

Social worker: Sybrand Jacobus
Martinson
Registration number: SW33379
Fitness to Practise
Final Hearing

Dates of hearing: 05 June 2023 to 21 June 2023

Hearing venue: Remote hearing

Hearing Outcome: Fitness to practise impaired, removal order

Interim order: Interim suspension order (18 months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Mr Martinson did not attend and was not represented.
3. Social Work England was represented by Mr Luke Blackburn, counsel, case presenter instructed by Capsticks LLP.

Adjudicators	Role
Frank Appleyard	Chair
Belinda Henson	Social worker adjudicator
Chantelle Whitehead	Lay adjudicator

Hannah Granger	Hearings officer
Mollie Roe	Hearings support officer
David Mason	Legal adviser

Service of notice:

4. Mr Blackburn informed the panel that Mr Martinson had sent a message to Social Work England on Friday 2 June 2023 indicating that he would attend the hearing at 11.00 on 5 June 2023. Mr Blackburn said that Mr Martinson had given no reason why he would not be in attendance at 9.30, the time indicated on the notice of hearing. He submitted that the panel should proceed in the absence of Mr Martinson.
5. The panel of adjudicators had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of the final hearing dated 5 May 2023 and addressed to Mr Martinson at his address and email address which he had provided to Social Work England;
 - An extract from the Social Work England Register as at 3 May 2023 detailing Mr Martinson’s registered address and email address;
 - A copy of a signed statement of service dated 25 May 2023, on behalf of Social Work England, confirming that on 5 May 2023 the writer sent by next day delivery service and by email to Mr Martinson at the addresses referred to above: notice of hearing and related documents;
 - A copy of the Royal Mail Track and Trace Document indicating that the documents had been collected on 18 May 2023 from a delivery office and signed for in the name of ‘Martinson’
6. The panel accepted the advice of the legal adviser in relation to service of notice. He advised that the duty upon Social Work England was to prove that the notice of hearing, containing

the information required by the Rules and giving not less than 28 days notice of the hearing, had been sent to Mr Martinson. He advised that Social Work England did not have to prove that the documents had been received by Mr Martinson but that there was evidence of them being both sent and received by him.

7. Having had regard to Rule 44 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 Martinson in accordance with the Rules.

Proceeding in the absence of the social worker:

8. Mr Blackburn, on behalf of Social Work England, submitted that notice of this hearing had been duly served, therefore invited the panel to proceed in Mr Martinson's absence in the interests of justice and the expeditious disposal of this hearing. He submitted that it was clear that Mr Martinson knew that the hearing would commence today at 9.30 and that he had given no reason why he would not be in attendance then.
9. 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 and the need for the panel to proceed with great care and caution when deciding whether to proceed in the absence of Mr Martinson. The panel also took into account Social Work England guidance 'Service of notices and proceeding in the absence of the social worker'. The legal adviser advised that the panel should consider whether Mr Martinson had voluntarily absented himself from the hearing and whether a fair hearing could take place in his absence.
10. The panel considered all of the information before it, together with the submissions made by Mr Blackburn on behalf of Social Work England. The panel noted that Mr Martinson had been sent notice of today's hearing and the panel was satisfied that he was aware of today's hearing and of the time it was to start. It further noted that Mr Martinson had told Social Work England that he would attend at 11.00 on 5 June 2023.
11. The panel therefore concluded that Mr Martinson had chosen voluntarily to absent himself from the hearing. It had no reason to believe that an adjournment would result in Mr Martinson's attendance. Having weighed the interests of Mr Martinson in regard to his attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Mr Martinson's absence.

Preliminary matters:

Application to discontinue in part

12. On behalf of Social Work England Mr Blackburn made an application under Rule 27(2) that the panel, in its case management role, should give leave to Social Work England to

discontinue its case against Mr Martinson in relation to particular (1)(ii) and particular 6 in relation to schedule 1 paragraph (iv).

13. Mr Blackburn told the panel that in relation to allegation (1)(ii), witness NM had indicated that she was no longer in practice as a social worker, was living in Germany and did not want to be further involved in assisting Social Work England in this case. Mr Blackburn said that an application had been made by Social Work England at a Case Management Meeting (CMM) held on 18 and 19 March 2023 that the evidence of NM should be admitted as hearsay evidence. This application, he said, had been refused. It was therefore no longer possible, he submitted, for Social Work England to prove the factual basis for this particular and that it was appropriate for the panel to give leave for it to discontinue its case in relation to it.
14. In relation to particular 6 and schedule 1 paragraph (iv), Mr Blackburn told the panel that an application had been made at the CMM for the Royal Mail docket referred to in the particular to be admitted as hearsay and that this application had been refused. He said that it had not been possible to contact the Royal Mail driver who had attended at Mr Martinson's property on 10 December 2021 to deliver the documents. Mr Blackburn submitted that as it was no longer possible for Social Work England to prove this factual particular, it was appropriate that the panel give it leave to discontinue this part of its case.
15. Mr Blackburn submitted that the application could be granted without any unfairness to Mr Martinson as the effect of the application being granted would be to reduce the case Social Work England brought against Mr Martinson.
16. The panel accepted the advice of the legal adviser. He referred the panel to Rule 27(2) and to the Social Work England guidance on discontinuance. He advised that the panel should consider whether granting the application would cause any unfairness to Mr Martinson where the application was to reduce the case brought against him.
17. The panel decided to grant the application made by Social Work England. It was clear to the panel that as there was now no reasonable prospect of Social Work England proving the factual particulars referred to, it was fair to Mr Martinson that they be discontinued.

Allegations (as amended)

The Allegations arising out of the regulatory concerns referred by the Case Examiners on 21 July 2022 are:

Allegation 1

Whilst registered as a social worker at Surrey County Council:

1. You did not communicate appropriately and effectively with colleagues, in that you behaved aggressively, on the following instances:

- i. On 5 July 2018 with colleague MG;

- ~~ii. On 7 September 2018 with colleague NM;~~
- iii. On 8 September 2018 with colleague GW; and
- iv On 16 October 2018 with colleague JH.

Allegation 2

Whilst registered as a social worker at Buckinghamshire County Council:

2. In January and February 2021, you did not work with KS of Oxford Health CAMHS in a constructive way in relation to Person L

Allegation 3

Whilst registered as a social worker at Buckinghamshire County Council:

3. In January and February 2021, you failed to make adequate case records for Person L.

Allegation 4

Whilst registered as a social worker at Buckinghamshire County Council:

4. You lacked professionalism in your communication with the police, in that you were obstructive and/or angry, in the following instances:

- i. On 8 February 2021; and
- ii. On 17 February 2021.

Allegation 5

Whilst registered as a social worker at Buckinghamshire County Council:

5. On 8 February 2021 you recommended the removal of Person Z from a parent's care without sufficient reasoning or supporting evidence.

Allegation 6

Whilst registered as a social worker at Oxfordshire County Council:

6. You failed to practise and/or act and/or behave professionally as set out in Schedule 1:

Schedule 1

- i. In a support session with young person A on 19 November 2021;
- ii. In a virtual review meeting for young person A on 1 December 2021;
- iii. In a support session with young person A on 7 December 2021;
- iv. In a phone call with Thames Valley Police on or around 10 December 2021;
- v. In a phone call with LB on 8 December 2021; and
- vi. ~~At your home with a Royal Mail worker on 10 December 2021~~

Your actions in Allegation 1 to Allegation 6 constitute misconduct.

By reason of your misconduct your fitness to practise is impaired.

Background

18. Social Work England provided the following background in its statement of case:

‘On 28 January 2019, Social Work England received a self-referral regarding the Respondent social worker, Sybrand Jacobus Martinson (“the Social Worker”).

