

Social Worker: Roy Reid

Registration Number: SW32976

Fitness to Practise:

Final Hearing

Date(s) of hearing: 12-13 September 2022

Hearing Venue: Remote hearing

Hearing outcome: Removal Order

Interim order: Interim suspension order 18 months (Commencing 13 September 2022 – 12 March 2024)

Introduction and attendees

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

Adjudicators	Role
Hermione McEwen	Chair
Louise Fox	Social Worker Adjudicator
Angela Duxbury	Lay Adjudicator

Natasha Quainoo	Hearings Officer
Heather Hibbins	Hearing Support Officer
Francesca Keen	Legal Adviser

Allegation

Whilst registered as a social worker you:

- 1) *On 24 June 2021, were convicted at South East London Magistrates' Court, sitting at Bromley Magistrates' Court, of the following offences:*
 - a) *On 14 July 2019, distributed an indecent photograph, namely one moving image, of Category A, contrary to section 1(1)(b) and 6 of the Protection of Children act 1978,*
 - b) *On 20 September 2019, distributed an indecent photograph, namely one moving image, of Category C, contrary to section 1(1)(b) and 6 of the Protection of Children act 1978.*
- 2) *On 19 August 2021, were convicted at Croydon Crown Court, of the following offences:*
 - a. *On or before 20 September 2019, made an indecent photograph, namely one moving image, of Category A, contrary to section 1(1)(a) and 6 of the Protection of Children act 1978,*

- b. *On or before 20 September 2019, possessed extreme pornographic image, namely three, which portray, in an explicit and realistic way a person performing an act of intercourse with a live animals, namely dogs and donkey, which were grossly offensive, disgusting or otherwise of an obscene character and a reasonable person looking at the image would think that any such person or animal was real, contrary to section 63(1), (7)(d) and 67(3) of the Criminal Justice and Immigration Act 2003.*
- 3) *The matters outlined in allegation 1 and / or 2 amount to the statutory ground of conviction in the United Kingdom for a criminal offence.*
- 4) *Your fitness to practise is impaired by reason of your conviction*

Facts proved: Particulars 1a, 1b, 2a and 2b.

Facts not proved: None

Grounds: Conviction

Impairment: Currently impaired

Sanction: Removal Order

Preliminary matters:

4. At the outset of proceedings the panel of adjudicators' (hereafter 'the panel') chair confirmed that the panel had received the following documentation:
- i. Statement of case (15 pages);
 - ii. Exhibit bundle (49 pages);
 - iii. Social worker's response bundle (8 pages);
 - iv. Hearing timetable (3 pages); and
 - v. Service and supplementary bundle (42 pages).

Service of Notice:

5. Mr Reid did not attend and was not represented.
6. The panel was informed by Ms Bucklow, appearing on Social Work England's behalf, that notice of this hearing was sent to Mr Reid, by special delivery, to the address

held for him on Social Work England's Register (hereafter 'the Register') on 08 August 2022. Ms Bucklow submitted that the notice of this hearing had been duly served.

7. The panel had careful regard to the documents contained in the service and supplementary bundle as follows:

- A copy of the Notice of hearing dated 08 August 2022 addressed to Mr Reid at his address as it appears on the Register;
- An extract from the Register detailing Mr Reid's registered address;
- A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 08 August 2022 the writer sent, by special next day delivery to Mr Reid at the address referred to above, Notice of Hearing and related documents;
- A copy of the Royal Mail Track and Trace Document indicating "signed for" delivery to Mr Reid's registered address on 09 August 2022; and
- A statement of service from a clerk at Her Majesty's Prisons Service confirming that the Notice and accompanying documents were handed to Mr Reid on 12 August 2022.

8. The panel accepted the advice of the Legal Adviser in relation to service of notice.

9. Having had regard to Rules 14 and 44 of the Fitness to Practise Rules 2019 (as amended) (hereafter 'the rules') and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Mr Reid in accordance with the Rules.

