

Social Worker: George Wiredu

Registration Number: SW89836

Fitness to Practise:

Final Hearing

Dates of hearing:	9 – 13 May 2022
Hearing Venue:	Remote hearing
Hearing outcome:	Removal order
Interim order:	Interim suspension order 18 months

Introduction and attendees:

1. The hearing was held under Part 5 of The Social Workers Regulations 2018 ('the Regulations').
2. Mr George Wiredu, a registered social worker, attended the hearing and represented himself.
3. Social Work England was represented by Ms Sharmistha Michaels, case presenter, instructed by Capsticks LLP.

Adjudicators	Role
Bryan Hume	Chair
Beverley Blythe	Social Work Adjudicator
Yvonne Walsh	Lay Adjudicator

Natasha Quainoo	Hearings Officer
Robyn Watts	Hearing Support Officer
Conor Heaney	Legal Adviser

Allegation:

4. Mr Wiredu faced the following Allegation:
 1. *On 18 June 2012, you were convicted for the following offences:*
 - a. *Using a vehicle while uninsured on 18 June 2011, contrary to s.143(2) Road Traffic Act 1988.*
 - b. *Failing to report an accident on 18 June 2011, contrary to s.170(4) Road Traffic Act*
 - c. *Drive a mechanically propelled vehicle without reasonable consideration on 18 June 2011, contrary to s.3 Road Traffic Act 1988*

2. *On 22 April 2013, you were convicted for Driving a motor vehicle with excess alcohol on 03 March 2013, contrary to s.5(1)(a) Road Traffic Act 1988*
3. *On 01 September 2017, you were convicted for Failing to provide a specimen for analysis (driving or attempting to drive) on 26 December 2016, contrary to s. (7)(6) Road Traffic Act 1988.*
4. *In or around September 2012, when completing the registration application form for the Health & Care Professionals Council (HCPC), you failed to declare your conviction from June 2012.*
5. *Whilst registered as a social worker with the Health & Care Professionals Council, you failed to inform the regulator of your further convictions, dated between April 2013 to September 2017, in a timely manner, as required to do so under the regulatory standards.*
6. *Whilst subject to an interim suspension order that was imposed on 25 November 2020, you continued to apply for registered social worker roles.*
7. *Your actions at each of paragraphs 4, 5 and 6 were dishonest.*

Your actions at paragraphs 4, 5, 6 and 7 amount to misconduct.

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

Preliminary matters:

5. Ms Michaels made an application for any part of the proceedings that concerned Mr Wiredu's health to be conducted in private. Mr Wiredu supported the application.
6. The Panel, having heard and accepted the advice of the legal adviser, decided that it would convene in private when such matters were raised.

Background:

7. On 23 October 2019, by way of email, the Health and Care Professions Council ('HCPC') received a self-referral from Mr Wiredu. Mr Wiredu informed the HCPC that he was

unsure whether he had alerted them of convictions that he had received as they appeared on his Disclosure and Barring Service ('DBS') documentation. The matter was passed by the HCPC to Social Work England upon its establishment.

8. In his self-referral, Mr Wiredu listed the following convictions and penalties which he had received:
 - a. April 2007 - driving with excess alcohol -disqualified from driving 12 months and £250 fine;
 - b. June 2012 - Failing to report accident - £120 fine and 8 penalty points;
 - c. April 2013 - Driving a motor vehicle with excess alcohol – 40 months disqualified from driving and £110 fine; and
 - d. September 2017 - Failing to provide a specimen for analysis -suspended imprisonment 12 weeks, fine £760, 50 months disqualified from driving, curfew 16 weeks with electronic tagging.
9. In the subsequent investigation, which was conducted by Social Work England, it was established that the HCPC had been aware of only one set of convictions, namely the April 2007 convictions, which had been recorded on a DBS check submitted by Mr Wiredu when he applied to join the HCPC Register in September 2012.
10. The matter was initially referred to the Case Examiners at Social Work England to consider the regulatory concerns relating to Mr Wiredu's convictions and his alleged failure to disclose them to either the HCPC or Social Work England. However, this consideration was adjourned following the receipt of a further concern referred to Social Work England on 14 January 2021 by Stockport Council ('Stockport').
11. Mr Wiredu has an extensive history of agency work. His last agency employment as a social worker was with Portsmouth Council, where he had been employed since 11 August 2020. After an interim suspension order was imposed on his registration by a panel of adjudicators (appointed by Social Work England) on 25 November 2020, Mr Wiredu left this employment. The additional concern raised by Stockport, in a referral to Social Work England on 14 January 2021, related to an allegation that Mr Wiredu had continued to apply for registered social worker roles whilst subject to an interim suspension order.

Summary of Evidence:

12. At the hearing, the panel heard evidence from the following witnesses called by Social Work England:

- a. Mr CG ('CG') – Recruitment Consultant, Social Personnel;
- b. Ms LC ('LC') – Senior Service Manager, East Neighbourhood Team, Adult Social Care Team, Stockport; and
- c. Ms JK ('JK') – Social Work England Investigator.

13. CG adopted his witness statement, dated 17 January 2022, as his evidence before the panel. CG is a recruitment consultant for a recruitment company called Social Personnel. In that position, CG is involved in the recruitment of qualified social workers to place them with local authorities.