In January 2018, the Social Worker was employed on an agency basis as an Assessment Team Manager at Surrey County Council.

In July 2018, Witness MG was a social worker employed by Surrey County Council in the Child in Need Team. The Social Worker’s role included supervising MG. On 5 July 2018 at work, the Social Worker acted and spoke towards MG with a raised voice, in a manner, which upset MG and made her cry.

In September 2018, Gemma Wood (“GW”) was a social worker employed by Surrey County Council in the Child Protection Team. The Social Worker’s role meant he sometimes needed to interact with GW. On or about 8 September 2018 at work in discussing a situation with her, the Social Worker was aggressive and hostile, and appeared intimidating.

In October 2018, Witness JH was a social worker employed by Surrey County Council as a Senior Family Support Worker in the North West Child in Need Team. The Social Worker’s role meant he sometimes needed to interact with JH. On 16 October 2018 at work in discussing a situation with her, the Social Worker spoke to JH in an aggressive manner.

On 29 October 2018, recorded number of those at Surrey County Council who raised concerns regarding the Social Worker gave their accounts, and on 2 November 2018 an investigation was conducted into the Social Worker by managers at Surrey County Council.

Following the Social Worker’s self-referral, he worked as an Agency worker at Buckinghamshire County Council in the Assessment Team. During his time at Buckingham County Council a number of concerns were raised by his colleagues and those from other agencies regarding his conduct.

On 1 March 2021, Kiri Summers of Oxford Child and Adolescent Mental Health Services (CAMHS) referred the Social Worker to Social Work England arising from the Social Worker's behaviour during his allocation to Person L's case.

FTP-19851 was raised by Social Work England, and related to concerns whilst the Social Worker was employed at Buckinghamshire County Council following receipt of information from Buckinghamshire County Council.

In August 2021, the Social Worker was recruited by Oxfordshire County Council as an agency worker doing complex work with children.

On 14 December 2021 Julia Hamilton, service manager referred the Social Worker to Social Work England in respect of concerns relating to the Social Worker's employment at Oxfordshire County Council arising from his allocation to the case of Person A.'

Admissions:

19. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the 'Rules') states:

Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.

20. Mr Martinson, having indicated that he would attend the hearing at 11.00 am on 5 June 2023, failed to attend then or subsequently. The panel, having resolved to proceed in his absence, had the allegations read into the record. As Mr Martinson was not present, no admissions were made by him. The panel then went on to determine the disputed facts.

Summary of evidence:

Social Work England

21. Social Work England provided the following documents to the panel:

- Discontinuance bundle
- Exhibits bundle
- Statements bundle
- Unused material bundle
- Statement of case
- Service and supplementary bundle
- Mr Martinson's response bundle

Social Work England also provided the following digital information to the panel:

- Recordings of conversations between Mr Martinson and police call handlers and police officers
- Police body camera recorded video

22. Social Work England called the following witnesses:

Ms Gemma Woods

Allegation particular 1iii

23. Ms Woods adopted her statement signed on 9 February 2023 as part of her evidence to the panel. She told the panel that she was a registered social worker and that in 2018 she was working as a team manager in the Surrey County Council's Child Protection team. Ms Woods told the panel that she was involved in an incident with Mr Martinson around 8 September 2018, but had been aware of issues before this involving him.
24. In relation to the incident around 8 September 2018 Ms Woods told the panel that she was dealing with two young people where one was being dealt with by her team and the other by Mr Martinson's team. The young person being dealt with by her team, she informed the panel, was considered to be the perpetrator of harm to the young person being dealt with by Mr Martinson's team. She said that there was an issue over a multi professional strategy meeting to consider intervention under The Children Act 1989 s47 (the Act). Ms Woods said that a decision was needed over which team would take the lead on the meeting. She said that her opinion was that the victim, being dealt with by Mr Martinson's team, should be the subject of the first strategy meeting but that Mr Martinson disagreed and said that the alleged perpetrator should be the subject of the first meeting.
25. Ms Wood said that she was stressed on that day by pressure of work and the delay in making progress on the child protection issues raised in the two cases. She said that she had a 'heated' discussion with Mr Martinson and then sought the advice of the Service Manager, Ms Jane Gillett, who Ms Wood said agreed with her opinion. Ms Wood said that when she sought to convey this to Mr Martinson he lost his temper. She described this as embarrassing and unprofessional, as it took place in the presence of colleagues. Ms Wood went on to describe Mr Martinson entering an adjacent room with one of his managers and that he was talking about the case. She said that she spoke to Ms Marize Viljoen, Mr Martinson's manager, and told her that Mr Martinson's conduct was inappropriate. Ms Wood described Mr Martinson raising his voice and acting aggressively towards her, saying 'You are being rude to me'. She said that she was later asked to attend an internal interview about the matter on 24 October 2018 which was recorded in a note of the interview, which she said was probably a more accurate record of events than her statement signed on 9 February 2023.
26. In answer to questions from the panel, Ms Wood confirmed that she had not made a formal complaint about the incident but had informed a manager about it, which she thought was sufficient. She said that it was a stressful day before this incident but that this had not affected her actions towards Mr Martinson or her recall of events.

Witness JH

Allegation particular 1iv

27. Witness JH adopted her statement signed on 10 March 2023 as part of her evidence to the panel. She told the panel that she was not a registered social worker and that at the time of the events related to Mr Martinson she was employed by Surrey County Council as a Senior Family Support Worker. Witness JH said that the role involved working with social workers to provide support to families. She told the panel that Mr Martinson was her line manager and that she had had concerns about him before the events of 16 October 2018.
28. Witness JH said that on 16 October 2018 she had prepared a rota for January 2019 for social workers and Family Support Workers. She referred in her evidence to a written account which she said was an accurate account of events and which had been sent by email to Marize Viljoen, Mr Martinson's line manager, on 16 October 2018 and to the notes of an interview taken on 29 October 2018 as part of an internal investigation carried out by the Council.
29. Witness JH said that Mr Martinson had become angry with her because she had included him in the rota she had prepared. She said that whilst Mr Martinson had said he had told her he was on leave then, she had no recollection of this and that all Mr Martinson had to do was to change the rota. Witness JH said she was shocked at the way Mr Martinson had spoken to her, which she described as aggressive and confrontational. She said that she was in tears, after the event which had shaken her.
30. Witness JH said that after the initial confrontation Mr Martinson had returned and complained about her contacting Ms Viljoen, although he had also contacted her about what Witness JH regarded as a minor event.

Witness MG

Allegation particular 1i

31. Witness MG adopted her statement signed on 19 April 2023 as part of her evidence to the panel. She told the panel that she was a registered social worker and at the relevant time she had been employed by Surrey County Council as a social worker in the Child in Need Team with Mr Martinson as her direct manager.
32. Witness MG said that she was a mixed race South African, and that Mr Martinson was a white South African who spoke Afrikaans as his first language. She said that having fought injustice in South Africa she found that Mr Martinson speaking in Afrikaans to other South Africans in the office difficult.
33. Witness MG described how on 5 July 2018 she had visited her GP who had given her a medical certificate signing her off work for a month. She said that she then worked for the rest of the day. Witness MG said that shortly before the end of the working day she had given Mr Martinson the certificate and that he became 'enraged'. She described Mr Martinson as walking towards her screaming, which caused her to be in tears. Witness MG said that whilst she was in a room being consoled by colleagues Mr Martinson had entered

the room and told her she should not be there. She said that by this time she was hysterical and in shock. Witness MG said she had not expected a professional person to act like that. She said that Mr Martinson's conduct had damaged her confidence and affected her view of line management.

