



Social Worker: Benn Vaughan

Registration Number: SW105135

Fitness to Practise:

Final Hearing

Dates of hearing: 18 July to 20 July 2022, 5 - 7 October 2022, 12 -14 October 2022

Hearing Venue: Remote hearing

Hearing outcome: Removal Order

Interim order: Interim Suspension Order for 18 months (expiring 14 April 2024)

Introduction and attendees

1. This is a final hearing held under Part 5 of The Social Workers Regulations 2018.
2. Mr Vaughan did not attend and was not represented.
3. Social Work England was represented by Ms Joao-Manuel, Counsel, instructed by Capsticks, Solicitors.

Adjudicators	Role
Clive Powell	Chair
Jill Wells	Social Worker Adjudicator
Sally Underwood	Lay Adjudicator

Khadija Rafiq / Paul Harris	Hearings Officer
Thanvi Hoque	Hearing Support Officer
Graeme Dalgleish	Legal Adviser

Service of Notice & Proceeding in Absence:

4. The panel of adjudicators ("the panel") had regard to the documents contained in the hearing service bundle and heard from Ms Joao-Manuel. The panel considered a copy of the notice of the hearing dated 17 June 2022 sent to Mr Vaughan by special delivery to his postal and also to his email address; an extract from the Social Work England Register detailing his registered addresses, and a copy of a signed Post Office receipt dated 18 June 2022. The panel accepted the advice of the legal adviser and was satisfied that notice of this hearing had been properly served.
5. The panel heard from Ms Joao-Manuel on proceeding in absence. It accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether to proceed in the absence for Mr Vaughan. The legal adviser referred it to Rule 43 and to the guidance in *GMC v Adeogba* [2016] EWCA Civ 162 and *R v Jones* [2002] UKHL 5. It has found that proper notice of this hearing has been served and there is no application for an adjournment by Mr Vaughan, who has not responded and not engaged at this or any earlier stage of these fitness to practice proceedings. The panel found that there is nothing to suggest that adjourning today's proceedings would secure Mr Vaughan's attendance on another date.
6. The panel decided that Mr Vaughan has chosen to voluntarily absent himself. Having weighed the interests of Mr Vaughan with those of Social Work England and the public interest in an

expeditious disposal of this case, the panel determined that it was fair and appropriate in all the circumstances to proceed in his absence. There is a public interest in proceeding.

Allegation (as amended on 5 October 2022):

“Whilst registered as a social worker you:

- 1. Following your application for adoption of Child A and Child B, on 25 February 2017, did not inform, Newcastle City Council and/or Caritas Care of the following information until confronted with information obtained via third parties:*
 - a. Your relationship breakdown in respect of Person A and/or your new relationship with Person B and/or*
 - b. That you allowed Child A and Child B to spend time with Person B, who had not been assessed by the relevant services; and/or*
 - c. Your allegations of domestic violence in respect of Person A; and/or*
 - d. Your concerns about the alcohol consumption of Person A;*
- 2. Did not inform the authorities of the relevant information in paragraph 1 above, in a timely manner, so as not to jeopardise the application.*
- 3. Following your application for adoption of Child A and Child B, on 25 February 2017, placed Child A and B at risk of harm because you did not consistently take into consideration their safety; and/or fulfil their physical and/or emotional needs, in that you:*
 - a. allowed Child A and / or Child B to spend time with Person B, who had not been assessed by the relevant services;*
 - b. allowed Child A and / or Child B to be exposed to an environment where you alleged domestic violence and/or volatile behaviour;*
 - c. allowed Child A and / or Child B to be exposed to an environment where you alleged excessive and/or inappropriate alcohol consumption by person A;*
 - d. Did not follow the guidance in relation to time spent away from the family home during the children's settling in period”*
- 4. On or around 11 November 2018, were involved in an altercation with Person B:*
 - a. Where you threw a glass at Person B causing minor injury; and/or*

- b. Did not inform Cumbria County Council of the incident in a timely manner.*
- 5. Between 10 December 2018 and 22 January 2019, you did not engage with Cumbria County Council's investigation.*
- 6. Did not respond to enquiries or engage with the fitness to practise investigation of your social work regulator namely:*
 - a. The Health and Care Professions Council, between 12 September 2019 and 1 December 2019; and/or*
 - b. Social Work England, between 2 December 2019 and 20 October 2020*
- 7. Your actions as set out in paragraph 2 and/or 4(b) above were dishonest.*

The behaviour alleged in particulars 1-7 constitutes misconduct. By reason of your misconduct your fitness to practise is impaired.

Preliminary matters - Application to hold the Hearing in Private

- 7. The panel raised the issue of a public and/or private hearing given the nature of the allegations and circumstances. Ms Jaoa-Manuel submitted that it was Social Work England's position that it was prudent to hold proceedings in private given the particular issues that arise.*
- 8. The legal adviser referred the panel to rule 38 and the need to balance the public interest in a public hearing with the need to protect the interests of parties to the hearing. The panel was mindful of the risk of jigsaw identification and the need to protect the identities of a number of vulnerable people, including children, concerned with this hearing. There is information before the panel about the context and circumstances of this case that the panel was concerned could readily allow for jigsaw identification of those parties. The panel decided that their interests and rights to family life and privacy were such that it was appropriate to hold the entire hearing in private. The panel had considered whether it could conduct the hearing part in public, part in private, however it decided that to do so would not be manageable or practical.*