

Social Worker: Christopher
Wiseman

Registration Number: SW124069

Fitness to Practise:
Final Hearing

Dates of hearing: 9 May 2022 to 12 May 2022

Hearing Venue: Remote hearing

Hearing outcome: Removal Order

Interim order: Interim Suspension Order for 18 months

Introduction and attendees

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018.
2. Mr Wiseman did not attend and was not represented.
3. Social Work England was represented by Ms Nimi Bruce, as instructed by Capsticks LLP.

Adjudicators	Role
Alexander Coleman	Chair
Jacqueline Telfer	Social Worker Adjudicator
Alan Meyrick	Lay Adjudicator

Simone Ferris	Hearings Officer
Paul Harris	Hearing Support Officer
James Hurd	Legal Adviser

Service of Notice:

4. Mr Wiseman did not attend and was not represented. The panel of adjudicators (hereafter “the panel”) was informed by Ms Nimi Bruce that notice of this hearing was sent to Mr Wiseman by recorded delivery and first-class post to his address on the Social Work Register (the Register). Ms Bruce submitted that the notice of this hearing had been duly served.
5. The panel of adjudicators had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of substantive hearing dated 04 April 2022 and addressed to Mr Wiseman at his address as it appears on the Social Work England Register.
 - An extract from the Social Work England Register detailing Mr Wiseman’s registered address and his registered email address.
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 04 April 2022 the writer sent by ordinary first-class post and special

next day delivery, to Mr Wiseman, at the address referred to above and to his registered email address the Notice of Hearing and related documents.

- A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Mr Wiseman’s registered address at 11.34 on 05 April 2022.

6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to Rules 13 and 43-45 of the Fitness to Practise Rules 2019 (hereafter “the Rules”) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Mr Wiseman in accordance with Rules.

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Ms Bruce, on behalf of Social Work England. Ms Bruce submitted that notice of this hearing had been duly served. No application had been made for an adjournment by Mr Wiseman. It was submitted that adjourning today’s proceedings would be unlikely to secure his attendance, in light of the email correspondence from Mr Wiseman, which is set out below. Mr Wiseman has not engaged with Social Work England and has reiterated on a number of occasions that he did not intend to participate in this hearing.
9. The panel had regard to the following emails:
 - (a) The Social Work England bundles of documents were sent by email to Mr Wiseman on 10 February 2022 at 15.51. Mr Wiseman replied at 16.22 on 10 February 2022, asking for passwords to be forwarded to his email address, as there was an issue with his mobile telephone, where they had initially been sent. As this was not possible, the documentation was thereafter sent by post to his registered address on 10 February 2022. There is a delivery notice dated 11 February 2022. This was signed for by “Wiseman” at 09.35.
 - (b) On 10 March 2022, Mr Wiseman wrote in an email: *“...I’m not bothered about being a Social Worker anymore or being struck off of the register. In fact I can’t wait for it to be over...”*

(c) On 01 October 2021, Mr Wiseman wrote in an email: *"I have no interest in the proceedings or continuing my profession as a social worker."* He added: *"...I will not be partaking in any [redacted] hearings."*

(d) This is repeated in his email of 07 October 2021 in the Social Worker's response bundle. *"...But don't worry about it. I'm not interested. As my probation has told you, on several occasions in the past, I have no interest in the proceedings or continuing my profession as a social worker."*

(e) On 04 January 2022, Mr Wiseman stated in an email that he was *"not in a position health wise to deal with this at the current time"* and that, *"the whole affair is aggravating my condition which is why I have refrained from participating. I have expressed that I no longer wish to be on the register and have no desire to continue being a Social Worker..."*

10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of **R v Jones [2003] UKPC**; **General Medical Council v Adeogba [2016] EWCA Civ 162** and **Sanusi v GMC [2019] EWCA Civ 1172**.

11. The panel noted that Mr Wiseman had been sent notice of today's hearing and the panel was satisfied that he was or should be aware of today's hearing. The panel considered all of the information before it, together with the submissions made by Ms Bruce, on behalf of Social Work England.