Kiri Summers

Allegation particular 2

34. Ms Summers adopted her statement signed on 21 March 2023 as part of her evidence to the panel. She told the panel that she was a registered social worker and a registered psychotherapist. Ms Summers said that she was employed by Oxford Health NHS Trust and worked clinically in Buckinghamshire's Children and Adolescent Mental Health Services (CAMHS).
35. Ms Summers told the panel that she was the allocated care worker for Service User L. She said that Service User L had various vulnerabilities, including anxiety, obsessive compulsive disorder and previous trauma. Ms Summers told the panel that Service User L had a difficult relationship with her mother, who she said drank heavily, and who could be 'vicious'. Ms Summers said that when working with people like Service User L she was 'there to be their voice and to bring forth what their view might be.'
36. Ms Summers said that one of Service User L's problems was that she had problems with 'acute food refusal'. She also said that the case was complicated by Service User L's mother obtaining private treatment for her because she was not satisfied with the service CAMHS provided, which was not disclosed to them. Ms Summers informed the panel that Mr Martinson was assigned as Service User L's social worker when she was admitted to hospital in January 2021 because of problems with eating and self-harm. She said it was routine to allocate a social worker when self-harm was a factor.
37. Ms Summers referred to a discharge planning meeting held remotely on 19 January 2021. She described how Mr Martinson was late in joining the meeting and that he took part without using a private room.
38. Ms Summers told the panel that she phoned Mr Martinson on 27 January 2021 to discuss Service User L, in particular her mother's drinking. She said that Mr Martinson referred to Service User L's mother's view that CAMHS was causing delays. Ms Summers said that she had proposed holding a discussion between professionals only, with which Mr Martinson disagreed 'forcefully'. She said that he was 'dismissive' of her proposal.
39. Ms Summers said that an email had been received by CAMHS's Operational Lead on 1 February 2021 from Service User L's mother. She said that the email address had been provided to Service User L's mother by Mr Martinson, which she described as inappropriate in an email she sent to Mr Martinson. Ms Summers said that this gave the wrong impression to Service User L's mother and undermined the clinical judgement of herself and the doctor who was engaged with the case.

40. Ms Summers told the panel that she called Mr Martinson on 3 February 2021 to follow up on the emails of 1 February 2021. She said that she wanted to discuss a care plan for Service User L to unify the services of the agencies involved. Ms Summers said that in the course of the call Mr Martinson began to shout. Ms Summers described this as a 'gender bias thing' and said that Mr Martinson's conduct was 'unreasonable and out of control.' She said that Mr Martinson would not listen to her during the call and kept blaming her for what he said had or had not been done. Ms Summers said that the call was all about Mr Martinson and that during it Service User L was 'invisible'. She said that during the call Mr Martinson had accused her of mispronouncing his name. Ms Summers said that she was particularly concerned that during this call Mr Martinson repeatedly said that he didn't know who to believe, which she said should have been a matter for discussion, not a 'default position' of mistrusting colleagues. She said that Mr Martinson had made Service User L's mother's complaints the focus of his attention, but it was Service User L's views which were important. Ms Summers said that the call had involved a lot of criticism of her, in which Mr Martinson accused her of not communicating with him.
41. Ms Summers told the panel that she sent an email to Mr Martinson on 7 February 2021 indicating that after discussions it had been agreed that their respective managers would take the issue forward. She said that Mr Martinson responded by sending her an email on the same day stating that he had told his manager that Ms Summers had been defensive during their call and at times 'aggressive and rude.' Ms Summers said that she had escalated matters to her line manager who had contacted Witness VM, Mr Martinson's line manager. She said that after this Mr Martinson left the employment of the Council. Ms Summers said that her concern throughout was the impact on Service User L, and that whilst there should be concern for Service User L's mother, she was an adult and that the child should have priority. She said that she remained angry about what had occurred.
42. In answer to questions from the panel, Ms Summers said that she could not recall why Mr Martinson was not in favour of professionals only meetings, and that he just said it was 'unnecessary'. She also said that the impact of Mr Martinson's behaviour was that Service User L was not the centre of the discussion, as she should have been. Ms Summers said that at the end she knew the views of Service User L's mother and Mr Martinson, but not Service User L's views. She said that this had no particular impact, but that it was a concern she had. In response to a panel question as to whether Mr Martinson had offered other meetings Ms Summers said no.

Marize Viljoen

Allegation particular 1

43. Ms Viljoen adopted a statement signed by her on 10 April 2023 as part of her evidence to the panel. She told the panel that she is a registered social worker and that when concerns arose over Mr Martinson she was employed as Service Manager by Surrey County Council, overseeing a Child in Need team.
44. Ms Viljoen said that her team provided services and intervention under Section 17 of the Act. She said that this involved the assessment of children and intervention if necessary that

might last for weeks or months. Ms Viljoen said that Mr Martinson was employed by the Council as a Team Manager, and that he was responsible for carrying out supervision of social workers and ensuring children were seen and assessed. She said he was required to carry out appraisals and was expected to be a positive role model. Ms Viljoen said that she was Mr Martinson's line manager. She said that he was very experienced.

45. Ms Viljoen referred the panel to a chronology of events which she prepared as part of an investigation into Mr Martinson's conduct. She said that Mr Martinson had an assertive manner and an 'authoritarian' management style. She raised within supervision that his manner could be perceived as rude/blunt or confrontational, but Mr Martinson demonstrated no insight into this. In response to a question from the panel, Ms Viljoen confirmed that there had not been any concerns raised in respect of Mr Martinson's actions towards service users. She said that Mr Martinson was child focused in his approach and knew his children well.
46. Ms Viljoen referred the panel to the incident involving Witness MG, who she said thought there was a racial element in her relationship with Mr Martinson.

Witness VM

Allegation particulars 2, 3 and 5

47. Witness VM told the panel that at the time of the concerns over Mr Martinson she was employed by Buckinghamshire County Council as Assistant Team Manager in the Chiltern and South Bucks Assessment Team. She said that in that role she supervised 7 or 8 social workers and that she had been Mr Martinson's supervisor. She said that this involved day to day case supervision of particular cases and arranged supervision at set times. Witness VM said that her relationship with Mr Martinson had been good.
48. Witness VM described the relationship between CAMHS and social services as 'interesting'. She said that the general view among social workers was that CAMHS was difficult to work with because the two agencies had different approaches to cases. Social services, Witness VM said, was concerned with families and that if, for instance, a child took an overdose, CAMHS would provide therapy but social services would have a continuing role. She said that communication was vital and that the services should be working together.
49. In relation to Service User L, Witness VM said that she had been admitted to hospital and that it was important for Mr Martinson, who had been allocated to her case, to know what services CAMHS would provide on her discharge and that it was important to know that her eating disorder would be addressed. Witness VM said that she spoke to Ms Nikki Saunders from CAMHS who told her that one of the professionals in the service had raised concerns about Mr Martinson. She said that she had been provided with a chronology of Service User L's involvement with CAMHS and a note of the call 3 February 2021 between Ms Summers and Mr Martinson. Witness VM said that CAMHS asserted that Mr Martinson was taking the side of the family and raised this in meetings. She said that the relationship between Mr Martinson and CAMHS was complicated and that he was acting as advocate for Service User L's parents. She said that there was no care plan for Service User L's eating disorder and that

her mother was not happy about this, which caused Mr Martinson to raise it on her behalf. Witness VM said that the other professionals involved were not happy with this.