Proceeding in the absence of the social worker:

10. The panel heard Ms Bucklow's submissions in respect of proceeding in Mr Reid's absence. Ms Bucklow submitted that notice of this hearing had been duly served, Mr Reid had not made an application for an adjournment and as such there was no guarantee that adjourning today's proceedings would secure his attendance. Ms Bucklow further submitted that there would be no prejudice to Mr Reid in proceeding with the hearing as he had made written submissions and his most

recent response to Social Work England, dated 04 August 2022, indicated that he was aware of the hearing and did not wish to take part in it. Ms Bucklow therefore invited the panel to proceed, in the interests of justice and the expeditious disposal of this hearing.

11. The panel had regard to Mr Reid's letter dated 04 August 2022, to Social Work England. The panel noted that Mr Reid stated the following:

'In respect of your letter received and dated 26 July 2022, requesting that I make a submission by 8th August 2022. I make the following statement, which must be taken as my final submission, as I have no intention or need to engage in any protract [sic] communication with Social Work England or its representative.

I want to make it absolutely clear that despite the High Court in February 2022, having taken note of my appeal, reviewed my earlier sentence and significantly reduced the same, as it was deemed excessive. I do not want at any stage to seek employment in social work or the case sector.

I am confident and proud of the work that I was able to carry out over 17 years to create positive outcomes to children and their families.

Social Work England has demonstrated in its action that it is an organisation that serves to be punitive and offers no meaningful support to its social workers; therefore, I reiterate that I do not wish to have any further involvement with your organisation. Please take the necessary measures to remove me from your registration.

I trust that I have clearly stated my position and this now brings the matter to a total closure."

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

13. The panel considered all of the information before it, together with the submissions made by Ms Bucklow on behalf of Social Work England and those provided by Mr Reid.
14. The panel was satisfied that Mr Reid had been informed of the date, time and venue of the hearing in the Notice dated 08 August 2022 and had been given every opportunity to attend the hearing.
15. The panel determined that it was reasonable and in the public interest to proceed with the hearing for the following reasons:
- i. there had been no application to adjourn the hearing and no indication from Mr Reid that he would be willing or able to attend on an alternative date and therefore relisting the hearing would serve no useful purpose;
 - ii. Mr Reid, in his letter to Social Work England, dated 04 August 2022, stated that he did not wish to engage in the regulatory process and therefore the panel concluded that no useful purpose would be achieved in adjourning today's hearing;
 - iii. in light of Mr Reid's correspondence with Social Work England, the panel was satisfied that it was reasonable to conclude that Mr Reid's non-attendance was voluntary and therefore a deliberate waiver of his right to attend and participate in person; and
 - iv. the panel recognised that whilst there may be a disadvantage to Mr Reid in not being present to make oral submissions, the panel noted that it did have some written submissions from Mr Reid which it could consider. The panel was also of the view that any disadvantage that may be caused to Mr Reid was outweighed by the public interest in proceeding to hear the case. Mr Reid had been provided with every opportunity to engage in the hearing and had failed to do so.
16. Taking all of these factors into account, the panel concluded that it was appropriate to proceed with the hearing in the absence of Mr Reid.