14. In his evidence to the panel, CG confirmed as follows:

- a. For new candidates, who apply to Social Personnel for locum positions, compliance details are gathered, which included: identity checks; proof of appropriate degree qualifications; DBS checks and right to work checks. These details are sent to the company's Compliance Officer. Compliance checks are carried out by the company in advance of the candidate being placed with a prospective employer.
- b. Mr Wiredu was already on the books of Social Personnel as a qualified Social Worker. As such, the sort of compliance checks which would have been needed to have been undertaken with new candidates did not have to be completed with him.
- c. Mr Wiredu had been placed in two social work posts historically by Social Personnel as follows:
 - i. Isle of Wight Council: March 2018 – August 2018; and
 - ii. Hampshire County Council: August 2018 – March 2019.
- d. In December 2020, CG called Mr Wiredu through the company database to ask him if he was looking for employment in the social work field. According to CG, Mr Wiredu stated that he was looking for work, as he had just left a role in Portsmouth Council and was available immediately. In the conversation, CG stated that Mr Wiredu did not mention the circumstances whereby he left his employment and did not disclose that he was the subject of an interim suspension order. CG did not query why Mr Wiredu was available immediately, as it would be common in locum work for social workers on the company's books to be employed for short periods of time and frequently change from one position to another.
- e. CG did not ask Mr Wiredu if he was subject to any restrictions on his practice. This was not something which CG would have asked any candidate. He stated

that it would have been for Mr Wiredu to tell CG if he was subject to restrictions.

- f. CG stated he was '100% sure' that he only discussed social work positions with Mr Wiredu.
- g. CG circulated Mr Wiredu's details and put him forward for interviews with councils who had vacancies for locum social workers. In advance, CG stated that he discussed with Mr Wiredu the areas of social work he was interested in and the type of social work teams he would like to be considered for placement with. Three councils came forward with offers of interview. All of the offers made clear that the available position was for a social worker.
- h. Mr Wiredu took part in the interviews and was offered two of the roles, one of which was the position with Stockport, following an interview on 8 January 2021, in a neighbourhood social work team. Following his acceptance of the offer, it became apparent that Mr Wiredu was subject to an interim suspension order.
- i. CG denied that, at any stage, did he suggest to Mr Wiredu that he should apply for social work roles, knowing that Mr Wiredu had been suspended by his regulatory body. His evidence was that he was not aware of the interim suspension order until after Mr Wiredu had accepted the offer to work as a social worker with Stockport.

15. LC adopted her witness statement, dated 26 November 2021, as her evidence before the panel. At the material time, LC was the senior service manager for the east neighbourhood team within the adult social care team at Stockport. At the time of the hearing, LC was the neighbourhood team manager.

16. In her evidence to the panel, LC confirmed as follows:

- a. LC learned of Mr Wiredu's availability for appointment through Reed. Reed is a procurement agency which receives CVs from other agencies and provides them to local authorities, which included Stockport. Social Personnel had sent Mr Wiredu's CV to Reed. Reed, in turn, sent it to Stockport's recruitment manager. Following consideration of Mr Wiredu's CV, he was offered a job interview.
- b. The nature of the role was clear, namely that it was for a neighbourhood social worker role.
- c. LC and a colleague interviewed Mr Wiredu for the position on 8 January 2021. Later that day, she sent an email to Reed and to Mr Wiredu to confirm that Stockport wished to offer him the role.

- d. LC stated that, following the interview, information was received from Reed which stated that Mr Wiredu had four convictions and was the subject of an interim suspension order imposed upon him by Social Work England. Upon receipt of this information, the job offer was withdrawn, and, on 14 January 2021, LC made a referral about Mr Wiredu to Social Work England.
17. JK adopted her witness statement, dated 20 October 2021, as her evidence before the panel. JK is an investigator employed by Social Work England. She set out the background to the referral and the progress of the investigation undertaken by the HCPC and Social Work England.
18. At the outset of the hearing, Mr Wiredu admitted the following Charges as contained in the Allegation: Charge 1 in its entirety; Charge 2; Charge 3; Charge 4 and Charge 5. He denied Charge 6 and Charge 7. In so far as misconduct was concerned, Mr Wiredu admitted that his actions amounted to misconduct in respect of Charge 4 and Charge 5 but not in respect of Charge 6 and Charge 7.
19. Mr Wiredu made a submission to the panel. In summary, Mr Wiredu stated that his failure to disclose his convictions in a timely manner was as a result of a lack of thoroughness on his part. He denied acting dishonestly. In relation to the allegation that he continued to apply for social work roles whilst being the subject of an interim suspension order, Mr Wiredu stated that, in November 2020, he advised the agencies with which he was registered that, as he was suspended on an interim basis, he could no longer seek employment in social work positions. He stated that, in respect of the role with Stockport and two other social work positions, he was encouraged to apply for those roles by CG on the understanding that, if successful at interview, CG would then negotiate a role with the local authority for Mr Wiredu for which a social work qualification was not necessary.

Finding and reasons on facts:

20. The panel accepted the legal adviser's advice.
21. In the course of that advice, the panel was told that, in respect of those charges that were denied, the burden of proving the facts was on Social Work England. Mr Wiredu did not have to prove anything. The Allegation, or any part thereof, could only be found proved if the panel was satisfied on the balance of probabilities.
22. In addressing how the panel might approach the Memorandums of Conviction, the legal adviser referred the panel to section 11 of the Civil Evidence Act 1968.
23. The panel then turned to consider the Allegation.