50. Witness VM said that Mr Martinson was not given any specific instructions over Service User L's case and that she did not have concerns generally about his communication with other professionals, except with CAMHS. She said that she spoke to Mr Martinson about it but could not remember exactly what happened. Witness VM said the communication between Mr Martinson and CAMHS was not 'clear' and that there should have been better communication between them.
51. In relation to Service User L's notes, Witness VM said that the Council had Practice Standards for recording case notes. She said that so far as she was aware Mr Martinson would have been aware of these. Witness VM said that the notes she had reviewed contained details of conversations and correspondence between Mr Martinson and other professionals but that they should have contained records of all home visits carried out by him, which they did not. She said there were notes of one visit to Service User L but that it lacked analysis. Mr Martinson said that copying and pasting into records was acceptable but that in places more detail and analysis was required.
52. In relation to Service User Z, Witness VM said that Mr Martinson was the allocated social worker when a Section 7 assessment had to be carried out. She said these assessments were court directed and that they required that the child be asked directly about their living situation. Mr Martinson said that a social worker carrying out a Section 7 assessment had to consider whether a child was at immediate risk of harm. She said that there was a process to follow which required an initial child and family assessment. Witness VM said that if there appeared to be an imminent risk of harm, a social worker had to consult with the police over a Police Protection Order (PPO).
53. Witness VM said that in Service User Z's case, Mr Martinson wanted a PPO when he visited the child's home on 8 February 2021. She said that Mr Martinson had phoned her from his car and had said that Service User Z's father was aggressive and that he had had an argument with him. Witness VM said it was apparent the argument involved Mr Martinson and Service User Z's father, not the child. She said that whether a PPO was required was a matter of opinion, but that from her conversation with Mr Martinson she did not think that a PPO was required. Witness VM said that Mr Martinson was an experienced social worker and should have known the Council's protocol in that situation, although she had not looked at it. She said that the police took the case over and Mr Martinson was removed from it.
54. In answer to questions from the panel, Witness VM said she had discussed Mr Martinson with her head of service and had agreed to prepare a chronology for disciplinary and performance proceedings against him.

PC Harry Rose

Allegation particular 6 Sch 1iv

55. PC Rose adopted a statement signed by him on 12 May 2023 as part of his evidence to the panel. He said that he was a police constable for Thames Valley Police and that on 10

December 2021 he had carried out a follow up call with Mr Martinson. PC Rose said that he understood that Mr Martinson had made a complaint against a child he had visited as a social worker. He said that the log showed that Mr Martinson had made a 999 call from the premises where the child was. PC Rose said that no officers had attended the scene which had upset Mr Martinson.

56. PC Rose said that Mr Martinson had agreed to provide a statement for use in court if necessary but that when he began to take the statement Mr Martinson became unhappy and would not provide basic details required for the statement. He said that Mr Martinson accused the police of not taking his complaint seriously and became argumentative. PC Rose said that he had asked Mr Martinson to calm down on several occasions and that his sergeant, Sergeant William Ranford was nearby and could hear the conversation when he put it onto loudspeaker. PC Rose said he was shocked by Mr Martinson's conduct as it was not what he expected from a social worker. He said that he had not spoken to Mr Martinson after this call, but had sent him an email to tell him that the case was being dealt with by the youth justice team.
57. In answer to questions from the panel, PC Rose said that normally victims talk to him but that it was the opposite with Mr Martinson.

Sergeant William Ranford

Allegation particular 6 Sch 1iv

58. Sergeant Ranford adopted a statement he had signed on 10 March 2023 as part of his evidence to the panel. He told the panel that he was a police sergeant for Thames Valley Police. He said that he was first aware of Mr Martinson on 7 December 2021 after he reported an alleged assault. Sergeant Ranford said that PC Rose was assigned to the case.
59. Sergeant Ranford said that he became involved with Mr Martinson when he overheard a phone call between PC Rose and Mr Martinson on 10 January 2021. He said that the call was not unusual, except that he would not expect a police officer to tell a social worker to calm down. Sergeant Ranford said that he spoke to PC Rose after the call who told him that Mr Martinson would not give basic details to him and had referred to PC Rose as 'You English People'. He said that he had reviewed the log from when Mr Martinson had spoken to the initial call handler and when he rang back some hours later.
60. Sergeant Ranford said that his view was that Mr Martinson's conduct fell below what was expected of a social worker and that he was concerned with his welfare. He therefore, he said, reported Mr Martinson to his manager, Ms Julia Hamilton, at the Council.
61. In answer to questions from the panel, Sergeant Ranford said that a reference in the records to Mr Martinson being intoxicated came only from the call handler who dealt with his 999 call and that there was no evidence of intoxication. He said that he had no memory of another reported incident involving Mr Martinson and the police.

Olivia Harris

Allegation particular 6 Schedule 1ii and iii

62. Ms Harris adopted a statement signed by her on 3 May 2023 as part of her evidence to the panel. She told the panel that she was employed by Oxfordshire County Council as an Independent Review Officer (IRO), responsible for reviewing children's care plans and chairing child protection conferences.
63. Ms Harris told the panel that Service User A had moved to the Council from another area. She said he was involved in gangs and gang violence. Ms Harris said that Service User A was accommodated by the Council under a Section 20 agreement, which was a voluntary agreement to provide care. She said that there were concerns over Service User A's involvement with gangs and violence.
64. Ms Harris told the panel that a Looked After Child (LAC) review meeting was held on 1 December 2021 to discuss a care plan for Service User A which she attended. This, she said, was a meeting between herself as IRO, the social worker and Service User A. Ms Harris said that the purpose was to ensure Service User A's views were being taken into account, that the placement was suitable and that Service User A's financial and other needs were being met.
65. Ms Harris said that Mr Martinson had full access to Service User A's records. As IRO, it was, she said, her role to ensure that the plan was properly reviewed but that the IRO is not involved in creating the plan. Ms Harris said that she had received no information about Service User A prior to the meeting and that it was apparent that there was no care plan in place.
66. Ms Harris said the meeting was held by Teams. Service User A joined by phone and Mr Martinson online, Ms Harris said that a support worker who had been working with Service User A also joined the meeting. She said that Mr Martinson's role at the meeting was to support Service User A and to provide details of the care plan.
67. Ms Harris told the panel that she asked the questions she would normally ask about the care plan and that it was obvious Mr Martinson did not know any of the detail. She said the support worker did provide information. Ms Harris said there was an exchange about a pair of trousers Service User A wanted to have recovered from his previous accommodation, to which Mr Martinson said that it was not his problem. She said that she asked about what money was being provided for Service User A and that Mr Martinson said that it did not matter as Service User A's father was providing money to him. Ms Harris said that Service User A was entitled to money whether or not his father was providing money for him. She said that when the support worker asked valid questions Mr Martinson was rude to her, raising his voice and gesticulating. She said that instead of dealing with a child's needs, she was having to manage a conversation between adults. Ms Harris described the meeting as a 'nightmare'.
68. Ms Harris said that Service User A did not have the review to which he was entitled and that he had found the situation as hilarious, saying that Mr Martinson was 'fucking crazy'. She said that Mr Martinson's behaviour was so bad that she muted him. Ms Hamilton said that she reported Mr Martinson to his manager because his behaviour was 'rude, inflammatory and argumentative'.

69. In relation to events on 7 December 2021, Ms Harris said that she had called Service User A to enquire if his financial allowance had been arranged. She said that Service User A referred to an incident involving Mr Martinson that day involving an argument over money and that his father had to hold him back to prevent him from hitting Mr Martinson, who was rude and aggressive. Ms Harris said that arguing with a child was 'outrageous'. She said that she had told Service User A how to make a complaint.
70. In answer to questions from the panel, Ms Harris said relationships between Service User A and Mr Martinson after the meeting on 1 December 2021 were very poor and that Service User A wanted another social worker. She said she would not normally be involved in this but had contacted his manager about reallocating Service User A to another social worker.
71. Ms Harris said that Service User A laughed at Mr Martinson during the meeting and said he was 'mental'. She said that Mr Martinson became more aggressive as the meeting went on and that she was having to protect the support worker, as Mr Martinson was saying wholly inappropriate things to her. Ms Harris said that she took the threats Service User A had made after the 7 December 2021 incident to harm Mr Martinson seriously as he had said if he saw him again he would kill him. She said she had checked on whether Service User A was receiving money as it was important and was needed for his basic needs. Ms Harris said that she was surprised that Mr Martinson went to the premises where Service User A was on 7 December 2021 as it was unsafe.

