



Social Worker: Rabbi Deloso

Registration Number: SW116549

Fitness to Practise:

Final Hearing

Dates of hearing: 6 June 2022 to 10 June 2022

Hearing Venue: Remote hearing

Hearing outcome: Adjourned (Part-heard)

Introduction and attendees

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018.
2. Mr Deloso attended and was not represented.
3. Social Work England was represented by Ms Jade Bucklow, as instructed by Capsticks LLP.

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

Simone Ferris	Hearings Officer
Andrew Brown	Hearing Support Officer
Paul Moulder	Legal Adviser

Allegation

(Amendments in bold)

1. The Allegation (as amended) referred by Social Work England's Case Examiners on 9 September 2021 is:

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. Provided misinformation to the Social Worker of the Year Awards organisation in 2018, in that you

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

3. Your actions in regulatory concern (1) and/or (2) were dishonest

The matters outlined at 1 to 3 above amount to the statutory ground of misconduct.

Preliminary matters

4. At the outset of the hearing, Ms Bucklow applied to amend the allegation, as shown above. In relation to the amendment at paragraph 1.3 above, Ms Bucklow submitted that this arose from the same evidence which had been previously served on Mr Deloso and which supported the rest of paragraph 1. She submitted that Mr Deloso had himself raised the issue of contacting Person M in response to the unamended Allegation being served on him on 05 July 2021.
5. In relation to the addition of paragraph 2, Ms Bucklow submitted that, although it was admitted that this amounted to an increase in seriousness of the overall Allegation, Mr Deloso had been put on notice of the application on 28 February 2022 of the proposed amendment within the Statement of Case and had provided his response in April 2022. She submitted that Mr Deloso would have the opportunity to question Person M and there would therefore be no prejudice to him from the amendment. Ms Bucklow submitted that it was important that the Allegation fully reflect the case on the evidence.
6. Mr Deloso opposed the amendment. He submitted that the case had first been raised with the Health and Care Professions Council ("HCPC") in 2019, and it was now almost three years old. He submitted that the issues around the amendment had been before the Case Examiners and there had been no amendment then.
7. Mr Deloso submitted that the documents showed that Person M had changed her mind on certain issues over time and that her recollection was affected by time. He was careful to submit that this was not a criticism of Person M but was understandable given the time elapsed. Mr Deloso submitted that there had been a delay in bringing the application and this had an impact on him and on others. Mr Deloso submitted that it was too late to now make the amendment and he had not had time to prepare for this additional charge, as he had always thought that this amendment would not be allowed.

8. The panel heard and accepted the advice of the Legal Adviser. He advised the panel that, subject to an overriding requirement to act fairly, the panel had discretion over how it conducted proceedings, which included the power to allow the amendment if it was fair to do so. He advised the panel that fairness involved fairness to both parties. He reminded the panel of PSA v HCPC and Doree [2017] EWCA Civ 319 and that a panel is entitled to allow amendments, even where late, provided it is justified. The central question was what was fair in all the circumstances.
9. The panel took time to consider the application. It noted that it was regrettable that the application was made at the hearing and had been notified to Mr Deloso only in February 2022, which was late in the overall chronology of the proceedings.
10. The panel took into account Mr Deloso's submission concerning the reliability of Person M. However, it considered that hearing from Person M would allow it to assess her credibility and Mr Deloso could make the same submissions to it about her credibility, based on the documents before the panel.
11. The panel considered that, although it would have been preferable to have been made earlier, Mr Deloso had been afforded time to respond to the proposed amendment to the Allegation and had provided his response to it. Although there had therefore been some delay, the crucial issue was that Mr Deloso had been given sufficient time to respond.
12. In addition to the amendments to paragraphs 1 and 2, the panel considered that it was clear that Social Work England's case was that the facts alleged in the amended paragraph 2 were also being alleged to have been dishonest, as alleged in the amended paragraph 3.
13. The panel acknowledged that the amendments involved an increase in seriousness of the Allegation. However, it balanced this with the important public interest in the full extent of the allegations being considered and the fact that the Allegation already included alleged dishonesty, rather than seeking to introduce it afresh.
14. The panel also bore in mind the overarching objective of Social Work England, to protect the public, which includes the maintenance of public confidence in the profession and considered that this was also a factor in favour of granting the application.
15. The panel decided to allow the amendments, as set out above.
16. On further consideration of the Allegation, Ms Bucklow asked the panel to include in paragraph 3 the words "*and/or*" in place of "*and*" between "*(1) and (2)*" to make clear that it was Social Work England's case that the panel could consider the matter of dishonesty in the alternative as well as together in relation to the facts in paragraphs (1)

and (2). Mr Deloso did not oppose the amendment and the panel allowed it because it added clarity to the Allegation and was not unfair.