12. The panel considered that Mr Wiseman has not engaged with Social Work England. Mr Wiseman has not requested an adjournment. The panel had no reason to believe that an adjournment would result in Mr Wiseman's attendance.

13. The panel determined that Mr Wiseman had voluntarily absented himself from these proceedings. The panel concluded that Mr Wiseman has demonstrated a clear and settled intention not to participate in this hearing, having regard to the emails set out above.

14. The panel did consider the reference to Mr Wiseman's health in his email dated 04 January 2022. However, he has provided no evidence that any health condition prevents him from participating in this hearing. In addition, there is no suggestion that he would attend, any re-arranged hearing, if his health improved.
15. The clear indication is that Mr Wiseman would prefer that these proceedings were resolved without any further delay.
16. In addition, social workers have a responsibility to engage with Social Work England in response to concerns about their fitness to practice.
17. Having weighed the interests of Mr Wiseman in regard to his attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Mr Wiseman's absence.

Allegation(s)

18. The allegation is set out in the charge below.

- (1) *On 2 October 2019 you were convicted at the Crown Court at Chelmsford of committing an act/series of acts with intent to pervert the course of public justice for which you were sentenced on 23 October 2019 to twelve months' imprisonment.*
- (2) *You did not tell the Health Care Professionals Council ("HCPC") when you were charged and/or convicted of the above offence.*
- (3) *Your actions at (2) above were dishonest in that you knew you were required to tell the HCPC about your criminal charge and/or conviction*

In respect of (1) above your fitness to practise is impaired by reason of your conviction

In respect of (2) and (3) above your fitness to practise is impaired by reason of misconduct.

Preliminary matters

19. The panel was provided with the following bundles of documents/evidence:

- (a) Social Work England's Statement of Case of 4 pages.
- (b) A witness statement bundle of 4 pages.
- (c) An exhibit bundle of 13 pages.
- (d) A social worker's Response bundle of 7 pages.
- (e) A service bundle of 37 pages.

Summary of Evidence and Finding and reasons on facts

20. In September 2019, managers from Essex County Council referred the Social Worker Mr Christopher Wiseman to the previous regulator, the Health and Care Professions Council (HCPC hereafter) in relation to a police matter that had come to their attention. On 2 December 2019, the matter passed to Social Work England, when it took over the function of regulating social workers.

Head of Charge 1

21. Mr Wiseman had made a report to the police that at around 10am on 24 January 2019 he had been assaulted while on [PRIVATE] Chelmsford while visiting a fifteen-year-old service user. He stated that he had been attacked and injured with a knife. As a result of this, two seventeen-year-old boys from Chelmsford were arrested on suspicion of conspiracy to commit grievous bodily harm, and the fifteen-year-old service user was also arrested. The youths were later released without charge and Mr Wiseman was charged with perverting the course of justice.
22. Mr Wiseman subsequently admitted that he fabricated the incident and that he had purchased a knife from a local DIY store that morning and inflicted a cut on himself.
23. Mr Wiseman pleaded guilty to the offence on 23 October 2019 and was given a 12-month custodial sentence of on 23 October 2019 and ordered to pay a £140 victim surcharge.

24. The panel has been provided with a copy of the certificate of conviction from Chelmsford Crown Court, dated 03 January 2020.
25. The panel finds “Head of Charge 1” proved in light of the certificate of conviction.
26. The motive for the offence is unclear, but the sentencing remarks of HHJ Seely, which are set out below, appear to suggest that Mr Wiseman wished to bring the police’s attention to members of what he said was a “gang”. The Judge remarked that Mr Wiseman had stated that he meant no “malice” in respect of his young client:

JUDGE SEELY:....You have pleaded guilty to a single offence of doing an attack tending and intended to pervert the course of justice....In effect, you falsely reported to the police, an assault on you. An assault of a very serious type, suggesting to the police that it was connected to one of your clients and was gang related.