Julia Hamilton

Allegation particulars 6 Schedule 1ii, 1iii, 1v, 1v

72. Ms Hamilton adopted a statement signed by her on 23 March 2023 as part of her evidence to the panel. She told the panel that at the time when concerns were raised about Mr Martinson, she was employed by Oxfordshire County Council as a Service Manager. She said she was not Mr Martinson's line manager but was providing assistance because his manager was on sickness absence.
73. Ms Hamilton said in relation to Service User A that he had come to the Council from another area. She said that Service User A had a name he preferred to his given name. Ms Hamilton said that there were concerns because he was involved with gangs.
74. Ms Hamilton said that Service User A had been taken into care because of his vulnerability and placed in supported housing accommodation. She said that this had broken down because of how Service User A had interacted with other residents and incidents of anti-social behaviour. She said it was decided that Service User A should be moved to other accommodation. Ms Hamilton said that Mr Martinson had been allocated the task of moving Service User A. She said that Mr Martinson had 'rolled up his sleeves' and had taken Service User A and his belongings to his new accommodation. Ms Hamilton said that the relationship between Service User A and Mr Martinson was at first 'ok'.
75. Ms Hamilton said there were documented referrals to Service User A's violent behaviour but that this referred to his involvement with gangs and that other social workers had not raised concerns over Mr Martinson's safety.

76. Ms Hamilton said that Service User A had become frustrated with Mr Martinson, as had Mr Martinson with Service User A. This had come to a head, she said, at the LAC review on 1 December 2021. Ms Hamilton said that this was reported to her after concerns had been raised by Ms Harris.
77. Ms Hamilton said that she called Mr Martinson on 8 December 2021 to ask him about events on 1 and 7 December 2021. She said that Mr Martinson had said that he was not sure what was required of him when Service User A was asking for money. Ms Hamilton said it was complicated, but that Mr Martinson was an experienced social worker and should have found out what to do. She said she was surprised that Mr Martinson had visited Service User A on 7 December 2021. Ms Hamilton said that Mr Martinson should have given Service User A his money and left, not entering the premises, which she said showed poor judgment. She said that Mr Martinson complained that Service User A had assaulted him and spat in his face, which she accepted must have caused distress. Ms Hamilton said that not leaving the money Mr Martinson had gone to deliver was a strange decision and had made the position worse. She said that she was concerned over Mr Martinson's mental health but that he had said he did not need help. Ms Hamilton acknowledged that the situation between Service User A and Mr Martinson should have been dealt with more urgently after the events of 1 December 2021.
78. Ms Hamilton referred to a report of an incident between Mr Martinson and customer services on 8 December 2021.
79. Ms Hamilton said that she considered Mr Martinson's practice 'unsafe' and that whilst she had concerns for him, he was engaged as an agency worker and was not the Council's responsibility and his engagement was terminated on 10 December 2021.
80. Ms Hamilton referred to the contact made with her by Sergeant Ranford about his concerns. She said she had asked him to put his concerns in writing but by then Mr Martinson was no longer engaged by the Council.
81. Ms Hamilton told the panel that because of her concerns she had reported Mr Martinson to Social Work England.
82. In answer to questions from the panel, Ms Hamilton said that Service User A should have had another social worker allocated after the 1 December 2021 IRO meeting. She said that she was not aware two managers had to attend on 19 November 2021 to support Mr Martinson and the support worker, which she said was unusual in her experience and which had taken up valuable time when the service was under pressure.

Laura Baker

Allegation particular 1v

83. Ms Baker adopted a statement signed by her on 6 February 2023 as part of her evidence to the panel. She told the panel that she was employed by Oxfordshire County Council as a Senior Systems Officer in the payments and systems data team.

84. Ms Baker told the panel that part of her work was to ensure that payment details were accurate. She described the system for placement plans being put on the system to make payments for accommodation. Ms Baker said that this was done by social workers but that her team could put a placement plan onto the system.
85. Ms Baker told the panel that on 19 November 2021 she received an email advising that Service User A had been moved to a new placement. She said that Mr Martinson had completed the plan but that it was the wrong kind and that she contacted Mr Martinson by email on the same day to tell him that the plan needed to be changed. Ms Baker said that she then contacted Mr Martinson on 25 November and 26 November 2021 without any response. She said that as the aim was to complete changes within 10 days it was common practice to contact a social worker's manager if no response was received. Ms Baker told the panel that the time allowed to elapse was in the discretion of herself and her staff. Ms Baker told the panel that she had emailed the social worker twice offering to delete the temporary plan and replace it with the correct plan, subject to his approval. Mr Martinson had not responded to her offer.
86. Ms Baker told the panel that as Mr Martinson had not amended the plan by 7 December 2021, she sent him an email to remind him and copied in his manager. As she had received no response from either by 8 December she sent another email, copying in Mr Martinson's manager's manager. Ms Baker said that immediately after this she received an audio call from Mr Martinson by Teams, which was unusual as normally a social worker would send a message. She described Mr Martinson as being immediately confrontational and said that while she was trying to explain the system to him, Mr Martinson was concerned only with why the message had been escalated, not the problems that might be caused to a service user. Ms Baker said that Mr Martinson spoke in a raised voice and spoke over her whilst accusing her of speaking over him. Ms Baker said a lot of social workers struggle with the system and she gives advice to them regularly. Sometimes they are irate but this is the only time she has ever had to put the phone down which she did as she felt 'attacked'. She described how she was shaken by Mr Martinson's conduct and contacted her manager.
87. In answer to questions from the panel, Ms Baker said that the time frame of events was typical and that there was no corporate guidance over the time taken to respond to emails.

Sam Lockhart

Particular of allegation 6 Schedule 1i

88. Mr Lockhart said that at the time of his involvement with Mr Martinson he was employed by Oxfordshire County Council as a support worker. He said that he was asked by his line manager to assist in moving Service User A by attending where he was living on 19 November 2021 to meet Mr Martinson who was to tell Service User A, who had not been given any advance warning, that he was to be moved.
89. Mr Lockhart said that when he arrived it was clear that Mr Martinson was frustrated with the task he had been given. He said that when he arrived Service User A was not there and that Mr Martinson had spoken to him by phone. Mr Lockhart said that it was apparent that

the conversation had not gone well and that Service User A had not received the news that he was moving well.

90. Mr Lockhart described to the panel how he went to collect Service User A and that Service User A had then begun to pack his belongings. He said that whilst it was apparent that Mr Martinson was frustrated with the task he had been given, he acted professionally until Service User A arrived. Mr Lockhart said that Mr Martinson was using Service User A's birthname which annoyed Service User A who wanted him to use his preferred name. He said that Mr Martinson used phrases like 'you are a very rude boy.' He said that there was a problem over Service User A's belongings as his new accommodation did not have room for his furniture. Mr Lockhart described Mr Martinson as becoming angry and saying that it was not his job to move Service User A. He said that he had arrived at the property at 3.30pm but that it was 8.30 pm by the time his manager and Mr Martinson's manager arrived, having been called to deal with the situation. Mr Lockhart described Mr Martinson as being 'passive aggressive' with Service User A. He said it made him 'uncomfortable' and that Mr Martinson made a bad situation worse in that as a social worker he should take control of situations but that he had been required to do so because of Mr Martinson's conduct.
91. In answer to panel questions, Mr Lockhart said that relationships between Service User A and Mr Martinson were very poor after these events and that Service User A said he never wanted to see Mr Martinson again. He said that he would not normally be involved in reallocating service users social workers but that he had had spoken to his manager about it. Mr Lockhart said that Service User A laughed at Mr Martinson a lot and referred to him as 'mental' and 'crazy'. He said that Mr Martinson became increasingly aggressive. Mr Lockhart said that this was the only time he had known managers being called to 'calm' situations.