Background

17. In October 2018, Mr Reid was employed by Croydon Council ('the Council') as a children's social worker. On 20 September 2019, Mr Reid was arrested at the Council's offices following an allegation that he had sent indecent images of children on a WhatsApp group, which had been set up for social workers, in Hillingdon, to arrange a leaving party for a member of staff working at Hillingdon. Mr Reid's employment was terminated verbally on the same day he was arrested.
18. On 23 September 2019, the Health and Care Professions Council ('HCPC') received a referral regarding Mr Reid. CP, a senior recruitment consultant at iPeople Solutions Ltd, made the referral.
19. On 05 May 2021, Mr Reid was sent a postal requisition informing him that he had been charged with distributing indecent images of children on two occasions, possession of indecent images and possession of extreme pornography.
20. On 24 June 2021, Mr Reid attended South East London Magistrates' Court, sitting at Bromley Magistrates' Court for the preliminary hearing. The Extract from the Magistrate Court Register states that the offences relating to distributing indecent photographs (the subject of Allegation 1a and 1b) were committed to Croydon Crown Court for sentence.
21. The offences relating to the production of an indecent image (the subject to Allegation 2a) and the possession of an extreme pornographic image (the subject of Allegation 2b) were sent for trial at the Crown Court. The committal for Crown Court Sentence Form states that Mr Reid indicated a guilty plea to both the distribution offences at this Magistrates Court Hearing.
22. On 19 August 2021, Mr Reid entered a guilty plea at Croydon Crown Court for offences relating to the production of an indecent image (subject to Allegation 2a) and the possession of an extreme pornographic image (subject of Allegation 2b).

23. On 23 September 2021, Mr Reid received a total of a 3-year custodial sentence. Mr Reid was also made the subject of a Sexual Harm Prevention Order for a period of 10 years, a Barring List Notice and a Forfeiture Order.
24. On 23 December 2021, the Disclosure and Barring Service wrote to Social Work England and confirmed that Mr Reid had been placed on both the Children's and Adult's Barred list.
25. On 22 February 2022, Mr Reid appealed against his sentence and the Court of Appeal (Criminal Division) granted his appeal and reduced his total sentence to two years and four months imprisonment. The Court of Appeal confirmed that Mr Reid would be required to comply with Schedule 3 of the Sexual Offences Act 2003, for ten years.

Summary of Evidence

Social Work England

26. Social Work England did not call witnesses to give evidence to the panel, instead Ms Bucklow relied upon the following documentation:
- i. Email from CP to HCPC;
 - ii. Postal requisition from Bromley Magistrates' Court;
 - iii. Committal for Crown Court Sentence Form;
 - iv. Extracts of the Magistrates' Court register;
 - v. Certificates of Conviction from Croydon Crown Court;
 - vi. Pre-sentence report from Croydon Crown Court;
 - vii. Crown Court sentencing remarks;
 - viii. Letter from the Disclosure and Barring Service to Social Work England; and
 - ix. Court of Appeal decision.

Mr Reid:

27. Mr Reid provided the following observations, in an email to Social Work England dated 26 August 2021 and contained within the bundle titled 'Social Workers response bundle':

'...I do not see this process as one that takes an objective position or give [sic] consideration to my good work and professional practice over the past 18 years of my career. Whilst I am aware that having accidentally sent a WhatsApp that caused me to break the law, any investigation into my years of practice in social work can only points [sic] to safe and holistic approach that was aimed at creating positive changed to the lived of children and their families. This is not the manner, that I would have wanted to end my practice, however, having had the experience of almost years of how there is absolutely no support from Social Work England, I would kindly ask that this letter is taken as my request to resign from your registration and have immediate termination from your register'.

28. The panel also noted that Mr Reid had provided further submissions in his later correspondence with Social Work England, dated 04 August 2022, outlined above.
29. Mr Reid did not provide any further detailed submissions or documentation for the panel's consideration.

Finding and reasons on facts

30. The panel was aware that the burden of proving the facts was on Social Work England. Mr Reid did not have to prove anything and the individual particulars of the Allegation could only be found proved if the panel was satisfied on the balance of probabilities.
31. In reaching its decision the panel took into account all of the documentary evidence contained within the hearing bundles as well as the parties' submissions.
32. The panel accepted the advice of the Legal Adviser.

Particulars 1 and 2: PROVED

1) *On 24 June 2021, were convicted at South East London Magistrates' Court, sitting at Bromley Magistrates' Court, of the following offences:*

a) On 14 July 2019, distributed an indecent photograph, namely one moving image, of Category A, contrary to section 1(1)(b) and 6 of the Protection of Children act 1978,

b) On 20 September 2019, distributed an indecent photograph, namely one moving image, of Category C, contrary to section 1(1)(b) and 6 of the Protection of Children act 1978.