17. On the second day of the hearing, Mr Deloso made an application to the panel for it to reconsider its decision to allow the amendment to the Allegation. He asked it to revisit the decision to allow the amendment by addition of paragraphs 2, 2.1 and 3 as it related to paragraph 2.
18. Mr Deloso submitted that he was not legally-represented and it had occurred to him overnight that the allegation made in paragraph 2 was not sustainable, on the basis that he had not himself completed the nomination form for SWOTY 2018. Mr Deloso submitted that the matters in paragraph 2 had not been included in the original fitness to practise referral and had not been before the Case Examiners. He submitted that there was no allegation in the statement of case that he was the nominator in the form for the 2018 awards.
19. Ms Bucklow opposed the application. She submitted that there was no issue with the allegation in its amended form. It was alleged that Mr Deloso had provided misinformation and this should be properly put as a case. Ms Bucklow was concerned that Mr Deloso had only just raised the lack of nomination by him as an issue in the case. Ms Bucklow submitted that the allegation could be properly considered in the hearing as amended and indicated that she would seek to explore the additional issues with the relevant witnesses who were yet to be called.
20. The Legal Adviser advised the panel that the Fitness to Practise Rules gave the panel a broad discretion to conduct its proceedings, subject to the requirement of fairness. It could therefore re-consider its decision, if appropriate, but should bear in mind the principle of finality of decisions and that it had already made a decision on the application. It should consider the reasons advanced for re-consideration. In that respect, it appeared that the matters advanced by Mr Deloso, that he had a defence to the charge, could be appropriately considered by the panel in the hearing.
21. The panel took time to consider the application. It considered that the original reasons given for allowing the application to amend remained valid. Mr Deloso had known of the proposed application for some time and had provided his response to it. The case he now raised in defence he had only apparently advanced in this application. Nevertheless, it was a defence which he would be free to put before the panel in this hearing and the panel did not consider that there was any bar to it properly considering this defence in the hearing.
22. The panel decided to refuse the application and proceed with the hearing with the Allegation as amended.

23. On the third day of the hearing at the close of Social Work England's case, Mr Deloso made an application for a decision from the panel that there was no case to answer in respect of paragraphs 1.3, 2 and/or 2.1 of the Allegation.
24. Mr Deloso submitted in relation to paragraph 1.3 that Social Work England had failed to prove that Person M's name appeared in any part of the form, that consent from a Service User was required, or that on the balance of probabilities, consent had not been obtained.
25. In relation to paragraph 2 and 2.1, Mr Deloso submitted that the witnesses had failed to provide evidence of the nominator, nor did the documents show the identity of the entrant or nominator for the 2018 Social Worker of the Year ('SWOTY') awards and the original fitness to practise complaint from the council had not included this allegation as the council had made the nomination in 2018.
26. Ms Bucklow opposed the application. She submitted that the panel should apply the test in *R v Galbraith* [1981] 1 WLR 1039. She submitted that the panel should have regard to the wording of the allegation and apply the normal meaning of the word 'endorsed'. She submitted that Person M had given clear evidence that she had not endorsed the nominations in either 2018 or 2019, and Mr Deloso had admitted submitting the 2019 form and not specifically obtaining consent from Person M for this nomination.
27. The Legal Adviser advised the panel as to the test of *R v Galbraith*. He advised that an application should succeed, on the whole or part of an Allegation if, taken at its highest, there was either no evidence to support the allegation, or the evidence was of such a tenuous character, for example because of inherent weakness or vagueness or because it was inconsistent with other evidence.
28. The parties agreed that the word 'endorsed' should be applied in its ordinary meaning, which was 'to make a public statement of your approval or support for something or someone'.
29. The panel considered the application. In relation to paragraph 1.3 the panel noted that it was not in issue that Mr Deloso had completed and submitted the nomination in 2019. The panel had regard to the evidence of Person M, who had stated that she had not been aware of the 2019 nomination and had not given her consent to the feedback being used for it. Person M confirmed the content of her feedback form which the panel noted were the same words as appeared in the 'Service User Endorsement' section of the 2019 nomination form.
30. The panel considered that there was sufficient evidence, if taken at its highest, upon which it could properly find the facts of paragraph 1.3 proved.

31. In relation to paragraph 2, the panel considered that Social Work England had provided no evidence that Mr Deloso had submitted the nomination form for the 2018 SWOTY awards. The nomination form gave no information as to the entrant/nominator on its face and the witnesses called could shed no further light on the issue of who was the author of the form in 2018. Person C, the former Senior Account Executive at the promoting company had not been in post at the time. Person B, the former Account Manager for the company was unable to give evidence as to the identity of the entrant/nominator beyond saying that the information might be held on the company's records. The panel concluded that there was no evidence on which it could conclude that Mr Deloso had 'provided' misinformation to SWOTY in 2018. Since paragraph 2.1 was contingent on proving the stem of paragraph 2, it followed that paragraph 2.1 could also not be proved.
32. The panel upheld the submission of 'no case to answer' in respect of paragraphs 2 and 2.1. It followed from this decision that there is no case to answer in respect of paragraph 3, as it applied to paragraph 2 or 2.1 also.
33. The panel refused the application in relation to paragraph 1.3 but upheld it in relation to paragraphs 2, 2.1 and 3 in relation to paragraph 2 and 2.1.

Summary of Evidence

34. The panel received evidence from Ms A, a Team Manager in the Adult Social Care Team at the Council. She gave evidence that she had been Mr Deloso's supervisor at the relevant time. Ms A gave evidence about Mr Deloso's decision to resign from the Council and her subsequent receipt of an email to him, re-directed to her account, informing Mr Deloso that he had been shortlisted for the 2019 Social Worker of the Year ('SWOTY') awards.
35. Ms A stated that she had forwarded the email to Mr Deloso, who had provided a response that he would not be involved in the 2019 awards due to family issues. She later had contact from the Council's Social Care Academy Team Manager, who had seen the shortlist but been unaware of Mr Deloso's nomination. Ms A gave evidence of further enquiries being made with the persons mentioned on the nomination form.
36. Ms A stated that she was not aware of any policy that nominations had to be submitted via the Care Academy, although she referred to an 'understanding' of this and that another nomination had been so submitted. As a result of the enquiries made, Ms A said, she was directed by her seniors to refer the matter to the HCPC.
37. Cross-examined by Mr Deloso, Ms A stated that she had not contacted Mr Deloso at his new employment about the concerns, and she had been directed to make a referral to

the regulator. Ms A denied that she had carried out an investigation into the concerns. Ms A denied that she had arranged for Mr Deloso's emails to be forwarded to her. She agreed that the usual process on a person leaving the Council was for an 'out of office' email to be in place. Ms A did not recall having any discussion about the SWOTY with Mr Deloso.