Charge 1(a); 1(b) and 1(c): found proved:

1. On 18 June 2012, you were convicted for the following offences:

a. Using a vehicle while uninsured on 18 June 2011, contrary to s.143(2) Road Traffic Act 1988.

b. Failing to report an accident on 18 June 2011, contrary to s.170(4) Road Traffic Act

c. Drive a mechanically propelled vehicle without reasonable consideration on 18 June 2011, contrary to s.3 Road Traffic Act 1988

24. In finding Charge 1 proved in its entirety, the panel had regard to Mr Wiredu's admission and the Memorandum of Conviction.

25. Mr Wiredu had admitted his convictions before the panel, at the outset of the hearing as well as admitting them in his written submission which was contained in the hearing bundle. The Memorandum of Conviction confirmed the details of Mr Wiredu's convictions, on 18 June 2012, before Liverpool and Knowsley Magistrates' Court.

Charge 2: found proved:

2. On 22 April 2013, you were convicted for Driving a motor vehicle with excess alcohol on 03 March 2013, contrary to s.5(1)(a) Road Traffic Act 1988.

26. In finding Charge 2 proved, the panel had regard to Mr Wiredu's admission and the Memorandum of Conviction.

27. Mr Wiredu had admitted his conviction before the panel, at the outset of the hearing, and in his written submission which was contained in the hearing bundle. The Memorandum of Conviction confirmed the details of Mr Wiredu's conviction, on 22 April 2013, before North Cheshire Magistrates' Court.

Charge 3: found proved:

3. On 01 September 2017, you were convicted for Failing to provide a specimen for analysis (driving or attempting to drive) on 26 December 2016, contrary to s. (7)(6) Road Traffic Act 1988.

28. In finding Charge 3 proved, the panel had regard to Mr Wiredu's admission and the Memorandum of Conviction.
29. Mr Wiredu had admitted his conviction before the panel, at the outset of the hearing, and in his written submissions which were contained in the hearing bundle. The Memorandum of Conviction confirmed the details of Mr Wiredu's conviction, on 1 September 2017, before Merseyside Magistrates' Court.

Charge 4: found proved:

4. In or around September 2012, when completing the registration application form for the Health & Care Professionals Council (HCPC), you failed to declare your conviction from June 2012.

30. Mr Wiredu completed a form for registration with the HCPC which he signed on 20 September 2012. In the form, Mr Wiredu disclosed that he had been convicted of a criminal offence. He wrote, 'See attached CRB disclosure'. The CRB disclosure related to Mr Wiredu's convictions for driving offences on 10 April 2007. The panel noted that this CRB disclosure was dated 8 June 2012, which was only ten days before his convictions on 18 June 2012. Mr Wiredu did not disclose his convictions in June 2012, the details of which are as set out in Charge 1.
31. In finding Charge 4 proved, the panel had regard to Mr Wiredu's admission before the panel, at the outset of the hearing; his admission which was contained in his written submissions which was contained in the hearing bundle and the contents of the HCPC registration application form.

Charge 5: found proved:

5. Whilst registered as a social worker with the Health & Care Professionals Council, you failed to inform the regulator of your further convictions, dated between April 2013 to September 2017, in a timely manner, as required to do so under the regulatory standards.

32. By way of an email dated 23 October 2019, Mr Wiredu made a self-referral of his convictions to the HCPC. He advised that he had been convicted of various offences in April 2007, June 2012, April 2013 and September 2017. When making the disclosures he stated: 'I'm unsure if I have informed the registrar about the following convictions as it does appear on my DBS.'
33. JK, in her evidence stated:

'On 18 February 2020, the Social Worker was contacted by [SL] an investigator at Social Work England. [SL] stated that, of the offences referred to in the Social Worker's email, the HCPC were only aware of the conviction in April 2007. The Social Worker referred to four offences in their email to the HCPC...

On 26 February 2020, the Social Worker responded to [SL] in an email. The Social Worker stated that they were unable to confirm if they had submitted the information relating to the convictions which took place in 2012, 2013 and 2017 and this was the reason why they raised this with the HCPC...

In January and February 2020, [SL] made inquiries with the HCPC as to what offences had been disclosed by the Social Worker. The conclusion of these inquiries was that only the conviction in April 2007 had been disclosed previously...'

34. In finding Charge 5 proved, the panel had regard to Mr Wiredu's admission before the panel, at the outset of the hearing; his admission in his written submission which was contained in the hearing bundle; JK's evidence and the contemporaneous correspondence contained in the hearing bundle.

Charge 6: found proved:

6. Whilst subject to an interim suspension order that was imposed on 25 November 2020, you continued to apply for registered social worker roles

35. Mr Wiredu denied Charge 6.
36. Mr Wiredu's evidence was, having been made the subject of an interim suspension order on 25 November 2020, he informed all the agencies with which he was registered – which included Social Personnel - that he could no longer take on social worker roles. Mr Wiredu stated that he amended his job selection on CV library to make clear that, as a result of his interim suspension, he was only able to undertake roles, such as working as a social work assistant or social care assessor, for which a social work qualification was not necessary. These positions were referred to as unqualified roles.
37. Mr Wiredu stated that he made it clear to CG, when they spoke in December 2020, that he could not apply for any social work positions and could only take up unqualified roles. In response, Mr Wiredu alleged that CG suggested that he proceed with applying for social work positions and, if offered such a position after interview, CG would negotiate an unqualified role instead. Mr Wiredu was emphatic that he did not wish to apply for social work positions but was encouraged to do so by CG.
38. Mr Wiredu also referred the panel to an email sent by him to the Compliance Officer at Social Personnel, dated 12 January 2021. In that email, Mr Wiredu forwarded a letter sent

to him by email by Social Work England, dated 25 November 2020, which attached a letter which confirmed the outcome of the interim order hearing, together with the written determination of the panel of adjudicators which imposed the interim suspension order.

