



Social Worker: Rabbi Deloso

Registration Number: SW116549

Fitness to Practise

Final Hearing

Date(s) of hearing: 12 August 2022

Hearing Venue: Remote hearing

Outcome: Fitness to practise impaired by reason of misconduct
Removal from the social work register

Interim order: Interim suspension order – 18 months

Introduction and attendees:

1. This was a hearing held under Part 5 of The Social Workers Regulations 2018 to determine sanction. The fitness to practise panel determined, on 10 June 2022, that Mr Deloso's fitness to practise is impaired by reason of misconduct.
2. Ms Deloso attended and was not represented.
3. Social Work England was represented by Mr Whittingham, counsel, instructed by Capsticks LLP.

Adjudicators	Role
Jayne Wheat	Lay Chair
Jill Wells	Social Work Adjudicator
David Crompton	Lay Adjudicator

Paige Swallow	Hearings Officer
Mollie Roe	Hearing Support Officer
Nathan Moxon	Legal Adviser

Allegations:

4. During a hearing, heard remotely between 6 and 10 June 2022, the following regulatory concerns were proved:

“Whilst employed as a social worker with Essex County Council you:

1. *Provided misinformation to the Social Worker of the Year Awards organisation in 2019, in that you;*

1.1 Indicated Person J had nominated you, which they had not

1.2 Indicated Person N had endorsed the nomination, which they had not.

1.3 Indicated Person M had endorsed the nomination, which they had not.

2. ...

2.1

3. *Your actions in regulatory concern (1) ... were dishonest*

The matters outlined at 1 [and] 3 above amount to the statutory ground of misconduct. “

5. In reconstituting to consider sanction, the panel had regard to the documentation previously considered and transcripts of the previous hearing.
6. This determination should be read as following on from the determination on facts and impairment.

Summary of Submissions – Sanction:

7. Mr Whittingham, on behalf of Social Work England, submitted that the appropriate sanction to protect the wider public interest was one of removal from the social work register. He relied upon paragraph 110 of the Sanctions Guidance:

“Evidence of professional competence cannot mitigate serious or persistent dishonesty. Such conduct is highly damaging to public trust in social workers and is therefore usually likely to warrant suspension or removal from the register.”

8. Mr Whittingham submitted that honesty is a fundamental tenet of the social work profession and to take no action or to issue advice or a warning would not therefore be proportionate. Further, conditions are unlikely to be appropriate in cases of dishonesty and no workable conditions could be formulated in the circumstances of this case to adequately protect the public interest.
9. In relation to suspension, Mr Whittingham argued that the factors proved *“far surpass the threshold”* for suspension. He argued that the misconduct occurred some three years ago, yet the panel, within its impairment finding, had determined that there had only been limited insight and remediation in the intervening period. He argued that the maximum period of a suspension would be insufficient for Mr Deloso to develop adequate insight and remediation.
10. Mr Whittingham reminded the panel that it had found that the proven dishonesty was towards the *“higher end of the scale”*. He stated that paragraph 109 of the Sanctions Guidance is analogous to Mr Deloso’s case:

“Dishonesty through misrepresenting qualifications, skills and experience, for example on a CV, is also particularly serious because it may lead to the social worker being appointed to roles and responsibilities that they cannot safely discharge. The public and employers must be able to trust the accuracy of such information provided by social workers.”

11. He highlighted that the dishonest conduct was protracted and it was only upon being investigated that he withdrew the SWOTY nomination and, even then, only made partial admissions.

12. Mr Whittingham submitted that social workers are relied upon and trusted by vulnerable people to behave appropriately. Social workers are often required to complete assessments and reports and to provide information to courts, which may rely upon their information when making substantial decisions on people's lives. It is therefore imperative that social workers act with probity and integrity.