Mr Martinson's material

92. Mr Martinson did not attend the hearing at and was not represented. In his absence, the panel considered a bundle of documents provided by Social Work England as Mr Martinson's response.
93. Mr Martinson provided a general response on 8 April 2022. He said that he had been unfairly dismissed by Oxfordshire, Surrey and Buckinghamshire children's services and had unfairly referred him to Social Work England. He said that he had claims for victimisation and harassment and had been discriminated against because of his race. Mr Martinson said that as a white South African, he had inherent characteristics in the way he dealt with people, which he said included loudness and an argumentative conversational style. Mr Martinson said that as a male he had been discriminated against because a female would not have been treated as he had been. He said that most people were complimentary about his work. Mr Martinson said he was passionate about his work and that his 'natural personality' tended to emerge when he was discussing child safeguarding.
94. In relation to particulars 2 and 3 of the Allegation, Mr Martinson denied that he had been unprofessional towards Ms Summers. He said that she had worked with Service User L's family for almost three years with, according to the child and her mother, 'limited affect or change'. Mr Martinson said that Ms Summers had a problem with being open in their

conversations and had been unprofessional when she could not accept that he had been open with Service User L and her family. He said that Ms Summers had shown anger towards him. Mr Martinson said that everyone struggles with communication but that Ms Summers did not appreciate the need to be patient with him. He said that Service User L's mother was concerned about her daughter's mental health and thought that it was not being properly treated. Mr Martinson expressed shock that Ms Summers, he said, did not understand that mental health problems affect around one in six children. He said that he thought Ms Summers' unprofessional actions were partly because she knew CAMHS could not meet the needs of Service User L. Mr Martinson said that his role was to complete a family assessment but that she had tried to predict and influence its outcome. He listed services he hoped could be put in place for Service User L. He said that a private psychiatrist had disagreed with CAMHS plan, but that Ms Summers had dismissed his advice.

95. Mr Martinson said that Service User L's case was not discussed with him and was added to his case load out of working hours. He said that Service User L and her mother thought he was an excellent social worker and could not understand why Ms Summers did not respond to emails and phone calls promptly.
96. In relation to his record keeping, Mr Martinson said that he was only the social worker for Service User L for twenty-one days and had a high case load. Mr Martinson said that he added most of the information to the child and family assessment.
97. In relation to particular 6 of the Allegation, Mr Martinson referred to his claims that he had been discriminated against because of his race. He said that his manager was not concerned about his safety when he went to see Service User A. He said that the review meeting of 1 December 2021 had been badly dealt with and that Service User A had been allowed to call him names. He said that the IRO should have terminated the meeting earlier.
98. In relation to events on 7 December 2021 Mr Martinson said that Service User A had called him and was very angry and demanding money. He said when he went to the premises Service User A's parents were there and that Service User A shouted at him and that he had also become angry.
99. The response bundle contained emails between Social Work England and Mr Martinson about witnesses he said he wanted to contact about his case and which set out Social Work England's advice to him in relation to this and other procedural issues.
100. The panel was provided with a note compiled by Mr Blackburn on behalf of Social Work England setting out material and issues which might be in Mr Martinson's favour.

Application to admit evidence

101. Mr Blackburn made an application to admit evidence that had not been disclosed to Mr Martinson in accordance with the directions made at a Case Management Meeting. He said that in the course of Ms Hamilton's evidence she referred to a document containing a string of emails concerning Service User A. She said that this was a document which included Mr Martinson's comments on the information contained in the emails. Mr Blackburn said that although this had not been provided to Mr Martinson as disclosure he was familiar with it as

he had added comments to it. He said it was fair to Mr Martinson to admit it as it contained his comments and that it was not the only evidence Social Work England relied on in relation to Service User A.

102. The panel accepted the advice of the legal adviser. He advised that the panel should consider whether there was unfairness to Mr Martinson in admitting the evidence as the document contained material which might be to his advantage. The panel decided to admit the document as Mr Martinson had previously seen it and had added comments to the original emails which might assist him.

Finding and reasons on facts:

Submissions

103. Mr Blackburn made submissions orally by reference to a written note:

“I remind the panel of something obvious but crucial: it is for SWE, through the evidence called, to persuade you, not for Mr Martinson to show anything. I say that at the beginning but only because it is important, but also because there is no evidence from him.

I do not suggest that his absence can or should be held against him: it should not.

But the absence means that where a witness has described an incident, there is no contradiction to that witness’s account. Contradiction could be through challenge, by questioning, or could be by Mr Martinson or another witness having told you it wasn’t as the witness said. That has not happened. The panel is not *bound* to accept what the witnesses say, but it would need a good reason to decide otherwise, given that they are all uncontradicted.

Please bear in mind that the whole reason this panel is considering these matters is because they happened in Mr Martinson’s life as a social worker. It was always obvious to everyone that he was a social worker. Sometimes he reinforced the point, by emphasising that he was a social worker. I do not criticise him for doing that. But at all times these were public actions and public words as a social worker: these were not, for example, moments of grumpiness which anyone of us might exhibit in our private lives.

Each of the six allegations should be considered separately. Some of them have different constituent parts: plainly, you do not need to find all of the parts proved to find the whole allegation proved.

Having said what I have about separate consideration of the six allegations, I may now seem to contradict that. It’s a matter for you as a panel, but you may have noticed quite distinctive patterns of behaviour running through much of the evidence. In a short while I’ll set out what seem to be three of those patterns. Then I’ll address you about mental health, and then turn to the six allegations separately.

You are permitted to look at the evidence first, and what it tells you. You may decide that is the wisest approach. What is the bigger picture? The pattern is especially important in taking a reasonable and fair approach. The panel might forgive a single incident, even a bad one, especially if it were followed by an apology, or some other evidence of insight or learning, and still not find an impairment.

On the other hand, if you see a pattern, that might tell you the significance of each individual example.

How should you deal with it, if you find to the relevant standard of proof that throughout the period dealt with in the allegations, so July 2018 to December 2021, Mr Martinson was often ill-tempered and even sometimes aggressive with people, when acting, in different ways, as a social worker? You would only have done so based on the evidence that you have heard. But if you have come to that conclusion, on the overall evidence and all of it, you are entitled to use that finding when you turn to the allegations. For example when you turn to allegations one and six, but also others too, you may use that general judgement you have reached in considering the different allegations.

The pattern will also help you understand why some did not report Mr Martinson. We can all tend to see something as a one-off, especially when to us, it was a one-off. You as a panel can see the bigger picture: the witnesses who didn't report could not.

His behaviour is not being criticised in retrospect. He knew in July 2018 that there was a problem, and the disciplinary process later that same year can only have reinforced it.

Three patterns

You might call it loss of temper, or being overbearing, but I suggest the clearest pattern of all throughout the evidence is of ill-temper directed at others. At the start of the case it might have seemed to be a gendered response, that he couldn't cope with women, but there is more to it than that. The panel will I am confident give due weight to the strains of the moment. Two of the incidents were frightening and unpleasant. That is one of the reasons I invite you to look at the pattern, the tendency. That will show you, I suggest, that he didn't just get upset and angry when it might be forgivable: he did so often, including when it was not forgivable.