39. In his evidence, CG stated to the panel that Mr Wiredu had told him that he had recently left a role in Portsmouth and was available immediately. CG stated that, following a discussion with Mr Wiredu which addressed the type and place of work that suited him, he secured three interviews for Mr Wiredu with three local authorities. All three interviews were for social work positions. CG stated that, at no stage during this process, did Mr Wiredu tell him not to proceed with sourcing social work role positions, nor did Mr Wiredu disclose to CG his likely inability to take up any such position owing to his interim suspension.
40. The panel carefully considered the wording of Charge 6. Charge 6 alleged that, whilst subject to an interim suspension order that was imposed on 25 November 2020, Mr Wiredu continued to apply for social work roles. The panel carefully considered the oral evidence given by CG and the submission made by Mr Wiredu.
41. CG's oral evidence was supported by documentary evidence contained in the hearing bundle. The interviews, offered by the three local authorities, made plain that they were for qualified social work positions. CG had a specific role within Social Personnel in securing these types of interviews for candidates with social work qualifications. He had no professional interest in securing interviews for unqualified roles, as that was something he could pass to a colleague in the company, who had responsibility for finding placements which did not require a social work qualification. In addition, there was no support, in the documentary evidence provided, to support Mr Wiredu's assertion that he was encouraged by CG to apply for social work roles, and, thereafter, to allow CG to negotiate with the local authority for an unqualified position for Mr Wiredu once it became apparent that, owing to his interim suspension, Mr Wiredu was unable to take up the social work position.
42. Although Mr Wiredu sent an email to Social Personnel to advise of his interim suspension, the email in question was dated 12 January 2021. The email had been sent by Mr Wiredu some days after it became apparent that Mr Wiredu had relevant DBS convictions and was the subject of an interim suspension order. There was no documentary evidence to support Mr Wiredu's assertion that he had made such a disclosure to Social Personnel, or any other agency, prior to his email dated 12 January 2021.
43. The panel preferred CG's oral evidence, which was consistent with the documentary evidence, over the account given by Mr Wiredu.
44. Accordingly, the panel found Charge 6 proved on the balance of probabilities.

Charge 7: found proved:

7. Your actions at paragraphs 4, 5 and 6 were dishonest.

45. Mr Wiredu denied Charge 7.

46. In respect of dishonesty, the legal adviser gave advice on the guidance provided by the Supreme Court in the case of *Ivey v Genting Casinos* [2017] UKSC 67, at paragraph 74 of the judgment. This was as follows:

‘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 of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his 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 requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.’

47. Charge 7 alleged that Mr Wiredu’s actions, as set out in Charges 4, 5 and 6 were dishonest. Therefore, it was necessary for the panel to examine Charges 4, 5 and 6 separately in the context of allegedly dishonest conduct on Mr Wiredu’s part.

Charge 4:

48. The panel considered whether Mr Wiredu’s actions, as found proved at Charge 4, were dishonest. Mr Wiredu’s evidence was that he had omitted to make reference to his June 2012 convictions when he submitted his registration application form to the HCPC in September 2012. Mr Wiredu put the omission down to an innocent oversight on his part. He denied that he had acted dishonestly.

49. Mr Wiredu had attached evidence of his April 2007 convictions to the application form. The application form, at Section 3, contained a box which read: *‘Have you been convicted of a criminal offence, received a police caution or been convicted of a criminal offence for which you received a conditional discharge?’* In response, Mr Wiredu ticked the ‘Yes’ box, and included evidence of his April 2007 convictions. The panel took into account that, at the time when the application form was completed, Mr Wiredu had been convicted of offences in June 2012, which was three months prior to his completion of the form. Further, the Memorandum of Conviction for the June 2012 convictions confirmed that Mr Wiredu was in attendance at court when the convictions were recorded.

50. The panel considered that the wording of the application form was unambiguous. Further, by signing the form, Mr Wiredu confirmed that he had read, understood and would comply with applicable HCPC standards. One such standard was that applicants for HCPC

registration were required to declare all convictions recorded against them. Taking into account the clear wording of the application form, and the fact that he had been convicted of the June 2012 offences only a few months before completing the form, the panel did not find Mr Wiredu's explanation for his omission of those convictions to be credible. The panel considered that the actual state of Mr Wiredu's mind at the time was that he was acting dishonestly when he failed to disclose the June 2012 convictions. Further, the panel considered that Mr Wiredu's state of mind and his actions, as found proved at Charge 4, would be considered dishonest by the standards of ordinary, decent people.

Charge 5:

51. The panel considered whether Mr Wiredu's actions, as found proved at Charge 5, were dishonest. Mr Wiredu made a self-referral of his convictions to the HCPC by way of email dated 23 October 2019. In so doing, Mr Wiredu stated: *'I'm unsure if I have informed the registrar about the following convictions as it does appear on my DBS.'*
52. In his written submissions, Mr Wiredu stated that his failure to disclose his convictions in a timely manner was attributable to a lack of thoroughness on his part, rather than an act of dishonesty. He explained:

I admit that I have not been timely in respect to (sic) informing the regulator of my convictions. At the time I did not consider the driving offences affected my fitness to practice and thought that I would inform HCPC at my registration, hence my email to them asking them to confirm what I had shared to make sure that I had shared all convictions'.