...You having by implication at least, raised a finger of suspicion as to who the purportators [sic] might be, a number of people including your young client, were subjected to very significant intrusion by the police, who were properly conducting their enquiries. That makes this a very serious offence indeed. It has been said on your behalf that you were not motivated by malice. On the submissions made to me, what is meant by that is it is suggested that you were not motivated by malice against one of the people who was subject to police intrusion, namely your young client. Because as I understand it, you were motivated by a wish for those who might have been involved in a gang, as you understood it, for them to be brought to the attention of the police. It doesn’t really matter. Mr and indeed, two other members of the public were subject to that police scrutiny and in the case of the two other men, they were remanded in custody – I beg your pardon, arrested and detained in custody for a period of 24 hours, for something which they plainly hadn’t done and which you knew perfectly well, they hadn’t done. No one had done it, this was a complete fabrication.

.... It seems to me inconceivable that you would not have known and I have already covered this, that there would be a very significant police investigation indeed. As a professional, you betrayed your young client and I have already made reference to

the fact that this is an added, very significantly aggravating feature in the case in my view. Because I have been told that he placed a great deal of trust and confidence in you. So what this offending must have done, in terms of the effect that it had on this young man, at what must have been a key crossroads in his young life, what it must have done to him, your offending, in terms of his confidence in the criminal justice system, is not difficult to guess....

...You suggest that your [PRIVATE] health isn't good. There is no medical evidence before me, but as I have already observed, you must have made a sufficient recovery from the troubles in your earlier life, some 10 years or so ago, to be in a position to qualify for and become a probation officer. And you committed this offence not long after that, at that stage of your life. And you must now face the consequences. There will be a sentence of 12 months' imprisonment immediate and that is the sentence of the court...

Head of Charge 2

27. The panel heard oral evidence from a single witness, RM, Head of Registration at Social Work England. The panel had the benefit of seeing RM's witness statement (dated 22 October 2021).

28. RM's evidence was that Social Work England received no declaration from Mr Wiseman in relation to his charge and conviction and that if such a declaration had been made then Social Work England would have received it on 2 December 2019 from the HCPC. This is set out in her witness statement:

3. "...If the Social Worker had completed a self-referral to the HCPC, it would be on his file and a case would have been opened. A self-referral is to be made when there is a change in the health or character of the Social Worker. There is no self-referral on file for the Social Workers charge in July 2019 or his conviction in October 2019 and no case has been opened. Social Work England did not become the regulator until 2 December 2019 and at that point, nothing had been transferred across to say that there had been a self-referral..."

5. “The HCPC have transferred all of their data to SWE and this was a rigorous data transfer project. It was done safely and securely. To the best of our knowledge, nothing was passed to Social Work England in regards to the Social Worker. The data that we do have in respect of this Social Worker is a record of their register, contact details and his fitness to practise case which was raised by his employer...

6. The HCPC had a bi-annual registration renewal process (which ran on 2018 and 2020) so the Social Worker would not have been asked to make a renewal declaration in 2019”.

29. In oral evidence, RM confirmed her witness evidence. She was unaware of any other case where data, such as a self-declaration of a charge/conviction by a Social Worker, had not been transferred from the HCPC to Social Work England, which would cast doubt on the integrity of the data transfer process. In her view this was an isolated case.

30. Mr Wiseman was under an obligation to disclose his charge/conviction by virtue of 9.5 of the HCPC Standards of Conduct, Performance and Ethics extant at the time:

9.5 You must tell us as soon as possible if:

– you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence;

31. Secondly, there was no positive assertion by Mr Wiseman that he had declared either his charge or conviction to the HCPC.

32. Thirdly, the panel accepted the evidence from RM that the data transfer process had been robust.

33. In the circumstances the panel found the allegation proved, concluding, that Mr Wiseman did not declare the charge and/or conviction to the HCPC.

