnerable child and in so doing undermined trust and confidence in the profession. The risk is ongoing as there is insufficient evidence before the panel that the risk of repetition has been reduced. As a consequence, some form of restriction on Mr Blackwell's practice is required. Therefore, the panel concluded that issuing advice or a warning would be inappropriate and inadequate given the public protection and the wider public interest concerns.

Conditions of Practice Order

91. 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. Mr Blackwell's dishonesty was repeated on three occasions and had the potential to adversely impact

Child A and her future care. The panel took the view that it would not be possible to formulate measurable and workable conditions to address Mr Blackwell's dishonesty. Furthermore, although Mr Blackwell'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 insufficient evidence before the panel that Mr Blackwell is willing to take active steps to fully remediate his misconduct. On the contrary, Mr Blackwell has made it clear that he has embarked on a new career as a chef, and he has stated in clear terms that he does not envisage a return to social work. As a consequence, there is no incentive for him to remediate the impairment of his fitness to practise. In these circumstances, the panel had no confidence that Mr Blackwell 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

92. The panel, having determined that a Conditions of Practice Order would not be appropriate went on to consider whether to impose a Suspension Order.
93. The panel noted that a Suspension Order would reaffirm to Mr Blackwell, the profession, and the public the standards expected of a registered social worker. It would also prevent Mr Blackwell from practising during the suspension period, which would therefore provide temporary protection to the public and the wider public interest. However, Mr Blackwell has demonstrated only limited insight into his dishonest behaviour and has not taken full advantage of the opportunity to persuade the panel that meaningful lessons have been learnt. Furthermore, there is only limited evidence that Mr Blackwell is willing or able to resolve the underlying attitudinal failures which culminated in his dishonest conduct and failure to adhere to the standards of behaviour expected of him as a registered social worker.
94. The panel noted that repeated dishonesty is inherently difficult to remediate. It is even more difficult when, as in this case, Mr Blackwell has demonstrated only a limited willingness and ability to adequately address the underlying attitudinal failing. Mr Blackwell's misconduct involved a reckless disregard for his professional obligations as a registered social worker and the public would be very surprised if no action was taken to prevent Mr Blackwell from practising for a significant period. However, the panel was not satisfied that even the maximum period of suspension would be sufficient to adequately address the nature and extent of Mr Blackwell's misconduct and promote and maintain public confidence in the profession and proper professional standards and conduct.

95. 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

96. The panel, having determined that a Suspension Order does not meet the wider public interest, determined that Mr Blackwell's name should be removed from the Register. Mr Blackwell himself acknowledged that, after considerable reflection, he may no longer be suited to the social work profession. 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 Mr Blackwell's case falls into this category because of the nature and gravity of his dishonest conduct, his persistent lack of insight and the ongoing risk of repetition. The panel was also satisfied that any lesser sanction would undermine public trust and confidence in the profession.
97. In reaching this conclusion the panel balanced the wider public interest against Mr Blackwell's interests. The panel noted that Mr Blackwell may, at some point in the future, change his mind about returning to work as a social worker. Therefore, the panel took into account the consequential personal and professional impact a Removal Order may have upon Mr Blackwell but concluded that these considerations are significantly outweighed by the panel's duty to give priority to public protection and the wider public interest.
98. The panel concluded that Mr Blackwell's misconduct is fundamentally incompatible with continued registration and 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.
99. The panel concluded that the appropriate and proportionate order is a Removal Order.

Interim Order

100. Ms Steels made an application for an 18 month interim Suspension Order to cover the 28 day appeal period and, if necessary, any appeal. She invited the panel to revoke the current interim order. Mr Blackwell did not raise any objection to the application for an immediate interim suspension order and waived his right to 7 days' notice of the revocation of the current interim order.
101. The panel accepted the advice of the legal adviser.

102. The panel noted 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 in the interests of Mr Blackwell.
103. 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 Mr Blackwell. Members of the public would be extremely concerned if he was able to continue to practise during the appeal period, in circumstances where his acts and omissions potentially exposed a vulnerable service user 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.
104. Therefore, the panel determined that an Interim Suspension Order should be imposed on Mr Blackwell's registration.
105. The panel revoked the current interim order and replaced it with a interim order pursuant to Paragraph 11(1)(b), Schedule 2 of the Regulations.

Right of Appeal

106. 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.
107. 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.
108. 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.
109. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019.

Review of final orders

110. Under paragraph 15 (2) and 15 (3) of schedule 2, part 4 of the Social Workers Regulations 2018:

- 15 (2) – The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
- 15 (3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under regulation 25(5), and a final order does not have effect until after the expiry of that period.

111. 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.

Right of Appeal

112. 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:

- (iv) to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
- (v) not to revoke or vary such an order,
- (vi) to make a final order.

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