53. The panel noted that, following his HCPC registration application in September 2012, Mr Wiredu would have been required, in keeping with all other registrants, to apply for re-registration with the HCPC on multiple occasions prior to his self-referral in October 2019. As part of the application process, Mr Wiredu would have remained under a professional obligation to make a disclosure of his criminal convictions to his professional regulatory body. There was no evidence that he had made such a disclosure on each occasion when he applied for re-registration. There was insufficient evidence to support Mr Wiredu's assertion that his failure was connected to his health. For the same reasons for its dishonesty finding in respect of Charge 4, the panel considered that Mr Wiredu had formed a dishonest state of mind, when he failed to disclose his convictions in a timely manner to the HCPC. Further, the panel considered that Mr Wiredu's state of mind and his actions, as found proved at Charge 5, would be considered dishonest by the standards of ordinary, decent people.

Charge 6:

54. The panel considered whether Mr Wiredu's actions, as found proved at Charge 6, were dishonest. The panel recalled the submission made by Mr Wiredu in respect of Charge 6,

to the effect that, in November 2020, he had informed all the agencies with which he had been registered that he could not undertake social work positions, as his registration was the subject of an interim suspension order. This included Social Personnel. The panel also considered CG's evidence in which he stated that Mr Wiredu had not disclosed his interim suspension order during the process when he was sourcing social worker positions for Mr Wiredu. The panel had preferred CG's evidence, which was supported by contemporaneous documentary evidence, over Mr Wiredu's account which was not.

55. The panel, under this heading, also considered LC's evidence.

56. LC explained the circumstances surrounding Mr Wiredu's interview with Stockport. She stated that it was her practice, at the start of an interview, to advise a candidate what role the interview was for. This was to ensure that the interviewee was not interviewed for a position for which they were not suited or qualified. She would then ask a series of questions during the interview which were tailored to the requirements of the vacant position in question. LC stated that the questions she asked Mr Wiredu were designed to assess whether he was a suitable candidate for the available position. She was clear that the position in question was a role as a social worker. LC stated that if the interview had been for an unqualified role, she would have asked a different set of questions. LC told the panel that Mr Wiredu's CV contained no reference to his interim suspension, nor did he advise her, or her colleague who also conducted the interview, that he was unable to work in a social work role given his interim suspension order.

57. LC made contemporaneous notes of the interview. She could not recall if, at the end of the interview, Mr Wiredu raised the possibility of working in an unqualified role. LC stated that Mr Wiredu did not mention his interim suspension. If he had done so, LC told the panel that, being an important piece of information, she would have made a record of it in her interview notes.

58. The panel preferred the evidence provided by CG and LC, which it considered was credible and reliable and supported by documentary evidence. At various junctures, over a prolonged period, Mr Wiredu had omitted to advise CG and LC that he was the subject of an interim suspension order. He was under a professional obligation to do so and the opportunity for disclosure had arisen on many occasions, from November 2020, during the interview process. The panel considered that Mr Wiredu's omission was a deliberate act on his part and that he had formed a dishonest state of mind when he continued to apply for social work positions while subject to an interim suspension order. Further, the panel considered that Mr Wiredu's state of mind and his actions, as found proved at Charge 6, would be considered dishonest by the standards of ordinary, decent people.

Proceeding in the absence of the social worker:

59. Having reached its decision on facts, the panel provided to Mr Wiredu and Social Work England a copy of its written decision on 11 May 2022. The parties were invited to read

the written decision overnight and make submissions on grounds and impairment on 12 May 2022, at 9.30am.

60. On 12 May 2022, at 9.25am, Mr Wiredu emailed the panel's Hearing Support Officer ('HSO') to advise as follows:

'Just to let you know that I won't be able to attend the meeting today. I don't feel well to attend and have not prepared any submissions. Kindly let me know the outcome of the meeting.'

61. In response to that email, the HSO called Mr Wiredu at 9.28am. A memo of the telephone call recorded as follows:

'I called Mr Wiredu and he explained verbally that he doesn't feel up to attending this morning and isn't in the right frame of mind. I asked Mr Wiredu if there were any reasonable adjustments...that could help his participation in the matter..., I also said to Mr Wiredu given that he has attended all week it would be a shame for him to not attend today, to which Mr Wiredu reiterated his earlier reasons for not attending, not feeling up to it and not having prepared any submission.'

62. In a follow-up email, sent at 10.04am, the HSO asked Mr Wiredu to confirm whether the reason for his non-attendance was related to any unforeseen ill health on his part.

63. In response, in an email sent at 10.31am, Mr Wiredu stated as follows:

'Sorry, I won't be able to attend the meeting as advised you earlier today. You can proceed in my absence as I don't think I will be able to participate in the short or long term. It is difficult to attend such hearings without representatives and I feel overwhelmed with the proceedings. I am mentally drained. I hope you understand my position.'

64. Ms Michaels made an application to proceed in Mr Wiredu's absence. She submitted that Mr Wiredu had voluntarily waived his right to attend the hearing. She also stated that, given the serious nature of the findings that had been made by the panel, the public interest was engaged.

65. The panel accepted the advice of the legal adviser in relation to the factors to take into account when considering whether to proceed with the hearing in the absence of Mr Wiredu. This included reference to the cases of *R v Jones* [2003] UKPC 34 and *General Medical Council v Adeogba* [2016] EWCA Civ 162.

66. The panel noted that he had not requested that the hearing be adjourned or postponed, nor had he provided evidence of his ill health as a basis on which to apply for an adjournment of the hearing.