2) *On 19 August 2021, were convicted at Croydon Crown Court, of the following offences:*

a. On or before 20 September 2019, made an indecent photograph, namely one moving image, of Category A, contrary to section 1(1)(a) and 6 of the Protection of Children act 1978,

b. On or before 20 September 2019, possessed extreme pornographic image, namely three, which portray, in an explicit and realistic way a person performing an act of intercourse with a live animals, namely dogs and donkey, which were grossly offensive, disgusting or otherwise of an obscene character and a reasonable person looking at the image would think that any such person or animal was real, contrary to section 63(1), (7)(d) and 67(3) of the Criminal Justice and Immigration Act 2003.

33. The panel had regard to the two 'Certificate of Conviction' documents contained within Social Work England's exhibits bundle. The panel noted that the first certificate stated that on 24 June 2021, at Bromley Magistrates' Court, Mr Reid pleaded guilty to two offences. The panel also noted that on the second Certificate of Conviction it stated that Mr Reid had pleaded guilty to two further offences, on 19 August 2021, at Croydon Crown Court.

34. In addition to the Certificates of Conviction, the panel also had regard to the following documents: postal requisition form; the Committal to the Crown Court form; the Magistrates' court extract Register; the probation pre-sentence report; the Crown Court sentencing judge's remarks; the Disclosure and Barring Service ('DBS') letter, dated 23 December 2021; and the Court of Appeal judgement, dated 22 February 2022.

35. Having regard to all of the evidence presented to it, the panel was satisfied that on 24 June 2021, Mr Reid was convicted of the offences outlined within particular 1a and 1b and that further, on 19 August 2021 Mr Reid was also convicted of the two offences outlined at particular 2a and 2b.

36. Consequently, particulars 1a, 1b, 2a and 2b are proved.

Finding and reasons on grounds

37. The panel took into account Ms Bucklow's oral submissions, made on behalf of Social Work England. The panel also accepted the advice of the Legal Adviser.

38. Having found particulars 1a, 1b, 2a and 2b proved, the panel went on to consider whether Mr Reid's convictions amounted to a statutory ground. The panel accepted the Legal Adviser's advice in respect of section 25 (2)(c) of The Social Workers Regulations 2018 in particular that '*a conviction or caution in the United Kingdom for a criminal offence*' would amount to a statutory ground.

39. Having regard to the Certificates of Conviction, the panel was satisfied that Mr Reid's convictions amounted to a statutory ground.

40. The panel considered the HCPC Standards of Conduct, Performance and Ethics (2016) and was satisfied that Mr Reid's conduct breached the following standard:

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

41. The panel also considered the HCPC Standards of Proficiency for Social Workers (2017) and was satisfied that Mr Reid's conduct breached the following standard:

- 3.1 - understand the need to maintain high standards of personal and professional conduct.

42. The panel was satisfied that Mr Reid's convictions fell very far below the standards expected of a registered social worker.

Finding and reasons on current impairment

43. Having found that a statutory ground had been met, the panel went on to consider whether Mr Reid's fitness to practise is currently impaired.

44. The panel took into account all of the evidence before it and it also had regard to the parties' submissions.

45. The panel also had regard to the Sanctions Guidance document published by Social Work England and in particular paragraphs 26 to 39, which outlined the factors to be taken into account when deciding impairment.

46. The panel accepted the advice of the Legal Adviser. The Legal Adviser advised the panel to consider the criteria set out in the case of Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Paula Grant [2011] EWHC 927, namely whether Mr Reid:

- Has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or
- Has in the past and/or is liable in the future to bring the profession into disrepute; and/or
- Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession.

47. The Legal Adviser reminded the panel, in accordance with the case of Cohen v General Medical Council [2008] EWHC 581, that it was relevant to ask whether Mr Reid's conduct is easily remediable, whether it has been remedied and whether it is highly unlikely to be repeated. In so doing, the panel should examine whether or not Mr Reid has demonstrated insight into his past behaviour. The Legal Adviser also advised the

panel to consider the public interest in accordance with the case of Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Paula Grant [2011] EWHC 927 and Yeong v GMC [2009] EWHC 1923.