Head of Charge 3

34. The panel had to consider whether Mr Wiseman's actions, in not declaring his charge/conviction to the HCPC, in accordance with 9.5 of the HCPC Standards of Conduct, Performance and Ethics were dishonest, in that he knew he was required to tell the HCPC about his criminal charge and/or conviction.
35. The panel accepted the advice from the Legal Advisor as to the legal test to be applied for dishonesty, in accordance with **Ivey v Genting Casinos (UK) Limited (t/a Crockfords)** [2017] UKSC 67. When dishonesty is in question, the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter for evidence (often in practice determinative) going to whether he/she held that belief, but it is not an additional requirement that his/her belief must be reasonable; the question is whether it is genuinely held. Once his/her actual state of mind as to knowledge or belief as to the facts is established, the question whether his/her conduct was honest or dishonest is to be determined by the fact finder by applying the (objective) standards of ordinary decent people. There is no longer any requirement that the social worker must have known that what he had done is, by those standards, dishonest.
36. Applying this standard, the panel concluded:
- (a) The charge/conviction was directly relevant to Mr Wiseman's practice as a social worker. He alleged the assault had taken place in the course of his employment, when visiting a fifteen-year-old service user, who he implied was involved in the offence. The Judge, at sentencing, describing this as: *"As a professional, you betrayed your young client..."*
 - (b) Mr Wiseman was charged/convicted with a serious criminal offence. A conviction for perverting the course of justice is likely to lead to a custodial sentence and Mr Wiseman is likely to have been advised of this.

- (c) Mr Wiseman would have been aware of his obligation to report the fact of his charge/conviction to his then regulator, the HCPC. The panel concluded it was inconceivable that he did not know as an experienced social worker that he was required to report such serious matters as soon as possible.
- (d) Mr Wiseman had numerous opportunities to report his charge to the HCPC. He was charged in or around July 2019. However, he had changed his account of the incident in February 2019, admitting that the injury was self-inflicted. He had been told that the evidence suggested that he would be charged with an attempt to pervert the course of justice. The panel concluded that there was ample time for him to inform his regulator of the charge.
- (e) Mr Wiseman pleaded guilty on 02 October 2019 and was sentenced on 23 October 2019. This afforded him a three-week window of opportunity to inform the HCPC of his conviction before his sentencing hearing.
- (f) Mr Wiseman could have contacted the HCPC after his sentencing hearing, to inform them of the outcome, and the fact of his immediate custodial sentence.
- (g) The only explanation for Mr Wiseman's repeated failure, to report these matters to the HCPC, is that there was a deliberate and concerted attempt to conceal from his regulator any details of his offending behaviour, in the knowledge the impact this would have on his continued ability to practice as a social worker.
- (h) The panel concluded that by the standards of ordinary decent people, such conduct would be regarded as dishonest.

Finding and reasons on grounds

- 37. Mr Wiseman's conviction (charge 1) constitutes one of the statutory grounds upon which a social worker's fitness to practise might be found to be impaired, having regard to Regulation 25(2)(c) of Social Workers Regulations 2018.
- 38. The panel had to consider whether Mr Wiseman's actions amounted to misconduct in respect of Charges 2 and 3.

39. Ms Bruce's opening written note stated:

In relation to Heads of Charge (2) and (3) it is submitted that there was a clear duty on the Registrant to tell the HCPC as soon as possible following his charge and/or conviction pursuant to 9.5 of the HCPC Standards of Conduct, Performance and Ethics. Failure to engage with and make proper notification to the regulator of relevant matters goes to the heart of professional regulation and dishonesty is a significant aggravating feature of the case. It is submitted that the social worker's fitness to practise is impaired by reason of his misconduct.

40. In oral submissions, Ms Bruce, emphasised the serious nature of the factual findings which the panel had made, and in particular the finding of dishonesty. Mr Wiseman's actions in failing to inform the HCPC of his charge/conviction, was conduct which fellow practitioners would regard as deplorable.