38. The parties had agreed that the panel could receive in evidence the witness statement of Person N, an Acting Service Manager with the Council. Person N had, in 2018, become Mr Deloso's supervisor for a period. Person N stated that she had already moved to another role when Mr Deloso left the Council, but she had provided a reference for Mr Deloso in his new role.
39. Person N stated that she was shown Mr Deloso's nomination form for the 2019 SWOTY by the Academy Team Manager. She said that she did not complete the endorsement section, did not ask anyone to complete it on her behalf, nor did she consent to its completion on her behalf. She noted that in the email address on the nomination form, her name was incorrectly spelt, with an additional 'n' added. Person N stated that the words attributed to her were not contained in any email, feedback or supervision record provided to Mr Deloso, nor in any other documentation, as far as she was aware. She stated that the words were 'inflated' and not something she would have written about Mr Deloso and gave the example from the form *'he is the best social worker to deal with social work crisis'*.
40. The panel heard evidence from Person J, who is a retired social worker and had been retired for 3 months at the time of the matters in the Allegation. Person J stated in her witness statement that she had never submitted a nomination for herself or anyone else for SWOTY.
41. Person J stated that she had been contacted whilst on holiday and informed that a SWOTY nomination had been submitted in her name. At the time she was contacted, Person J stated she was unsure if she had submitted a nomination. She confirmed that the email address shown for her on the form was not her email address.
42. Person J stated that, when she had been shown the nomination form she knew she had not submitted it. She stated in her witness statement that she did not complete the form, did not ask another to complete it for her, nor consent to its completion. She stated that the words attributed to her could not have come from any documentation of hers and included some things she knew nothing about. Person J stated that the words attributed to her could not accord with her views of Mr Deloso at the time. Person J stated that she was shocked by seeing the form, as she had always found Mr Deloso to be a hardworking and honest person.

43. On cross-examination of Person J, Mr Deloso apologised to her for using her name on the nomination form.
44. Person B gave evidence. At the relevant time, Person B had been Senior Accounts Manager at the company which handled the account of the charity which ran SWOTY. Person B set out in her witness statement an account of the software implemented for submission of nominations for SWOTY. She gave evidence about and exhibited the current rules of entry. Person B stated that, as a 2018 finalist, she probably would have liaised with Mr Deloso, although she did not recall any conversation with him.
45. Person B stated that she sent an email to Mr Deloso following his being shortlisted and had been subsequently contacted by the Academy Team Manager at the Council. Person B provided to him and produced as her exhibit the 2019 nomination form. Person B said that later Mr Deloso had sent an email to SWOTY to request that he be withdrawn from the awards and should not be considered in the future for any SWOTY award and for there to be no mention of him as 2018 finalist.
46. Person B answered questions about the 2019 and 2018 nomination forms and their various sections. She confirmed that all nominations required a professional endorser, but it was acceptable for a social worker to nominate themselves.
47. Person B said there was online guidance on self-nomination. She said that such nominations were very rare. Person B said that she could not be sure if there was an assumption in 2018 that the endorser and the nominator were the same person. She confirmed that she had no recollection of speaking to Mr Deloso but said she had spoken to a lot of people at the relevant time.
48. Person B was shown a copy of an email exchange between Mr Deloso and herself from July 2017. She accepted the email exchange as being with herself, although could not recall the detail. She accepted that the email in 2017 showed Person B as having suggested that Mr Deloso remove his own name from the endorser box and replace with the name of his placement tutor.
49. Person B told the panel that the company's login records would show who had submitted the nomination forms. Person B thought that the nominator might be the person who had submitted the forms but she could not be sure whether the persons named on the forms were those who had submitted them. Person B said that there was an expectation that the service user's permission would be obtained for use of their comments on nomination forms. However, it was her assumption that this was contained in the guidelines and she could not say this for certain. Person B said that the exhibited nomination forms may be more limited screen prints of the information held on the system.