67. The panel readily acknowledged that conducting the proceedings without representation would have been a demanding experience for Mr Wiredu. In that regard, the panel noted that it had adjourned the hearing, throughout the week, on a regular basis to enable Mr Wiredu to properly prepare his questions for witnesses and make his submission to the panel. In addition, the legal adviser had consulted with Mr Wiredu at length, after the panel had retired, to explain the nature of the proceedings to him as the hearing progressed. The panel noted that, although he had stated how difficult it was for him to conduct the hearing without representation, Mr Wiredu had not sought to adjourn the hearing in order to secure representation.
68. Having carefully considered Mr Wiredu's email correspondence and memo of the telephone call which had taken place between him and Social Work England on 12 May 2022, the panel decided that Mr Wiredu had voluntarily waived his right to attend the hearing. The panel had no reason to suppose that he would attend the hearing or be represented if the panel decided to adjourn the proceedings to a later date.
69. The panel acknowledged that its decision could give rise to some disadvantage to Mr Wiredu. Set against this consideration, was the fact that Mr Wiredu had provided written responses to the regulatory concerns which he faced at an earlier stage in the proceedings. The panel considered that the extent of the disadvantage to Mr Wiredu by being absent could be lessened by the panel taking into account Mr Wiredu's written responses and attaching such weight to them that the panel considered was appropriate.
70. The panel considered that, given the nature of the findings which it had made, the broader public interest was also engaged.
71. Accordingly, the panel decided that it was fair and appropriate to proceed with the hearing in Mr Wiredu's absence.

Finding and reasons on grounds:

72. In light of the serious nature of Mr Wiredu's convictions and misconduct, Ms Michaels invited the panel to make a finding that Mr Wiredu's fitness to practise was currently impaired. Such a finding was required to protect the public and to uphold the public interest.
73. The panel accepted the legal adviser's advice. In the course of that advice, the panel was referred to the cases of *GMC v Meadow* [2006] EWCA 1316 Civ, *Cohen v GMC* [2008] EWHC 581 (Admin) and *CHRE v NMC and Grant* [2011] EWHC 927 (Admin) ('*Grant*').
74. While noting that he had made admissions that his actions, at Charge 4 and Charge 5 had amounted to misconduct, the question as to whether Mr Wiredu's conduct, as found proved, amounted to misconduct was a matter for the independent judgement of the panel.

75. By his actions, the panel considered that Mr Wiredu had breached the following professional standards:

Charge 1, Charge 2 and Charge 4:

HCPC Standards for 2012-2015

4: You must provide (to us and any other relevant regulators) any important information about your conduct and competence.

4(1): You must let us know straight away if you are convicted of a criminal offence, receive a conditional discharge for an offence, or if you accept a police caution.

HCPC Standards for 2016

9: You must make sure your conduct justifies the public's confidence in you and your profession

9.1: 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.

Charge 3, Charge 5 and Charge 7:

HCPC Standards for 2017

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

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.

Charge 6:

Social Work England: Professional Standards 2019

2.1 Be open, honest, reliable and fair.

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

6.6 Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.

76. The panel considered that Mr Wiredu's actions, which had resulted in his convictions, were serious. He had been involved in repeated breaches of road traffic legislation while under the influence of alcohol. His convictions were serious and had spanned a prolonged period. Members of the public had been exposed to the risk of harm.
77. Mr Wiredu had also shown a continuing disregard for his professional obligation to inform his regulatory body, in a timely manner, of convictions which had been recorded against him. He had failed, over a period of time, to advise recruitment agencies and prospective employers of restrictions on his practice which precluded him from working as a social worker. Mr Wiredu's actions had fallen far below the standard to be expected of a registered social worker. The panel was satisfied that Mr Wiredu's actions were serious and amounted to misconduct.

Finding and reasons on current impairment:

78. In considering whether Mr Wiredu's fitness to practise is currently impaired, the panel had regard to its findings in relation to his convictions and misconduct.
79. In determining the issue as to current impairment of fitness to practise, the panel had regard to the following matters:
- a. The extent to which Mr Wiredu had the skills, knowledge and character to practise his profession safely and effectively without restriction; and
 - b. The wider public interest, which included the need to promote and maintain public confidence in social workers in England and the need to promote and maintain proper professional standards for these social workers.
80. At the outset, the panel addressed the question as to whether Mr Wiredu's conduct, which had resulted in the Allegation, was capable of remedy. The panel considered that, in particular, Mr Wiredu's dishonesty would be difficult to remedy. However, with appropriate evidence of insight and remedial action, the panel was of the view that, in principle, Mr Wiredu's conduct – including his dishonesty – was capable of remedy.
81. The panel next considered whether Mr Wiredu's misconduct had in fact been remedied. In his written submissions, he stated:

'Although on viewing the concerns I can understand why there is a question in regards to my fitness to practice. The concerns above span a time period of 7 yrs, I have reflected that in a few of the instances this has been going to my lack of thoroughness and checking insurance cover and CRB's and I now appreciate the consequences.

82. Mr Wiredu also submitted a reference from his current employer, dated 5 May 2022, in which it was stated:

'George has advised me he was suspended due to a Driving Conviction in 2017 (this is on his DBS.)

This resulted in a fine and suspended sentenced.

He failed to inform HCPC straight away.

He did eventually inform them in 2019 (HCPC at the time) Did an investigation as to why he didn't inform them straight away and "not in a timely matter" this was transferred to Social Work England and the result was a suspension for 18 months. This was declared in November 2020.