48. The Legal Adviser also reminded the panel, when deciding current impairment the panel should have regard to the following aspects of the public interest:

- i) the 'personal' component: the current behaviour of the individual Registrant; and
- ii) the 'public' component: the need to protect service users, declare and uphold proper standards of behaviour and maintain public confidence in the profession.

49. The panel was aware that a finding of impairment is a matter for the panel's professional judgment. The panel first considered Mr Reid's current fitness to practise from the personal perspective and then from the wider public perspective.

50. The panel considered that Mr Reid's convictions were for extremely serious offences. In its view, the offences he pleaded guilty to were abhorrent. The panel noted that Mr Reid had not only been found guilty of distributing indecent photographs of very young children but had also been found guilty of making them. In the panel's view, Mr Reid's actions had caused harm to vulnerable children and to his social worker colleagues in exposing them to the material and had brought the social work profession into disrepute. In forming this view, the panel had regard to Judge Venters sentencing remarks, at Croydon Crown Court, which the panel concurred with, where she stated the following:

'As a social worker practising in child protection, you would be well used to liaising with the police and of working together with the police, and also would have known how serious these images would have been regarded. You didn't report them to the police because you were actively involved in the commission of these crimes, to which you have pleaded guilty.

Also your background and your experience, you would have known full well that these images portrayed children who were victims of sexual, physical, and

emotional abuse and you were facilitating the commission of that. You know full well that children subjected to such abuse are likely to suffer lifelong emotional and mental health issues, just as the children who were entrusted into your care as a social worker would have suffered from their experiences, so this is something that you would have been alive to’.

51. The panel next considered whether Mr Reid had demonstrated any insight or remorse. In the panel’s view, Mr Reid had demonstrated no insight or remorse for his actions in respect of the impact upon the vulnerable children who were the subject of the indecent material, which he possessed and distributed. Further, the panel also considered that Mr Reid had also demonstrated no remorse for, or insight into, how his actions may have impacted upon his colleagues at the Council, who had been inadvertently made to watch the indecent videos, the Council and the agency who employed him, other service users, or the wider public interest considerations such as the public’s trust and confidence in the social work profession. In the panel’s view, Mr Reid had only been concerned with his own interests throughout both the criminal and regulatory proceedings. The panel again agreed with Judge Venters when she stated in her sentencing remarks:

‘...the only remorse that you appear to have shown is that you caused yourself to be arrested..’

52. The panel next considered whether Mr Reid’s conduct could be remediated and determined that it could not. In the panel’s view, Mr Reid’s conduct had breached a fundamental tenet of the profession and his conduct was so appalling and constituted such a departure from the standards expected of a social worker let alone a Children’s Social Worker as he was, and of the trust placed in social workers by the public to protect the most vulnerable in society, that there were no steps that he could take to remediate his conduct.
53. The panel had regard to paragraph 38 of the Sanctions Guidance, which states ‘*A Social Worker may be incapable of successful remediation until they develop insight.*’ Given the panel’s finding that Mr Reid had demonstrated no insight into his actions or remorse, the panel concluded that Mr Reid was incapable of successful remediation. In

forming this view, the panel also noted that Mr Reid had at no point, in his correspondence with Social Work England over the last three years, apologised for any of the harm caused to the children, nor had he provided evidence of any other steps taken by him in an attempt to address his underlying sexual behaviour or predilections. Further, Mr Reid had shown a disregard for the regulatory role of Social Work England by blaming for being punitive and unsupportive. Instead, Mr Reid had chosen to focus on the impact that the proceedings had upon him and he had also sought to minimise his actions since his arrest. Consequently, the panel determined that Mr Reid had demonstrated deep-seated attitudinal issues, which he had not sought to address in any way.