50. Person C gave evidence before the panel. She was an Account Manager at the same company as Ms B. At the relevant time, she had been a Senior Account Executive with the same company. Person C gave evidence about the SWOTY awards process and also about the Award Force platform (AF) used for nominations. Person C told the panel that she joined the company in October 2018, after the nomination process for 2018 had already concluded.
51. Person C stated that no guidance is provided on the SWOTY website regarding self-nominations, other than stating that they are permitted. She stated that AF allowed a person to enter their own name as both the nominator and the entrant. Person C gave oral evidence about the detail of the completion of the AF nomination, as at present.
52. Person M gave evidence that she had recently retired as a social worker from the Council. She confirmed that she had provided a feedback form on Mr Deloso after he had taken an annual review, and the contents of the form was as exhibited in the hearing bundle. Person M confirmed that she had not endorsed Mr Deloso, or any other individual for the SWOTY awards. She was aware of the nomination process for SWOTY as she had in the past nominated a social work team for an award.
53. Person M confirmed that she had not been asked for permission for her feedback to be put to any use.
54. Person M had no actual recollection of meeting with Mr Deloso. When asked whether Person M recalled being telephoned by Mr Deloso with a request to use her feedback, Person M stated that she did not remember such a phone call. She added that she would have expected such a request to be followed up in writing and she was clear that there had been no documented request.
55. At the outset of the proceedings, the Allegation having been read into the record, Mr Deloso admitted paragraphs 1.1, 1.2 of the Allegation and paragraph 3, in relation to paragraphs 1.1 and 1.2. The panel noted Mr Deloso's admissions and took them into account as part of the evidence.
56. Mr Deloso did not give oral evidence at the facts stage. He relied on his written responses provided in the hearing bundle. In addition, Mr Deloso relied on the witness statements he had submitted to Social Work England of persons known to him. It had been agreed between the parties that he could rely on these witness statements without the witnesses being required to attend to give oral evidence.

Submissions

57. Ms Bucklow, on behalf of Social Work England asked the panel to bear in mind the admissions made by Mr Deloso. She submitted that the panel had a range of evidence

before it, including the evidence of the witnesses, the response of Mr Deloso to the Allegation and the documentary evidence.

58. Ms Bucklow took the panel through the evidence given. She submitted in relation to paragraph 1.1 that the panel should take into account the evidence of Person J, the apology to her offered by Mr Deloso and his admission and find the paragraph proved.
59. Ms Bucklow referred the panel to the evidence of Person N in relation to paragraph 1.2. She reminded the panel that her evidence was agreed and not in issue. She submitted that the panel should also take into account Mr Deloso's admission and find the paragraph proved. Ms Bucklow noted that Mr Deloso initially denied paragraph 1.3 but had now made admissions to it. She submitted that the evidence of Person M was clear and that she could not have endorsed something that she knew nothing about. Ms Bucklow submitted that it was her case that Mr Deloso did not obtain consent to use her feedback form for the purpose of the SWOTY nominations, either in 2018 or in 2019. She further submitted that in any event any consent could not have been carried forward from a nomination in 2018 to a separate nomination in 2019. Ms Bucklow submitted that, despite Person M's concession that 'anything is possible' this should be regarded pragmatically for its meaning. She referred the panel to Mr Deloso's written submissions and submitted that he had not stated anywhere that he approached Person M for permission in 2019. Ms Bucklow asked the panel to pay careful regard to the sub paragraph of the allegation, which referred to an endorsement for a nomination.
60. Ms Bucklow submitted that, as regards paragraph 3 and dishonesty, the panel should apply the test in *Ivey v Genting Casinos [2017] UKSC 62*. Ms Bucklow submitted that Mr Deloso had knowingly impersonated two colleagues, had used their names without their consent and had attributed authorship to them without their knowledge or consent. She submitted that Mr Deloso had repeated this for Person M; he had known that this was not an act of self-nomination, having completed a self-nomination in 2017.
61. Mr Deloso submitted that he had admitted paragraphs 1.1 and 1.2 of the Allegation. He submitted that Person M had accepted the words of the feedback which appeared on the nomination form as her own words. He submitted that when asked about a phone call requesting consent in 2018, Person M had replied 'I don't remember' but had gone on to say 'it is possible'.
62. Mr Deloso stated that the matter had been going on for a long time. He did not blame Person M for her imperfect recollection of events. He submitted that English was not his first language and his understanding of 'endorsed' may not have the same ordinary meaning. He now understood the meaning being applied by Social Work England.
63. Mr Deloso admitted that he had requested no express consent for using Person M's words in 2019. He submitted that he would accept he had been dishonest in relation to

paragraphs 1.1, 1.2 and 1.3. He accepted that he had used the names of Person J, Person N without their knowledge and used his own words as if written by them. He accepted that he had used Person M's words without her consent.

64. On being asked, Mr Deloso confirmed that he admitted dishonesty in relation to his state of mind at the time of completing the 2019 application, not simply as a matter of retrospection.
65. The Legal Adviser advised the panel that, despite Mr Deloso's admissions, the burden of proof on the facts lay with Social Work England. The panel could take into account the admissions made, as part of the evidence. The applicable standard of proof that Social Work England had to meet was the 'balance of probabilities'. The Legal Adviser advised the panel that the test to be applied for dishonesty was that in *Ivey v Genting Casinos [2017] UKSC 67*, which was:
 - 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.

Finding and reasons on facts

66. The panel took time for consideration. It was not in issue that, at the relevant time, Mr Deloso had been employed as a social worker by the Council. The panel considered that, to find paragraph 1 proved, it had to be satisfied that Mr Deloso had 'provided misinformation'. It was not in issue, in the case of the 2019 SWOTY nomination form, that Mr Deloso had compiled the contents and submitted it to the SWOTY organisation. The panel took into account the evidence of the character witnesses whose statements have been provided. It balanced the evidence of these witnesses with the other evidence when making its findings as follows.
67. The panel decided that there was 'misinformation' if the content of the nominations or endorsements were shown to be misrepresentations of the true position. It further found that, taking the nomination form as it would appear to a person receiving and

reading it, the entry of a person's name as 'primary contact' and then text entry would be taken as the person's nomination. Likewise, the entry of text and person's name as 'name of endorser' was a representation of endorsement. The panel accepted that 'endorsed' should be considered in its ordinary meaning in the context of the nomination for SWOTY, as 'to make a public statement of your approval or support for something or someone'.