41. The panel accepted the Legal Advisor's advice on the definition of misconduct. In particular, the panel paid regard to the definition given by Lord Clyde in **Roylance v General Medical Council** (No.2) [2000] 1 AC 311: "*Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances...*"

42. The panel also had regard to the guidance in **Nandi v GMC** [2004] EWHC 2317, where Collins J suggested that misconduct could be defined as: "*conduct which would be regarded as deplorable by fellow practitioners...*"

43. The panel concluded that the proven facts in relation to Charges 2 and 3 amounted to misconduct.

44. Mr Wiseman's failure to inform his regulator of the criminal charge/conviction is conduct which falls short of what would be proper in the circumstances. As noted above, Mr Wiseman had repeated opportunities to inform the HCPC throughout the course of the criminal proceedings and deliberately failed to do so.

45. The panel had regard to the finding of dishonesty and concluded that fellow practitioners would regard the deliberate and concerted concealment of a charge/conviction from the HCPC as deplorable, and so serious it crossed the threshold into misconduct.

46. The panel concluded that Mr Wiseman was in breach of the following HCPC Standards of Conduct, Performance and Ethics:

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

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

- *9. Be honest and trustworthy*

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

Finding and reasons on current impairment

47. The panel had to consider whether Mr Wiseman's fitness to practise is currently impaired, in light of both his conviction and the finding of misconduct.

48. The panel had regard to the Social Work England guidance on impairment in the Sanctions Guidance (26 November 2019) and has accepted the advice of the Legal Advisor. The Panel has also exercised the principle of proportionality.

49. The panel is mindful of the forward-looking test for impairment.

50. Ms Bruce, on behalf of Social Work England, in her opening note submitted that:

- (a) The conviction/misconduct puts Mr Wiseman in breach of HCPC Standards of Conduct, Performance and Ethics 2016:

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

- (b) Mr Wiseman was convicted of a serious crime and one of the victims of that crime was a service user and his client.
- (c) The offence was heard on indictment and attracted a custodial sentence of twelve months. These factors are indicative of serious criminality.
- (d) In his sentencing remarks, (which are set out above in full) Judge Seely noted that the false allegations made by Mr Wiseman triggered a significant police investigation. The Judge identified the involvement of a young client as a significant aggravating feature of the case together with the fact that two further young men were arrested and detained for a period of twenty-four hours.
- (e) Mr Wiseman has provided no evidence to demonstrate insight, remorse, or remediation. The Panel was invited to find there remains a risk of repetition. Social Worker England submit that a finding of current impairment should be made.
- (f) A social worker being convicted of an offence of serious criminality undermines the trust and confidence that the public is entitled to place in the social work profession. Given that this offence involved the “*betrayal*” of a young service user and client, serious and extant concerns remain in relation to public protection. Social Work England therefore submit that the Social Worker’s fitness to practise is currently impaired by reason of the conviction.

51. The panel concluded that Mr Wiseman’s current fitness to practice is impaired, having regard to both the public and personal components of impairment, for the following reasons:

- (a) Mr Wiseman was convicted of a serious criminal offence which attracted an immediate custodial sentence. The offence involved a significant degree of planning: purchasing a knife and inflicting a wound on himself. He then made a false report to the police, implicating a young service user, and leading to two members of the public being arrested and detained in custody for 24 hours for something they had not done.
- (b) Mr Wiseman’s misconduct was serious in failing to inform the regulator of his criminal charge/conviction. This was not a one-off failure. As noted earlier in this

determination, Mr Wiseman had numerous opportunities over a period of months to inform the HCPC in relation to the criminal charge and his subsequent conviction.