The second pattern is tied to the first, but is of a different quality. It is less serious perhaps than the anger, but under the pressure of a confrontation partly (or largely) of his making, he showed a clear tendency to excessive assertions of his authority, sometimes by seeking to undermine that of the person he was speaking to. "I want to speak to your manager," which is almost the stuff of cliches, but that is what he would say, along with saying he'd only give his personal details to an Inspector. Often the panel heard "Please give me your shoulder number." He would accuse others of being rude or speaking over him, where in fact he was the one making the running. If that was the pattern shown consistently, the panel may agree that each time this was unattractive conduct for someone of his profession.

The third pattern is also related to the first, and often sprang from it. This pattern is less stark, but can still be made out from the evidence. We make some of our worst decisions when we are angry. There are examples of poor judgement in the allegations, which show a lack of objectivity or not adhering to proper professional standards.

There doesn't need to be any direct evidence of mental health concerns for the panel to raise in its own minds the topic of mental health. Here, the topic was raised by others: the police were concerned about what Mr Martinson said, and Julia Hamilton the last witness asked him about it.

That said, there is no value in speculating about whether and to what extent he had mental health difficulties at the relevant times. Whatever it was, he had no insight into it. Someone in that situation who has not engaged with the state of his mental health, or who has to some extent but is in denial of it, will continue to act in the same manner.

It was always open to Mr Martinson to tell you, or call evidence, about his mental health.

If you find impairment here it will plainly be something you would want to consider in terms of how the panel sanctions Mr Martinson.

Allegation one

Witness MG

When she provided the medical certificate he was enraged saying 'how could you give this to me now,' and walking towards her. He raised his voice and was angry. He was screaming at her and coming after her. She felt degraded. She ended up crying, and when a colleague consoled her he said to the colleague that she was not supposed to be in there. As a result of the incident her confidence has completely disappeared. It was not an issue of his culture, which she knew: he was menacing and very loud.

A note made in 2018 shows that the witness didn't want to be alone with the social worker. He accused her of pointing at him.

Gemma Wood

He lost his temper, pointed his finger and was aggressive and hostile. She found it embarrassing and unprofessional. Afterwards she had a 'jelly' feeling and her legs felt wobbly.

A note made in 2018 shows he said 'you've been really rude to me,' and was really angry. She was glad she wasn't in the room with him on her own.

Witness JH

He kicked off at her. The tone of his voice was aggressive. She was on the phone in tears afterwards.

Two notes made in 2018 shows that he said 'don't tell me I didn't send that to you.' He said that he wasn't happy with the way that she had spoken to him. He was very aggressive.

Allegation two

Person L, constructive

L's case required scrupulously careful handling, given its complexity and the risks to the service user. Mr Martinson's refusal to have a professionals-only meeting was especially concerning given the potentially damaging role the mother was taking, I suggest. Encouraging the latter to email as he did of itself did no particular harm, but articulated his mistaken attitude to his role. He failed to understand what he had done wrong.

Witness VM said in her live evidence that she never knew of anyone refusing a professionals-only meeting.

In the 3 February phone call he started shouting: he was unreasonable and out-of-control. He wouldn't listen. He blamed Ms Summers, attacking her and criticising her. L was invisible, and the conversation was all about Mr Martinson. His remark that he didn't know who to believe, like the email, articulated the true lack of objectivity he had about the situation. Ms Summers is convincing, when she says she found that a highly concerning remark. It didn't feel like the child was being protected. 'The social worker's conduct was so lax and off the mark, it was horrible.'

After the disagreement with Kiri Summers the social worker was accusing her of being extremely defensive and sometimes aggressive and rude. He emphasised that he was still waiting for the minutes of the meeting, which is a surprising thing for him to still be focusing on, and represents I suggest an attempt to spread blame.

Allegation three

L inadequate case records

In the notes there should be more analysis of the visit on 18 January 2021.

The notes themselves show entries made by the social worker, where his name can be seen an exhibit pages 179, 186, 188, 192 and 194.

At exhibit page 196 the panel can see a simple example of what Witness VM meant by analysis of information and action notes. To do otherwise is merely to act as a mover of information, without having any function beyond that. What if the material conveyed expressed a danger, or a matter which needed urgent action in the interests of the young person? There is no sign that the social worker had any meaningful involvement or engagement with the notes.

Allegation four

Police on 8th and 17th Feb

The BWV speaks for itself. Mr Martinson was offended that he was spoken to by the police second. He complained of the manner in which the officer was speaking to him.

On the 17th February Mr Martinson was immediately aggressive and irate, shouting about the officer treating him poorly. He needed to be threatened with arrest before he would agree to meet the officer, who was merely trying to treat him as a victim of crime. It was about ten minutes of mostly shouting. He shouted at and spoke over a second officer, who also needed to threaten to arrest him.

Allegation five

8th Feb Z removal without sufficient reasoning or supporting evidence

On the BWV he said that he was concerned about the way the father was angry towards *him* (as opposed to the child), and relied on as his other reasons her calling someone Mum who was not the mother, and eight months without her seeing her mother. Even after being told *himself* not to come back because of a possible breach of the peace he would not take the point. He added reasons of emotional harm or neglect when challenged about the weakness of his reasoning by the officer. He refused to give any private details

The social worker didn't establish who Z's father's anger was directed at. The disagreement appeared to be between the social worker and the father.

The note made at the time by Vimbai Mavagira shows that Mr Martinson knew the friction was between him and the father. It was the child seeing the father shouting at the social worker that was the reason the child needed to be removed. The social worker was angry and was told not to be reactive in his decisions.

Allegation six

With A 19 Nov

Sam Lockhart managed A in the way that the social worker did not. Everything was done by the social worker in the sight of A. After A showed a dislike for Mr Martinson, the latter continued to conduct himself poorly. He used the birth name repeatedly even after it angered A who explained that he was angry about it. He was unprofessional, flustered and 'very confrontational'. he said that things were not his job and called a rude. He raised his voice repeatedly. SL had to take the initiative. The managers were both called, and A would have seen that. The delay was an hour or 90 minutes.

I submit that A was just the sort of person who needed to see the best side of social work and how it could help him. He did not see that side.

Review about A, 1 Dec

Olivia Harris said that the social worker didn't have answers and said that things weren't his job or his problem. She said that he shouldn't have said this in front of A. Mr Martinson spoke in an inflammatory manner and was dismissive about the need for A to have access to money he was entitled to. He was abusive to Ms Volusuko, so much

so that an apology was needed for such derogatory speech. He was raising his voice, shrugging his shoulders and holding his hands up. The meeting was a nightmare, with the focus on Ms Harris managing the adults not the interests of A. Mr Martinson needed to be muted, which the witness had never needed to do before.

Julia Hamilton said that the social worker hadn't liked the way A spoke to him.

Session 7 Dec with A

Julia Hamilton was surprised that the social worker went into A's house, which showed poor judgement. He should have just given A the money. It felt punitive not to do so.

JH's note makes plain that the social worker decided to make the money conditional on A doing as he thought he should. A was saying that he needed to go back to bed. Mr Martinson said, extraordinarily in my submission, that the situation got to a point where he needed to keep his hands in his pockets, or his career would be over.

The social worker has not challenged any substantive detail in the note JHA4 sent by Ms Hamilton and returned by him with comments on it.

Phone call TV police around 10 Dec

There were six calls between the incident on the 7th December and the phone call between the social worker and PC Harry Rose.

The social worker called the service user by his birth name, again.

He said the call handler is discriminating against him, and asks "You are happy for me to drive?" He twice spoke of punching A, asks for the handler's name and shoulder number, said 'can I speak to your manager,' asked who is the inspector, said will give his details (only) to an inspector, and when offered some help, said "please don't tell me what to do."

He raised punching A (with a different call handler): "I must keep my hands behind my back." In this call the handler sounds herself like an able social worker handling a challenging service user.

He asked a different handler for his shoulder number.