68. In relation to paragraph 1.1, the panel noted that Mr Deloso had admitted the facts in this paragraph at the outset of the hearing. The panel also had the evidence of Person J, whose name was entered on the 2019 nomination form, as the 'primary contact'. It was the unchallenged evidence that this person was taken as the nominator by SWOTY.
69. Person J had also given evidence that she had not nominated Mr Deloso, the email address shown on the form for her was not her actual email address. Further, Person J stated she did not accord with the information entered under her name and would not have known some of the details given.
70. The panel drew no adverse inference from Mr Deloso having chosen not to give evidence. It took into account his admission to the facts and accepted the evidence of Person J. The panel found paragraph 1.1 proved.
71. Mr Deloso had admitted the facts in paragraph 1.2. The panel had received the written statement of Person N. In her statement, Person N stated that she had not given consent to endorsing Mr Deloso. Further, she stated that the information put was not something that she would have written about Mr Deloso. There was no challenge by Mr Deloso to Person N's evidence. The panel accepted Person N's evidence and took into account the admission by Mr Deloso. The panel found paragraph 1.2 proved.
72. In relation to paragraph 1.3, Mr Deloso had admitted the facts during the hearing, on the basis that he accepted that he had not asked Person M expressly for her permission to use her feedback form for the 2019 SWOTY nomination form. Mr Deloso maintained his case that he had asked verbally for permission from Person M to use the feedback for his 2018 nomination form.
73. Although Person M's name did not appear on the 2019 nomination form, the panel found that the words used were clearly those from the feedback form completed by Person M. Further, the text appeared under the heading 'service user endorsement'.
74. The panel carefully considered the evidence of Person M. She had been clear and consistent in her evidence that she had never endorsed Mr Deloso's nomination for the 2019 SWOTY. The panel acknowledged that Social Work England's case on the evidence of Person M was that Mr Deloso had not telephoned her in 2018 to request permission to use the feedback, and therefore had not asked for permission at all.

75. The panel considered that Person M did her best to recollect the events which were now several years old. However, it bore in mind that, initially Person M had not been able to recall any prior dealings with Mr Deloso, or the completion of the feedback form until it had been shown to her in these proceedings. Person M had accepted that the feedback form had been completed by her and accepted the content of the form as her words. When asked by Mr Deloso if she remembered him phoning her to ask permission, Person M responded "I cannot remember".
76. On balance, the panel considered that it was not clear whether there had been the verbal request by Mr Deloso in 2018 to Person M for permission to use her words from her feedback form on the SWOTY application. However, Mr Deloso did not suggest to Person M in cross-examination that she had impliedly consented to the use of the feedback in future nominations. Mr Deloso had lately in the proceedings accepted that Person M had not endorsed his 2019 nomination by express request.
77. The panel determined that, taking into account Mr Deloso's admission and accepting Person M's evidence, Person M had not endorsed Mr Deloso's nomination for the 2019 SWOTY. However, Mr Deloso's use of the feedback form words in the 'service user endorsement' section amounted to a representation that Person M had endorsed the nomination when she had not. The panel found paragraph 1.3 proved.
78. The panel next considered paragraph 3 of the Allegation. The panel took into account that Mr Deloso had admitted dishonesty in relation to paragraphs 1.1 and 1.2. The panel noted that the nomination form for 2019 contained text which neither Person J nor Person N had written, although that was being represented as written by them by the placing of their names on the form. Person N had described the information attributed to her as 'inflated' and Person J had said that she would not have used these words and had not known some of the information.
79. The panel determined that Mr Deloso knew at the time that he completed the forms that the words attributed to them had not been written by Person J or Person N. He knew that they had not given their respective consents to being nominator or endorser. Despite this knowledge he knowingly created the forms, with the intent that he might be included in the 2019 SWOTY awards.
80. The panel took into account Mr Deloso's admission, but it was in no doubt that ordinary decent people would regard Mr Deloso's state of mind, in relation to paragraph 3 as it applied to each of paragraphs 1.1 and 1.2 to be dishonest.
81. The panel noted that Mr Deloso had, during the course of proceedings, admitted dishonesty in relation to paragraph 1.3. In this case, the words used in the nomination form had been words formulated about him by Person M. However, Mr Deloso knew at

the time that he had not requested the express permission of Person M for their use in the 2019 application.

82. Considering the ordinary meaning of 'endorsed' and that this was related specifically to the nomination, the panel concluded that Mr Deloso well knew that Person M had not endorsed his nomination, but the use of her words from her feedback form would give that indication.
83. The panel took into account Mr Deloso's admission, but it was in no doubt that ordinary decent people would regard Mr Deloso's state of mind, in relation to paragraph 3 as it applied to paragraph 1.3 to be dishonest.
84. The panel found paragraph 3 proved in relation to paragraphs 1.1, 1.2 and 1.3.
85. The panel having found facts proved, the hearing moved to the next stage, to consider the matter of current impairment.