- (c) The panel concluded that Mr Wiseman had acted dishonestly. It is very hard to remediate dishonesty.
- (d) Mr Wiseman has not engaged at all with these proceedings. There was therefore no evidence of insight, remediation, or remorse before the panel. The panel could not be satisfied that there would not be a repetition of the charges found proved if Mr Wiseman were to be allowed to practice without restriction.
- (e) The panel concluded that Mr Wiseman was impaired having regard to the personal component of impairment.
- (f) The panel also had regard to the public component of impairment and concluded that a reasonably well-informed member of the public would be shocked to learn that Mr Wiseman's current fitness to practise had not been found to be impaired, given the nature of his conviction and misconduct and the finding of dishonesty as set out above.
- (g) Any individual dishonesty is likely to threaten public confidence in the proper discharge of the responsibilities by all social workers. Such conduct is highly damaging to public trust in social workers.
- (h) Mr Wiseman's actions have brought the reputation of the social work profession into disrepute. Moreover he has breached a fundamental tenet of the social work profession namely maintaining the trust and confidence of service users at all times as well as being honest and trustworthy.
- (i) The panel also had regard to the need to uphold and declare proper standards of behaviour, in concluding that the public component of impairment is clearly established. Confidence in the social work profession would be undermined, if there was no finding of impairment, given the nature of the conviction and the misconduct which has been identified.

52. In summary, the panel found Mr Wiseman to be currently impaired on both public and personal grounds.

Decision on sanction

53. The panel heard submissions from Ms Bruce on behalf of Social Work England, that the appropriate sanction, in the circumstances of this case was a Removal Order, as it was the only sanction to provide the level of public protection which was required.
54. The panel was referred to the Social Work England Sanction Guidance, with particular reference to the sections on criminal convictions (paragraphs 18-21) and dishonesty (105-108).
55. The panel carefully considered the mitigating and aggravating features in this case.
56. The panel was unable to identify any evidence of mitigating features. Mr Wiseman did eventually plead guilty, but this is a neutral matter, as although it saved vulnerable witnesses from having to give evidence, it could also have been motivated by a desire to achieve a reduced sentence.
57. The panel concluded that there are a number of aggravating features in this case:
- (a) Mr Wiseman was convicted of a serious criminal offence which attracted an immediate custodial sentence. As noted above, the offence involved a significant degree of planning and pre-meditation: purchasing a knife and inflicting a wound on himself. Mr Wiseman made a false report to the police, implicating a young service user, and leading to two members of the public being arrested and detained in custody for 24 hours for something they had not done. In addition, the police were required to divert time and scarce resources investigating a false allegation.
 - (b) There was a close connection between Mr Wiseman's offending behaviour and his role as a social worker. This is reflected in the comments of the sentencing Judge which are set out above. Not only did Mr Wiseman's actions represent a significant breach of trust, falsely implicating a vulnerable service user, but they had broader implications for the profession, undermining trust and confidence in social workers.

- (c) Mr Wiseman's actions involved significant dishonesty. As noted above, there was a repeated pattern of behaviour, whereby Mr Wiseman deliberately concealed both the criminal charge and his subsequent conviction.
- (d) Mr Wiseman has not engaged with Social Work England throughout the investigation or these proceedings. He has therefore not been able to provide any evidence of insight, remorse, or remediation or any acknowledgement that his actions were inappropriate.

58. Overall, the panel concluded that Mr Wiseman's actions were deliberate, planned and extreme.

59. The panel has carefully considered what type of order should be imposed, starting with the least severe sanction. It has taken into account the principle of proportionality and balanced the rights of the public and the rights of Mr Wiseman to practise in his chosen profession. The panel accepted the advice of the Legal Advisor and had regard to the Social Work England's Sanctions Guidance.

60. The panel further reminded itself that the purpose of a sanction was not to punish the individual practitioner but to protect the public.

61. In light of the conviction, serious misconduct and in particular the finding of dishonesty and Mr Wiseman's subsequent lack of engagement, the panel concluded that it would not be appropriate to take no action. It would also not be appropriate to impose an advice order or a warning order. The panel bore in mind the Social Work England Sanction Guidance on dishonesty, and that individual dishonesty is likely to threaten public confidence in the proper discharge of responsibilities by social workers and damage public trust in social workers. Overall, the panel concluded that Mr Wiseman's actions were so serious that to impose any of these sanctions would be inadequate to protect the public, the reputation of the profession and to uphold and declare proper standards of behaviour.