54. Given Mr Reid's lack of insight, remorse and remediation the panel was not satisfied that his conduct would not be repeated. In forming this view, the panel had regard to the Probation Pre-sentence report and to the Judge Venters sentencing remarks where the learned judge stated:

'I also note from the presentence report that Mr Reid is – you are considered an immediate risk of harm to children'.

55. In addition, the panel also noted that Mr Reid had been included on the Data Barring Service 'barred list' for both Adults and Children.
56. In view of the aforementioned, the panel concluded that Mr Reid posed a real risk of harm to the public and that there was also real risk of repetition in respect of his conduct.
57. The panel next went on to consider whether this was a case that required a finding of impairment on public interest grounds in order to maintain public confidence in the profession and Social Work England as its regulator. A significant aspect of the public component is upholding proper standards of behaviour and Mr Reid's conduct fell very far below those expected. The panel was satisfied that a fully informed member of the public, who was aware of all of the background to this case, would be absolutely appalled and disgusted by Mr Reid's actions and would have their confidence in the profession and the regulator undermined if a finding of impairment were not made.

58. Accordingly, the panel found Mr Reid's fitness to practise currently impaired in respect of both the personal and public components.

Decision on sanction

59. Ms Bucklow submitted that the panel's role when deciding on sanction was not to punish Mr Reid, but to protect the public. She drew the panel's attention to the facts in the case and reminded the panel to have regard to its overarching objective to protect the public. Ms Bucklow drew the panel's attention to the section of the pre-sentence report detailing Mr Reid's risk of harm to children and the measures to be put in place for managing it. Ms Bucklow also drew the panel's attention to Social Work England's 'Sanctions Guidance' and submitted that the only appropriate sanction for Mr Reid would be to be removed from Social Work England's Register.

60. The panel noted that Mr Reid had, in his written submissions to Social Work England, requested that his Social Work England registration be terminated.

Panel Decision

61. In reaching its decision on sanction, the panel took into account the submissions made by the parties.

62. The panel also referred to the 'Sanctions Guidance' issued by Social Work England.

63. The panel accepted the advice of the Legal Adviser.

64. The panel had in mind that the purpose of sanction was not to punish Mr Reid, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct and performance. The panel was also aware of the need to ensure that any sanction is proportionate.

65. The panel determined that each of the aforementioned public interest objectives were engaged in this case and to assist it in assessing the relevant level of sanction, the panel identified the following aggravating and mitigating factors.

Aggravating factors:

- i. Mr Reid was working as a Children's Social Worker charged with protecting children from the very offences which he had been convicted of;
- ii. The children who were the subject of the images and videos were very young and Mr Reid had showed no regard for the lifelong impact that his actions would have upon them;
- iii. Mr Reid used derogatory language to refer to the children in text message exchanges with others referring to one child as a "*thing*", thus resulting in a dehumanisation of a very young child;
- iv. In response to the criminal allegations, Mr Reid gave incredulous explanations as to how he came to be in possession of the images and videos found on his electronic devices and he used his role as a social worker in attempts to justify his actions;
- v. Mr Reid had demonstrated a complete lack of insight and remorse into his conduct;
- vi. Mr Reid had caused harm to children, professional colleagues and the wider social work profession;
- vii. Mr Reid had contributed to the fuelling of an industry where the sexual abuse of children was its purpose; and
- viii. Mr Reid posed a high risk of repetition of his conduct.

Mitigating factor:

- i. Mr Reid pleaded guilty to the criminal offences at the earliest opportunity.

66. As advised by the Legal Adviser, the panel started its consideration of this matter from the bottom of the scale of possible sanctions.