Finding and reasons on grounds

86. Ms Bucklow submitted that the panel's findings in the case were serious. She submitted that probity went to the heart of the role of social worker: the role required honesty and integrity. Ms Bucklow referred the panel to the Sanctions Guidance and the comments in it giving specific guidance about dishonesty. She submitted that the dishonesty in this case was equivalent to that relating to misrepresenting qualifications and skills in a CV.
87. Ms Bucklow submitted that the misconduct had breached fundamental tenets of the profession. She referred the panel to the relevant HCPC Standards and in particular, paragraphs 9.1 and 9.2.
88. Ms Bucklow submitted that the misconduct was at the higher end of the spectrum of dishonesty. It had been deliberate and thought out. The dishonesty related to Mr Deloso's work which was an aggravating feature. He had deliberately created a login on the website. He could have made clear it was a self-nomination. He had entered the details of other people and attempted to conceal his actions. A degree of planning was apparent. Ms Bucklow submitted that Mr Deloso had still not acknowledged the full extent of his actions, relying on excuses for the use of the wrong email address and misspelling of names.
89. On the matter of insight, Ms Bucklow warned the panel of the danger of giving too much credit for recent changes of position by Mr Deloso. She submitted that his recent concessions may have arisen out of a force of circumstance and any true insight was in its infancy. Ms Bucklow submitted that, in some respects, Mr Deloso continued to refer to the involvement of others as a deflection. She submitted that his reference to English as a second language as a factor was not reasonable, in view of his competence in some of his applications and his work at a university.

90. Ms Bucklow submitted that Mr Deloso's character/testimonial evidence should be approached with caution as to how explicit he had been with the witnesses about the concerns. Although Mr Deloso states that they were fully aware of the detail of the investigation this was not reflected in their statements. She referred to Mr Deloso's emails; the first of which, to his previous line manager referred to family matters as a reason for not participating in the SWOTY 2019 process. In a later email to SWOTY, Mr Deloso requested his withdrawal from the awards stating that he may have '*violated the fair nomination process*'.
91. Ms Bucklow submitted that there was no evidence before the panel that Mr Deloso had undertaken any suitable training or courses. She said there was no evidence of his insight into attitudinal concerns. She submitted that his insight was extremely limited and there was not just a risk that he had caused harm, but a risk of harm going forward.
92. Ms Bucklow submitted that Mr Deloso's fitness to practise is impaired.
93. Mr Deloso gave evidence before the panel at this stage of the hearing. He submitted to the panel that this had been a one-off act of dishonesty and asked the panel to consider the matter before deciding on his future. He told the panel that he could not afford representation in the current proceedings.
94. Mr Deloso submitted that the facts found proved involved dishonesty at the lower end of the spectrum. He referred to a study: "*The concept of seriousness in fitness to practise cases*" by the University of Plymouth, Faculty of Health, Bryce, Reynolds *et al.*, published in February 2022.
95. Mr Deloso said that the study considered the concepts of Harm, Response and Attitudinal Issues. He said that he had minimised the risk of repetition of misconduct by [PRIVATE] and having weekly mentoring with his manager. He submitted that the case of *Kuzmin v GMC* had referred to the obligation of professionals to engage with their regulators, and that engagement was a relevant factor. Mr Deloso referred to the acknowledgement by Social Work England that he had engaged with the regulatory process.
96. Mr Deloso stated he had since minimised the risk of repetition by requesting his own banning from future SWOTY awards. In addition, he said, his line manager confirmed that she would report any future fitness to practise concerns about him.
97. Mr Deloso referred to 'environmental factors' and gave the panel some background about his experiences as an immigrant individual from a different culture. He described his experience of 'micro-aggressions' and alleged racist behaviour towards him from some ex colleagues.

98. Mr Deloso described a change of management culture which he had experienced on a change of social work team within the Council. He told the panel about an event in which he had been the one out of the team told to attend an out of area review meeting the following day, requiring him to set off in the early hours of the morning, without consideration for his own personal circumstances. He expressed his dissatisfaction at some of the changes of policy at the Council, which he felt were detrimental to the service. He offered these examples in the context of his reasons for leaving and stated that he had not been seeking promotion, being only newly-qualified.
99. Mr Deloso said that he had kept his managers at his new employing council fully appraised of the extent of the fitness to practise concerns. He said that he had provided them with copies of the Case Examiners' decisions, copies of the various Statements of Case and his responses. He said that he had not reviewed the witness statements of his testimonial witnesses, but had simply sent them on. Mr Deloso submitted that this was contrary to the submission by Ms Bucklow that he had only provided to his character referees a limited account.
100. Mr Deloso said that, at the time he had emailed the SWOTY organisation, stating that he may have violated their policies, he had only had minimal information about the fitness to practise concerns raised. He told the panel that the application had been completed in about 1 hour after a long day at work.
101. Mr Deloso told the panel that since the investigation he had re-engaged with his Christian faith. He was now a regular churchgoer and prayed daily. He submitted that the fitness to practise process had changed him for the better. He said that he had read several books on the topic of dishonesty. His current employer had attempted to find courses on dishonesty for him to attend, but without success. [PRIVATE].
102. Mr Deloso stated that he had '*been broken*' but '*was now repaired*'. [PRIVATE]. He said he had been helped to understand how he had come to complete the 2019 nomination form. He said that it was related to his past trauma and the micro-aggression and racism he experienced. He said the issues were interlinked, but submitted that he was now not blaming others or events but taking full responsibility for his actions. He said that he was now supervised and directly line-managed by a principal social worker. That social worker had a responsibility to refer any fitness to practise concerns. Mr Deloso referred the panel to the witness statements of his character/testimonial witnesses which had been introduced as evidence in the Facts stage of the hearing.
103. Mr Deloso told the panel that he was an immigrant of limited means. He is supporting his family back in the Philippines. He told the panel that he had offered to speak publicly about his lived experience of going through the fitness to practise process. He had explored representation but could not afford it and he recognised that this might limit his presentation. He asked the panel to exercise fairness and compassion, if it could. Mr

Deloso said that his ethnicity was a factor playing an important role in his one-off behaviour and asked the panel to allow him '*a second chance*'.