He has stressed it's nothing to do with his practice.

George has not been in trouble since then. He doesn't drink at all any more.

He feels he has done a lot of growing up and realised this has cost him a large chunk of his career. (sic)'

83. In relation to the reference, the panel noted that Mr Wiredu's employer had been advised that he had been suspended in respect of a driving conviction in 2017. The panel questioned whether the person who provided the reference was aware of the full extent of the regulatory concerns which Mr Wiredu faced as set out in the Allegation.

84. In general terms, the panel considered that, in respect of his convictions and his failure to declare them in a timely manner to his regulatory body, there was some evidence to suggest that Mr Wiredu recognised the seriousness of those regulatory concerns. However, Mr Wiredu's insight in relation to those concerns was very limited and self-focussed. Although he had admitted his convictions, in his written submissions, he had been equivocal in his acceptance of culpability for them. For instance, he had suggested that his failure to provide an evidential sample of breath (Charge 3) was not an intentional act but rather the result of what Mr Wiredu claimed was a difficulty on his part to provide a breath sample at the police station. In spite of the repeated nature of his failure to declare his convictions, which spanned a considerable period of time, Mr Wiredu attributed his actions to carelessness or lack of thoroughness on his part. He did not accept that he had acted deliberately by withholding, from his regulatory body, ongoing

offending which he was under a professional duty to disclose. There was no evidence of insight on Mr Wiredu's part into the seriousness of the dishonesty allegations which he faced or evidence of remediation. In addition, Mr Wiredu had failed to demonstrate an appreciation as to how such conduct, as had been found proved, could undermine the public's trust and confidence in the social work profession.

85. The panel concluded that, given Mr Wiredu's very limited insight and lack of evidence of remediation, the risk of repetition was very high.

86. The panel considered the formulation provided by Dame Janet Smith in her Fifth Report to the Shipman Inquiry, which was cited with approval by Cox J in *Grant*:

'Do our findings of fact in respect of the [the Social Worker's] misconduct, ... conviction, ... show that his fitness to practise is impaired in the sense that he:

- a. Has in the past acted and/or is liable in the future to act so as to put a [service user] or [service users] at unwarranted risk of harm; and/or*
- b. Has in the past brought and/or is liable in the future to bring the [social work] profession into disrepute; and/or*
- c. Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the [social work] profession; and/or*
- d. Has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

87. The panel was satisfied that limbs a, b, c and d were engaged in this case.

88. Accordingly, in the panel's judgement, a finding of current impairment was required for public protection.

89. In light of its findings, the panel considered that a reasonable and well-informed member of the public would be troubled and concerned by Mr Wiredu's conduct. The panel concluded that a finding of current impairment of Mr Wiredu's fitness to practise was required to declare and uphold proper professional standards.

90. Further, the panel was of the view that public trust and confidence in the social work profession would be significantly undermined if a finding of current impairment was not made, given the serious nature of Mr Wiredu's misconduct, his very limited insight and the absence of any evidence of remediation.

91. The panel concluded that a finding of current impairment was therefore required in the wider public interest.

92. Accordingly, for the reasons given, the panel determined that Mr Wiredu's fitness to practise is currently impaired by reason of his convictions and misconduct.

Decision on sanction:

93. The panel heard a submission made by Ms Michaels on the question of what, if any, sanction to impose. She submitted that, in light of the matters found proved and the panel's findings in respect of Mr Wiredu's insight and remediation, the only appropriate and proportionate sanction to impose was a Removal Order.
94. The panel accepted the legal adviser's advice on the approach to be adopted on the question of sanction and had regard to the Sanctions Guidance (updated 26 November 2019), published by Social Work England. The panel also had careful regard to the documentary evidence and Ms Michaels' oral submission.
95. In its deliberations on sanction, the panel had regard to the mitigating and aggravating factors which were present in this case.
96. The panel identified the following mitigating factors:
- a. Although the circumstances by which it came about were unclear, Mr Wiredu had made a self-referral about a failure to declare his convictions to his regulatory body;
 - b. At the outset of the hearing, Mr Wiredu had made an early admission as to some of the facts which underpinned the Allegation, as well as to some elements of the misconduct which was alleged against him; and
 - c. Mr Wiredu had engaged in the regulatory investigation and had attended at the fact-finding stage of the hearing.
97. The panel identified the following aggravating factors:
98. Mr Wiredu, as an experienced social worker, had breached fundamental tenets of his profession;
99. Mr Wiredu had been found to have acted dishonestly, over a period of time, in two different contexts. First, by failing to declare convictions, in a timely manner, to his professional regulatory body and, secondly, by continuing to apply for social work positions while being subject to an interim suspension order; and
100. Mr Wiredu had failed to demonstrate evidence of remediation and the panel had found that he had attained only a rudimentary degree of insight into the seriousness of the regulatory concerns which had been found proved against him.
101. The panel then turned to consider the available sanctions, in ascending order of severity.

No Further Action

102. Having regard to its findings, the panel was of the view that concluding the case by taking no further action would fail to adequately protect the public and would be insufficient to protect the public interest.

Advice or Warning

103. The panel noted that issuing Mr Wiredu with Advice or imposing a Warning would not restrict his ability to practise as a social worker. The panel had found that Mr Wiredu had engaged in serious misconduct. Further, as a result of his very limited insight and lack of remediation, the panel considered that there was a high risk of repetition.
104. In light of these considerations, the panel concluded that issuing Mr Wiredu with Advice or imposing a Warning would fail to adequately protect the public or protect and uphold the public interest.