13. Mr Whittingham stated that the risk of repetition can only be minimised if there is complete insight. He argued that Mr Deloso's admissions were only the first step towards remediation and relied upon paragraph 42 of the Sanctions Guidance

"....any admission of the facts does not necessarily make a concern less serious. Admission of facts is not a mitigating or aggravating factor in itself."

14. He also relied upon paragraph 43:

".....Panels should take care to distinguish between the social worker's acceptance of the facts and their understanding of the implications if they were to behave in the way alleged in the future."

15. Mr Whittingham argued that Mr Deloso, despite his admissions, had minimised his culpability. He had sought to blame advice from others, language difficulties and the fact that he was an immigrant. Those explanations had been roundly rejected by the panel. His assessment of the gravity of his misconduct has been rejected by the panel.

16. Mr Whittingham highlighted relevant caselaw in relation to dishonesty being towards the top end of misconduct and that, particularly where protracted, would often merit removal from the register. He closed his submissions by reiterating that erasure remains the only sanction that would adequately protect the public interest.

17. Mr Deloso gave evidence to the panel. He outlined why he had entered the social work profession. He explained that he was a support worker for adults with cerebral palsy and learning difficulties and had been assigned to a young man with challenging behaviours. Mr Deloso had been able to build a professional relationship with that male *"based on trust and endearment"*. He believed that the male was *"invisible"* to the social worker assigned to him and the male had asked Mr Deloso if he could instead be his social worker. That had motivated Mr Deloso to pursue a career in the social work profession.

18. He reminded the panel that he had been required to self-represent during proceedings due to lack of resources but had sought to cooperate and engage with the regulatory process. Since the panel's determination on impairment, he has undertaken reflection. He had spoken to friends, other social workers and manager who had said that they continue to support him as he is a *"good person"*.

19. Mr Deloso accepted that he had lost the trust of friends and colleagues by his misconduct and hopes to rebuild his relationship with the colleagues who he had deceived. He did not wish to argue for a particular sanction and stated that he trusted the panel's judgement.

20. Mr Deloso was questioned by Mr Whittingham and accepted that he did not seek to challenge the argument for removal from the register and instead trusted the panel to reach an appropriate decision. He accepted that the panel had determined that his dishonesty was towards the higher end of the spectrum but sought to clarify his evidence at the earlier stages of proceedings. Whilst he had challenged the level of seriousness as argued by Social Work England on the earlier occasion, he had not intended to argue that his actions had been towards the lower end of the scale.
21. In answer to questions from the panel, Mr Deloso stated that upon receiving the panel's determination on impairment, he resigned from his role as a social worker. This was not instigated by his employer, who had proposed to remove from his job description the requirement to be registered as a social worker, but he had declined their offer. He now works as a financial manager, presently leading on a debt policy and aims to be "*compassionate*" in this role. He confirmed that, upon conclusion of the regulatory proceedings, he would like to recommence his social work career if permitted.
22. Mr Deloso described himself as "*a reflective person*". Since the adjourned hearing, he had reflected upon the impact of his misconduct on the general public, and determined that he should not work in social work until the conclusion of the fitness to practise proceedings. He stated that he had especially reflected on the effect that his actions had upon those friends and colleagues that he had deceived. He accepted that he had sought to self-promote.
23. Upon conclusion of his evidence, Mr Deloso was afforded time to formulate closing submissions. He submitted that he was proud to be a social worker and if given the opportunity to continue in the profession it would be his honour to prove his probity and integrity.
24. Mr Whittingham was given a further opportunity to address the panel upon consideration of Mr Deloso's evidence and submissions. He urged the panel to consider Mr Deloso's view that he was a reflective person and whether this was consistent with the panel's earlier findings and the fact that Mr Deloso had accepted that he had been knowingly dishonest at the time. He asked the panel to consider whether Mr Deloso's explanation of his previous comments that the dishonesty was towards the lower end of the scale had been misinterpreted. He reminded the panel of their previous evaluation of Mr Deloso's assessment of seriousness and his proficiency of the English language. He reiterated that Mr Deloso had not mitigated the risk of repetition.
25. Mr Deloso clarified that he had been mistaken in his earlier assessment of the seriousness of his misconduct.