104. Asked to expand on his submission that he was a brown man, an immigrant, with an accent and how those factors had impacted on his actions, Mr Deloso told the panel that he considered that he would not have been nominated for SWOTY in 2019 despite everything he had done, due to his minority characteristics and that this was not his motivation, but was part of the surrounding factors which may have led to this dishonest act happening.
105. Asked why he had not requested endorsement from his colleagues, Mr Deloso said that it was part of his culture to be reluctant to ask for help, or to ask for compliments. He accepted that he could have asked his colleagues, as they were friends and he accepted that he had been dishonest. He accepted that the words he inputted about himself were compliments and admitted that they were fraudulent.
106. When questioned by the panel Mr Deloso said that he acknowledged that his acts had a grave impact on the profession. It had been made clear to him that such behaviour would not be tolerated by his new employer. He said that the public, if learning of his misconduct, would be very disappointed. He had worked hard to become a social worker. He thought some of the public would be compassionate, but there would be a negative impact on perceptions of him. He assumed that future service users might be suspicious of him.
107. Mr Deloso submitted that his response to the fitness to practise concerns had evolved over time. Initially, he said, he had exhibited a degree of defensiveness. He had been disappointed that his colleagues at the Council had not approached him with the concerns. Now he accepted that it had been correct to refer to the regulators. He said that whereas he previously referred to 'mistakes' or 'errors of judgement' he now accepted his had been a dishonest and fraudulent application in 2019.
108. Asked about his motivations, Mr Deloso said that he had not been motivated to advance his career but that there had been a degree of self-promotion. He said that as an active member of the Black and Asian Network he was conscious that not many of its members were nominated for awards and this may have been a factor.
109. Mr Deloso stated that he had referred in his email correspondence to family illness as a reason for withdrawal from SWOTY 2019 because it had been a factor in his mind at the time.
110. When asked about his view of his future as a social worker, he said that he needed further time to think about this due to the current proceedings.

111. Mr Deloso having given evidence, the Chair invited further submissions from Ms Bucklow. She submitted that the panel should still be cautious about the testimonial evidence, as none of the statements refer to having full knowledge of all of the facts or having been given relevant documents. She submitted that the panel should not rely on Mr Deloso's evidence about what the witnesses had been told by him.
112. Ms Bucklow submitted that the panel should be cautious about giving credit for insight which was only expressed today and should give this only limited weight. She submitted that proper insight should be rooted in reflection. She referred the panel to the last written submission by Mr Deloso in April 2022 where he continued to minimise his actions. She said that this was two and a half years after the incident.
113. She submitted that it was not realistic for Mr Deloso to suggest that the misconduct was limited to the one hour creating the form, as it had been submitted and left for months before withdrawal. She submitted that the dishonesty was elaborate: he had exploited the identity and professional standing of his colleagues. She stated that Mr Deloso's submissions that his dishonesty is at the lower end of the spectrum shows a continued lack of insight.
114. Having heard final submissions from Ms Bucklow, the Chair offered the chance for Mr Deloso to make further submissions in closing. Mr Deloso stated that he had said everything he wished to and would make no further comment.
115. The Legal Adviser advised the panel that it had now to decide, firstly whether the facts found amounted to misconduct as a statutory ground and, secondly whether any misconduct found demonstrated that Mr Deloso's fitness to practise is currently impaired. He advised that these were matters for the panel's own judgement, not involving a burden of proof. The Legal Adviser referred the panel to the test set out in *CHRE v NMC & Grant [2011]EWHC 927 (Admin)* and the Fifth Shipman Report by Dame Janet Smith.
116. The panel retired and took time to consider whether it judged there to have been misconduct in this case and whether, as a result Mr Deloso's fitness to practise is impaired. It bore in mind that, for the statutory ground to be made out, the question was whether the panel judged there to be serious professional misconduct.
117. The panel considered that certain of the HCPC Standards were engaged in this case, from the '*Standards of conduct, performance and ethics*' effective 2016. It considered that the following is engaged:

Disclosing information

5.2 You must only disclose confidential information if:

– you have permission;

- *the law allows this;*
- *it is in the service user's best interests; or*
- *it is in the public interest, such as if it is necessary to protect public safety or prevent harm to other people*

118. The panel considered that this standard was engaged by the use by Mr Deloso of personal information relating to the son of Person M in the Service User endorsement.

119. In relation to the issue of honesty, the panel considered the following standards are engaged:

9 Be honest and trustworthy

Personal and professional behaviour

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

9.2 You must be honest about your experience, qualifications and skills.

9.3 You must make sure that any promotional activities you are involved in are accurate and are not likely to mislead.

120. The panel considered that by engaging in the dishonest acts, Mr Deloso had undermined the trust that the public would place in him and the profession. He had been dishonest and inaccurate in seeking self-promotion and representing that others had expressed views about his skills and his abilities as a social worker that they had not.