Conditions of Practice Order

105. The panel noted that the primary purpose of a Conditions of Practice Order was to protect the public while the social worker took any necessary steps to remediate their fitness to practise. Therefore, conditions will usually only be effective in cases where the social worker is genuinely committed to resolving the concerns raised, and the panel is confident they will do so.
106. In this case, the panel had found that, in principle, the type of misconduct which Mr Wiredu had engaged in was capable of remedy. Mr Wiredu had cooperated with the investigation, had provided written responses to the regulatory concerns which he faced and had attended the fact-finding stage of the proceedings. The panel had concluded that Mr Wiredu had very limited insight. He had not provided evidence of remediation and the panel had found the risk of repetition was very high. Given Mr Wiredu's decision, after the fact-finding stage, not to attend the hearing, the panel was unable to ascertain his willingness, or otherwise, to comply with a Conditions of Practice Order.
107. However, the uppermost consideration for the panel was the seriousness of the Allegation found proved. This factor, combined with Mr Wiredu's very limited insight and lack of remediation, led the panel to conclude that the imposition of a Conditions of Practice Order would fail to adequately protect the public, nor would such a measure protect and uphold the public interest.

Suspension Order

108. The panel noted that a Suspension Order was appropriate where no workable conditions could be devised which would protect the public and uphold the public

interest, but where the case fell short of requiring removal from the Register or where removal was not an option.

109. The panel carefully considered the aggravating and mitigating factors, referred to above, together with all the documentary and oral evidence and submissions presented at the hearing. Mr Wiredu's failings were serious. He had been found to have acted dishonestly, over a period of time, in two different contexts which were directly related to his profession. First, by failing to declare convictions, in a timely manner, to his professional regulatory body and, secondly, by continuing to apply for social work positions while being subject to an interim suspension order. There was very limited insight and Mr Wiredu had failed to demonstrate evidence of remediation.
110. This was not an isolated episode. The panel was concerned by Mr Wiredu's actions which seemed to indicate a pattern of behaviour on his part. In both contexts, Mr Wiredu had failed to act with honesty and integrity. In failing to act openly and in accordance with his professional obligations as a registered social worker, the panel considered that Mr Wiredu's actions arose from a deep-seated attitudinal problem on his part. The panel concluded that this was a case where Mr Wiredu's misconduct was fundamentally incompatible with remaining on the Register.
111. Accordingly, the panel decided that imposing a Suspension Order would not be a proportionate and appropriate response to the facts found proved and the findings of the panel at the grounds and impairment stage of the proceedings.

Removal Order

112. Accordingly, the panel decided that the only appropriate and proportionate sanction to impose in respect of Mr Wiredu's registration was a Removal Order. In so doing, the panel was mindful that a Removal Order was a sanction of last resort, reserved for those categories of cases where it was considered that there were no other means by which to protect the public and uphold the public interest. The panel concluded that this was such a case.
113. Mr Wiredu's actions were a significant departure from relevant professional standards. By his convictions, he had shown a wilful disregard, on repeated occasions, for the road traffic legislation. Members of the public had been placed at a risk of harm. Over a prolonged period, Mr Wiredu had acted dishonestly, and in a persistent manner, by withholding the disclosure of convictions to his regulatory body which he was under a professional duty to disclose. He had acted dishonestly by continuing to apply for social work roles, in the full knowledge that he was precluded from undertaking such work as a result of being the subject of an interim suspension order. His actions, when considered individually and cumulatively, had the potential to undermine the integrity of the regulatory process.

114. For these reasons, the panel concluded that this case fell into that category of cases in which only a Removal Order was sufficient and proportionate to protect the public. Further, in the panel's judgement, no less than the imposition of a Removal Order was required to mark the seriousness of Mr Wiredu's failings and to declare to the social work profession and the public in general that his actions were unacceptable and fell significantly below the standards to be expected of a registered social worker.

Interim order:

115. Ms Michaels made an application for an 18-month interim suspension order to cover the appeal period before the substantive order takes effect or, if an appeal is lodged, the period during which that appeal is disposed of, by hearing or otherwise.

116. The panel accepted the legal adviser's advice to the effect that the test for the imposition of an interim suspension order is set high. To impose an interim suspension order, the panel must be satisfied that same is necessary for the protection of members of the public or be in the best interests of Mr Wiredu.

117. Having regard to its findings, and, in particular its finding that there was a high risk that Mr Wiredu would repeat his misconduct, the panel was satisfied that an interim order was necessary for public protection, namely, to protect, promote and maintain the health, safety and wellbeing of the public.

118. Further, in light of its findings, the panel was also satisfied that an interim order was necessary for wider public interest reasons, namely, to promote and maintain the public's confidence in social workers in England and also to promote and maintain proper professional standards for these social workers.

119. The panel concluded that an interim conditions of practice order would be incompatible with its findings and the reasons given by the panel for considering that a substantive Conditions of Practice Order was inadequate to protect the public and insufficient to uphold the public interest.

120. The panel therefore decided that an interim suspension order for a period of 18 months should be imposed on Mr Wiredu's registration to cover the appeal period before the substantive order takes effect or, if an appeal is lodged, the period during which that appeal is disposed of, by hearing or otherwise.

121. In accordance with paragraph 14, Part 4 of Schedule 2 of the Regulations, the panel revoked the interim suspension order which had been in place up until the conclusion of these proceedings.

Review of final orders

1. 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.
2. 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.