67. The panel first considered taking no further action. In light of the seriousness of Mr Reid's convictions and the risk that he posed to the public, the panel did not consider that it was appropriate to take no further action. Taking no action would not protect the public from the risks identified by the panel.
68. The panel next considered whether to give Mr Reid an advice or a warning. The panel was of the view that such sanctions would not reflect the seriousness of Mr Reid's conduct or convictions. Mr Reid's actions caused harm to vulnerable children and the panel has already concluded that there is a high risk of such behaviour being repeated. Therefore, an advice or warning would not protect the public from the identified risks. The panel was also of the view that public confidence in the profession, and in Social Work England as its Regulator, would be undermined if such behaviour were dealt with by way of an advice or warning.
69. The panel next considered whether it was appropriate to place a conditions of practice order on Mr Reid's registration. In the panel's view, it was not. In the panel's view, there were no appropriate conditions of practice that could be devised, which would be workable or proportionate to address Mr Reid's conduct or attitudinal issues. Nor were there conditions of practice, which could be devised to afford the necessary protection against the risks of sexually motivated behaviour. The panel was again of the view that public confidence in the profession, and in Social Work England as its Regulator, would be undermined if such behaviour were dealt with by way of a conditions of practice order. The panel therefore considered that a conditions of practice order was not appropriate in this case.
70. The panel next considered whether to suspend Mr Reid versus removing him from the Register. The panel had regard to the sanctions guidance and in particular paragraph 105 which states:

'convictions for sexual assault or abuse of children through pornography are likely to require automatic removal of registration without adjudication'.

71. Further, the panel also had regard to 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'.

72. The panel also had regard to the case of CRHCP v GDC and Fleischman [2005] EWHC 87 (Admin). The panel noted that this case established the principle that:

'where a practitioner has been convicted of a serious criminal offence or offences, he should not be permitted to resume his practice until he has satisfactorily completed his sentence. Only circumstances which plainly justify a different course should permit otherwise'.

73. Having regard to this principle, the panel noted that Mr Reid had been convicted of four serious criminal offences and that he had received a prison sentence of two years and four months. He had also been made the subject of a Sexual Harm Prevention Order for a period of ten years. Whilst the panel noted that a suspension order would provide the public protection by preventing Mr Reid from practising for a specified period of time, it would not cover the duration of the Sexual Harm Prevention Order (ten years), as the maximum term that could be imposed for a suspension order is 3 years. In view of the fact that Mr Reid is subject to the Sexual Harm Prevention Order for a period of ten years, and in view of the severity of the offences for which Mr Reid was convicted, the panel determined that the only appropriate sanction in this case was one of removal.

74. Whilst the panel noted that this was a sanction of last resort, the panel considered that it was the only appropriate sanction to address the immediate risks presented by Mr Reid and to address the wider public interest considerations, which the panel determined, had been engaged. In the panel's view, members of the public would be outraged and extremely concerned if a social worker with the convictions that Mr Reid possesses, who is subject to a

Sexual Harm Prevention Order for a period of ten years, was permitted to resume his practise as a social worker in three years time, protecting the most vulnerable members of society. The panel was also satisfied that a removal order was the appropriate order to impose to: uphold proper professional standards; maintain public confidence in the social work profession; and to send a clear message to the wider profession that such conduct would not be tolerated.

75. Consequently, for all of the reasons outlined above, the panel determined to remove Mr Reid's name from the register.

Order: The Registrar is directed to remove Mr Reid's name from Social Work England's register.

Interim order

76. In light of its findings on sanction, the panel next considered an application by Ms Bucklow for an interim suspension order to cover the appeal period before the sanction becomes operative.

77. The panel considered whether to impose an interim order. It was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a Removal Order to conclude that an Interim suspension order was not necessary for the protection of the public and otherwise in the public interest for the appeal period.

78. Accordingly, the panel concluded that an interim suspension order should be imposed on public protection and public interest grounds. It determined that it is appropriate that the interim suspension order be imposed for a period of 18 months to cover the appeal period.

79. When the appeal period expires this interim order will come to an end unless there has been an application to appeal. If there is no appeal this shall apply when the appeal period expires.

Right of Appeal

80. 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.

81. 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.

82. 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.

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

Review of final orders

84. 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.

85. 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.