62. The panel next considered a conditions of practice order, but concluded that this was not an appropriate sanction for the following reasons:

- (a) Mr Wiseman did not attend the hearing and has failed to engage with his regulator.
- (b) The panel concluded that it was not practical to draft any workable conditions which would adequately address the very serious nature of Mr Wiseman's misconduct and conviction.
- (c) Conditions would, in any event, not be appropriate as Mr Wiseman has not displayed any insight, remediation or remorse regarding his conviction or misconduct.
- (d) Further, a conditions of practice order would not be appropriate, given the finding of dishonesty and breach of trust, which the sanctions guidance suggests should usually warrant suspension or removal from the register. Any abuse of trust by a social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession as a whole.
- (e) The panel's view was that conditions would not provide the necessary level of public protection required in this case, given the serious nature of both the conviction and misconduct.

63. The panel considered a suspension order for a period of up to 3 years, but concluded, that that this was not an appropriate sanction for the following reasons:

- (a) For the imposition of a suspension order to be appropriate, it would need to have some confidence that Mr Wiseman would be fit to practise by the time the order came to an end.
- (b) The panel is not satisfied that Mr Wiseman's misconduct or actions giving rise to the conviction are unlikely to be repeated and further notes that dishonesty is not easily remedied.

- (c) The panel does not have any evidence that Mr Wiseman would be able to resolve or remedy the cause of his impairment during any period of suspension. Mr Wiseman has expressed his view in forthright terms: *"I no longer wish to be on the register and have no desire to continue being a Social Worker"* (email 04 January 2022).
- (d) The panel further concluded that a suspension order would not provide the level of public protection which it has identified as being required, given the serious offending behaviour, repeated failure to tell the regulator about the charge/conviction and the finding of dishonesty.
- (e) In addition, the sanctions guidance suggests that suspension was appropriate for cases which fall short of requiring removal from the register or where removal is not an option. The panel was not satisfied that this criterion was met, given the serious findings which have been made against Mr Wiseman.

64. The panel therefore concluded that a Removal Order was the only sanction which would adequately protect the public, maintain public confidence in the profession or declare and uphold proper professional standards for social workers. In summary:

- (a) Mr Wiseman was convicted of a serious criminal offence.
- (b) His actions were extreme, being deliberate, planned, and pre-mediated, demonstrating a blatant disregard for, and serious departure from, the relevant professional standards.
- (c) There is no evidence that Mr Wiseman has demonstrated any insight into the seriousness of his failings and the impact of his conviction. He has shown no insight, remorse or remediation and has not engaged in these proceedings.
- (d) Mr Wiseman was found to be dishonest and his actions to amount to an abuse of trust. Dishonesty is particularly serious because it is likely to undermine public trust in social workers. The public must be able to place complete reliance on the integrity of registered persons. The panel concludes that confidence in social workers would be undermined by allowing Mr Wiseman to remain on the Register.

Order: Removal Order

Interim order

65. In light of its findings on sanction, the panel next considered an application by Ms Bruce for an interim suspension order to cover the appeal period before the removal order becomes operative.
66. The panel decided to proceed to hear the application in the absence of Mr Wiseman, for the same reasons as are set out above, in deciding to proceed with the final hearing, in Mr Wiseman's absence.
67. The panel was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a removal order to conclude that an interim suspension order was not necessary for the protection of the public for the appeal period.
68. The panel did consider whether it could impose an interim conditions of practice order but concluded that this would not provide the degree of public protection that was required. This was largely for the same reasons as set out above. Mr Wiseman has not engaged with these proceedings, and it was impossible to identify any workable or practicable conditions.
69. Accordingly, the panel concluded that an interim suspension order should be imposed on public protection/public interest grounds for the same reasons as are set out above. It determined that it is appropriate that the interim suspension order be imposed for a period of 18 months to cover the appeal period. When the appeal period expires, this interim order will come to an end unless there has been an application to appeal. If there is no appeal the removal order shall apply when the appeal period expires.

Right of Appeal

70. 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.

71. 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.

72. 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.

73. 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

74. 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.

75. 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.