Determination and reasons - Sanction

26. The panel accepted the advice of the legal adviser that it must pursue the overarching objective when exercising its functions. The panel must apply the principle of proportionality, balancing Mr Deloso's interests with the public interest. The purpose of a sanction is not to be punitive although a sanction imposed may have a punitive effect.

The panel considered the least restrictive sanction first and then moved up the sanctions ladder as appropriate. The panel had regard to the Social Work England Sanctions Guidance, published in July 2022.

27. The panel reminded itself that it had concluded that Ms Deloso fitness to practise was found to be impaired, due to serious misconduct, in order to promote and maintain public confidence in the social work profession and proper professional standards.
28. The panel considered the aggravating features. It noted that integrity and probity are fundamental tenets of the social work profession. The panel reminded itself of its findings on grounds and impairment:

“The panel determined that Mr Deloso had engaged in a deliberate and calculated dishonest act which was at the higher end of the scale. It had been designed to achieve self promotion for Mr Deloso and undermined the integrity of a prestigious award which had been set up to promote the profession.”

29. The serious misconduct is further aggravated by the lack of adequate insight and remediation. The panel was satisfied that Mr Deloso did not fully appreciate the impact of his dishonesty on public confidence in social workers, his colleagues, service users and their families and the wider social work profession. He undermined a prestigious award that is in place to recognise excellence in social work and to reward people who deserve recognition for their service to vulnerable members of the public. He only withdrew the entry when he was made subject to an investigation.
30. The panel was satisfied that Mr Deloso had sought to minimise his actions, by stating that the SWOTY form had been completed quickly, whereas the panel found that the dishonesty was *“perpetrated and maintained over a significant period.”* He had sought to fundamentally misrepresent three people as to their opinions of him as a social worker: the mother of a service user and two senior managers. This was a significant breach of trust.
31. The panel was satisfied that Mr Deloso had also sought to minimise his misconduct by previously stating that his actions were towards the lower end of the scale of dishonesty. The panel rejected his subsequent account that this had been a misunderstanding or a result of a communication difficulty. Further, he sought to rely upon his view that he was less likely to be nominated due to his immigration status as an explanation for his dishonest actions. The panel rejected that as an adequate reason for his dishonest actions.
32. The panel concluded that there had been a late development of insight into his misconduct and that his insight remained limited, despite the passage of time. The panel considered paragraph 36 of the Sanctions Guidance:

“Decision makers should be cautious about giving credit for insight that has only emerged after investigations and inquiries have been completed. Insight should be rooted in the social worker’s personal reflection and assessment of how they have

fallen short of the professional standards expected of them. It carries far less weight if the insight is led by or dependent on the conclusions and directions of others."

33. In relation to mitigating factors, the panel noted that there has been no assertion of similar misconduct since 2019. Mr Deloso expressed remorse and regret. He had demonstrated some, albeit untimely and limited, reflection upon the consequences of his actions upon colleagues and those who he had sought to misrepresent. He had latterly indicated some understanding of the seriousness of his misconduct by resiling from his previous assertion that it was towards the lower end of the scale and by resigning from his social work position. He had stated that he resigned from his position after the panel's determination on impairment and did not intend to return to social work until conclusion of these proceedings.
34. In light of the fact that the dishonesty was maintained over a prolonged period, together with Mr Deloso's lack of adequate insight and remediation, the panel was satisfied that there remained a risk of repetition of dishonest behaviour.
35. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Deloso's misconduct and would not maintain public confidence in the profession or promote proper professional standards.
36. The panel next considered whether a conditions of practice order would be sufficient to protect the wider public interest. The panel noted paragraph 85 of the Sanctions Guidance, which states:

"Conditions are most commonly applied in cases of lack of competence or ill health. They're less likely to be appropriate in cases of character, attitudinal or behavioural failings, or in cases raising wider public interest issues. For example, conditions would almost certainly be insufficient in cases of sexual misconduct, violence, dishonesty, abuses of trust and discrimination involving a protected characteristic."