121. 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.

122. The panel considered that it was unlikely that this had been an act of merely an hour's preparation, but in any event accepted the submission that the deception had been perpetrated and maintained over a significant period before the nomination had been withdrawn. The panel decided that each act of including the names of individuals and/or material represented to be an endorsement of his practice, as set out in paragraphs 1.1, 1.2 and 1.3, would be regarded as deplorable behaviour by members of the social work profession.

123. The panel concluded that the misconduct in relation to each of the paragraphs 1.1, 1.2 and 1.3 amounted to serious professional misconduct.

Finding and reasons on current impairment

124. The panel next went on to consider whether its findings on misconduct demonstrated that Mr Deloso's fitness to practise is impaired. It reminded itself that the decision was as to his current fitness to practise. However, the panel took into account his past actions and anything Mr Deloso has done to remediate this or to gain insight in the time up to the present.
125. The panel took into account and carefully considered the testimonial evidence provided on Mr Deloso's behalf. It accepted his evidence, that Mr Deloso has provided copies of the documents he stated to the persons concerned, so that they had an opportunity to see the concerns for themselves.
126. The panel had made its own appraisal of the misconduct committed by Mr Deloso and did not accept some of the character witnesses' assessments of misconduct, for example describing the investigation as appearing to be based on one incident relating to interpretation of advice. Nevertheless, the panel took into account that the witnesses gave a positive assessment of Mr Deloso's character and skills and gave this a limited degree of weight.
127. The panel gave some credit to Mr Deloso having admitted the facts, (except for 1.3) and related dishonesty at the outset of the hearing. It also gave credit for his later admission during the hearing to the facts in paragraph 1.3 and the associated dishonesty. However, the panel considered that the insight that Mr Deloso has demonstrated was tempered by its recent development in some respects.
128. The panel was concerned that, despite his acknowledgement that it was dishonest to act as he did, Mr Deloso has not fully appreciated the impact on his colleagues, the wider profession and the public of the extent of his dishonest acts. Mr Deloso was only able to engage with these issues when prompted by questioning from the panel. Mr Deloso did not provide the panel or his regulator with sufficient reflection of the issues that lay at the heart of the dishonesty or the effects that it has on the profession and the public.
129. The panel was concerned that Mr Deloso continued to rely on reasons that the form was completed quickly at the end of a busy day, that the information by Person N was 'inflated' and implicitly not completely untrue as this was his memory, as mitigation of the misconduct. He also suggested a link between his own status as an immigrant and the stimulus for the falsification, whereas the more correct explanation, also given by Mr Deloso, was that this was an attempt at self-promotion.
130. The panel acknowledged that dishonesty is both hard to remediate and it is also hard to demonstrate that remediation. The panel gave Mr Deloso some credit for his recognition and acceptance of his misconduct. [PRIVATE] and reflection with his supervisor. However despite this it considered that his insight is at present limited and at a very

early stage. For example he characterised the dishonesty at the lower end of the spectrum with which the panel entirely disagreed.

131. Further, the panel considered that, as a result of the serious nature of the misconduct in this case, members of the public would be very concerned that these had been the actions of a professional social worker. Therefore, in order to maintain public confidence in the profession and to maintain proper professional standards, the panel concluded that it should also make a finding of impairment in the wider public interest.
132. The panel concluded that, bearing in mind the seriousness of the misconduct and the lack of fully developed insight on his part, Mr Deloso's fitness to practise is currently impaired.

Interim order

133. Having found Mr Deloso's fitness to practise to be impaired the panel had insufficient time to conclude the hearing without adjourning to a further date. In light of its findings on facts and impairment, the panel next considered an application by Ms Bucklow for an Interim Suspension Order to cover the period until the next hearing.
134. Ms Bucklow submitted that Social Work England sought an interim suspension order. She submitted that an interim order had to balance the interests of the registrant with the interests of the public. She submitted that public confidence and professional standards necessitated an interim order. She submitted that there was a risk to the public from a social worker who had found to be dishonest continuing in practice. She reminded the panel of the case of *Khan v GMC* and that serious sanctions usually followed findings of dishonesty.
135. Mr Deloso stated that he did not wish to make any submissions on the application.
136. The Legal Adviser advised the panel that it had the power, pursuant to paragraph 11(1)(a) to make any interim order that it considered necessary for the protection of the public or in the best interests of the social worker. If it did decide an interim order was required, it should impose the least restrictive order which was necessary. He reminded the panel of the cases of *Ashton v GMC [2013] EWHC 943* and *Davey v GDC [2015] WL 6757832*.
137. The panel considered whether to impose an interim order. It was mindful of its earlier findings on fact, misconduct and impairment. It took into account that Mr Deloso had been in practice over the lengthy preceding period of in excess of two and a half years before this hearing. The panel had not been advised of any issue in regard to his practice in the intervening period. The panel was informed that, so far as known, there was no current interim order in place.
138. The panel decided that, in all the circumstances, it was not satisfied that it was necessary for the protection of the health, safety and well-being of the public to impose an interim

order in the intervening period prior to reconvening the hearing. Further, in relation to issues of public confidence and upholding standards, the panel considered that these would be appropriately dealt with when the panel resumed to make a final determination on sanction, but in all the circumstances there was not a necessity for an interim order until then, on these aspects of protection of the public.

139. The panel decided to not impose an interim order.

140. The case is adjourned to the next hearing date, fixed for 12 August 2022.