37. The panel noted that a sanction in this case was to address breaches of a fundamental tenet of the social work profession, namely probity and integrity. The panel was therefore satisfied that, in light of the nature of misconduct, together with Ms Deloso's lack of evidenced insight and remediation, conditions would not be sufficient to maintain public confidence or promote proper professional standards. Conditions would not adequately reflect the seriousness of the misconduct.
38. The panel was satisfied that a suspension order would not be appropriate and proportionate in all of the circumstances. The panel took into account paragraph 93 of the Sanctions Guidance, which states:

"Suspension orders can be imposed for a period of up to three years. Suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register or where removal is not an option."

39. The panel was satisfied that removal from the social work register was required in all of the circumstances of the case. It considered that public confidence in the profession and proper professional standards would not be maintained by any sanction other than removal, in light of:
- a. The fact that the dishonesty was pre-meditated, protracted and undertaken for personal gain;
 - b. The fact that the actions undermined an award process designed to recognise social workers who excel in supporting vulnerable members of society;
 - c. The breach of trust held in Mr Deloso by colleagues, a service user and his mother; and
 - d. The lack of timely and adequate insight and remediation in the intervening three years and the fact that Mr Deloso had instead sought to minimise his culpability.
40. These factors would not be adequately marked by a period of suspension.
41. In light of the features above, the panel did not accept that a period of suspension would result in the development of adequate insight or remediation. It would not rebuild the trust that has been breached. The fact that adequate insight and remediation had not been developed in the three years since the misconduct, was a strong indicator that it would not be achieved. Ultimately, any sanction other than removal would fail to maintain and promote public confidence in the social work profession and proper professional standards.

Determination and Reasons - Interim Order:

42. Upon the determination on sanction being handed down, Mr Whittingham requested time to obtain instructions as to whether an interim order would be sought. He had sought to obtain instructions but, regrettably, none of the telephone numbers that he was dialling were being answered. Mr Deloso stated that he had no opposition to any application for an interim order and asked to be released from proceedings. He was content for the matter of an interim order to be determined in his absence.
43. The panel considered that it was fair to all parties to allow Mr Whittingham time to obtain instructions and to proceed with the matter in Mr Deloso's absence, given that Mr Deloso had taken the opportunity to express his views on the application and had communicated his intention to voluntarily absent himself.
44. After being given 20 minutes, Mr Whittingham returned to state that despite his efforts he had still not been able to contact anyone from Social Work England for them to give instructions. He asked for further time and was afforded a further 15 minutes.
45. The panel notes that if Social Work England require Mr Whittingham to seek instructions on such matters, in spite of his thorough knowledge and competent handling of the case, they should be available to give instructions without causing delay to proceedings.

46. Upon receiving instructions, Mr Whittingham invited the panel to impose an interim order of suspension, for a period of 18 months, to cover any appeal period. He reminded the panel of their decisions on impairment and sanction and highlighted that Mr Deloso had further sought to minimise his misconduct during the sanctions hearing, as outlined in the determination on sanction.
47. The panel considered that it would be wholly incompatible with its earlier findings to conclude that an interim suspension order was not necessary to protect the wider public interest. The public would be concerned if Mr Deloso would be permitted to return to unrestricted practice during the appeal period given all of the circumstances of the case.
48. Accordingly, the panel concluded that an interim suspension order should be imposed on public interest grounds. It determined that it was appropriate that the interim suspension order be for a period of 18 months in case Mr Deloso seeks to appeal. However, when the 28-day appeal period expires, the interim suspension order will come to an end unless there has been an application to appeal.
49. That concluded the case.

Right of Appeal

50. 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.
51. 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.
52. 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.
53. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019.