In this call the social worker was wasting police time at length, asks complex questions insisting on a yes or no answer, asked what is your shoulder number, emphasised he was a social worker.

He said the (Thames Valley) police force hates social workers with a passion.

On 10 December Mr Martinson needed to be asked to calm down, because he was 'very animated and angry.' He spoke of 'you English people.' He would not give his details. He was 'quite erratic and quite rude,' and 'aggressive,' PC Rose said in his live evidence. It was not the presentation typical of an assault victim. They would not normally act in that way: it was the complete opposite of that. He was argumentative and threatened to complain about PC Rose. He talked over the officer. The witness was

shocked to hear such behaviour from a social worker. He seemed to have a very short fuse: it was his way or no way.

The officer who reported it (PS Ranford) felt the need to do so. In his email at the time he said that the social worker's behaviour fell far below those he expected. He went off on disordered tangents. He said of his details 'you should have that on record.'

Phone call with Laura Baker 8 Dec

The witness was simply trying to do her job, and made a point of doing it in a way that did not cause data to be lost. The loss of that data could have had an important effect on the welfare of a child, as well as inconvenience to a social worker. The records needed to be kept up to date as a child welfare concern, in case the police urgently needed to know the correct address.

Mr Martinson seems to have been offended about (and only about) the involvement of managers. He was shouting and confrontational, and spoke over the witness. He was trying to shift blame. The witness needed to end the call. She said she was a little shaken.

No-one had asked for her manager's name before.

Evidence not related to any one allegation

Marize Viljoen said when challenged he would be silent and rock his shoulders. He had no self-awareness or insight into the impact he had on others. There was no meaningful engagement or interaction from him when she tried to have discussions about incidents. He displayed no learning or reflection. In altercations his body language would change: his chest would rise and veins in his neck would pop.

Legal advice

104. The legal adviser provided advice orally by reference to a written note:

'We have now reached the end of stage 1, the fact-finding stage.

It is now for this panel to consider the evidence and announce its findings of fact.

As you are aware, the social worker has not attended the hearing at any stage. The panel has reached a decision that knowing of the hearing, he has made a decision not to attend. It should not draw any inference against him only because he has not attended. His nonattendance may well have consequences over the way in which the case is heard and even the outcome. That is a necessary consequence of his decision not to attend. There is of course an overarching requirement of fairness to the social worker and to Social Work England.

You should take account of any material before you which is to the social worker's advantage. Through me, with, the assistance of counsel for Social Work England, you

have a document indicating where material which might assist the social worker can be found or points that might be made in his favour. You have also asked questions of witnesses which might have been asked of them if the social worker had been present. You are not required to explore issues on behalf of the social worker to the extent that they might have been explored by him, or on his behalf, had he been present.

You must consider the evidence in relation to each particular of the allegation individually and announce your individual decisions and reasons. You may be assisted, however, by considering in relation to individual particulars whether there is a pattern of behavior or character which may assist you in reaching decisions on the individual particulars.

You should consider primarily the evidence as it relates to the particulars. There is evidence from Social Work England which might be described as contextual or secondary, some of which refers to what witnesses knew in general terms about the social worker, with comments for instance about his competence as a manager or supervisor. You should treat that evidence with caution and concentrate on the evidence related to each of the particulars of the allegation.

You should take account of any relevant Social Work England guidance.

The burden of proving each particular of the allegation is on Social Work England. The social worker has to prove nothing, nor to disprove anything. That applies despite his nonattendance.

The standard of proof required is the civil standard, that is proof on a balance of probabilities. A fact will be established if it is more likely than not to have happened.

You should consider carefully the wording of each particular and what it is that Social Work England has to prove in relation to them. Words in the particulars generally have their ordinary meaning. Where the word 'failed' is used, this means culpably failed. Social Work England must prove that there was a duty to do something which was not done.

You should not speculate on what the social worker's case might have been had he been here. You may draw inferences, however. An inference is a reasonable deduction drawn from the evidence, as opposed to mere conjecture or speculation.

Whilst there may be some material related to the social worker's state of mind at particular times, for instance his dealing with the police, you should be extremely cautious about drawing any inference over his mental health generally.

You should judge the evidence of each relevant witness carefully, using your common sense. You can accept the whole of the evidence of a witness, you can reject the whole of the evidence of a witness, or you can accept some of the evidence of a witness and reject other parts. In considering the evidence of witnesses you should consider how that evidence relates to contemporaneous documents or established facts. Case law indicates that this is more helpful than considering the evidence of a witness based on their demeanor or their confidence that what they say is correct.

There is evidence before you which was admitted as hearsay evidence at a Case Management Meeting. You do not therefore have to decide on its admissibility. You will have to decide how to treat it, given that it is untested by cross examination or your questioning. The evidence is not the sole evidence on a core issue. You may be assisted therefore in deciding what weight to give it by considering to what extent it is consistent or inconsistent with other evidence.'

The panel's findings on the facts

105. In deciding on the facts, the panel took fully into account the evidence of the witnesses, the documents before it, digital material supplied to it and submissions made by Mr Blackburn on behalf of Social Work England. Throughout it was careful to ensure that any material or issue which might be of advantage to Mr Martinson was fully considered. It accepted the advice of the legal adviser.
106. The panel considered each of the particulars of the Allegation individually. It did, however, in the course of its deliberations consider whether the individual particulars demonstrated patterns of behaviour by Mr Martinson which might assist it in deciding individual particulars.
107. The panel applied the civil standard of proof throughout and accepted that the burden of proving its case lay entirely upon Social Work England. It reached no inference against Mr Martinson because of his non-attendance.
108. When considering the evidence of the witnesses it did so wherever possible by reference to contemporaneous documents or other material and established facts. It accepted that it could accept or reject the evidence of a witness wholly or in part.
109. The panel reached the following findings of fact.

Allegation 1

Proved in its entirety

Particular 1i

110. The panel first considered Ms Grieve's evidence. It found her evidence about the events of 5 July 2018 to be consistent and convincing. It compared the evidence she provided to the evidence she provided to the Council's internal investigation, her witness statement and her evidence to the panel and found there was consistency in the way she had described the incident.
111. It was apparent to the panel that Mr Martinson's conduct could properly be described, as 'aggressive'. It was satisfied from the evidence that Mr Martinson had shouted and appeared angry and irate and that his conduct was 'menacing'. It accepted that Witness MG had been seriously affected by Mr Martinson's conduct and had been left shocked, tearful and according to her own description, hysterical.
112. The panel noted that the issue of Mr Martinson's approach to colleagues had been raised with him on 3 July 2021 and that he had been told that he was perceived by his colleagues as blunt/rude/confrontational. Ms Viljoen, who the panel noted is South African, also recorded that Mr Martinson still needs to build further rapport and relationships with his peers and staff.
113. The panel considered carefully what Mr Martinson said in his response documents about his culture, which he described as white South African, and that he acknowledged that he might appear to be loud and confrontational in his manner. The panel noted that Witness MG, who is of mixed race South African origin confirmed in her evidence that whilst Afrikaans can come across as straight forward and to the point, she was clear that this was not the behaviour exhibited by Mr Martinson towards her.
114. It was clear to the panel that a basic standard of conduct is required from professionals and that nothing that Mr Martinson had said about his culture could explain or justify his conduct towards Witness MG, a fellow professional. It noted that Mr Martinson was a Team Manager and held a position of power over Witness MG. It also noted that no adverse consequences to Mr Martinson would have resulted from her attending work after being certified as unfit by her GP.
115. The panel found that Mr Martinson's conduct towards Witness MG, and its affect upon her, was as described by her and was not excused or justified by any cultural characteristic which Mr Martinson might have. It therefore found the particular proved by Social Work England to the required standard.

Particular 1iii

116. The panel accepted Ms Wood's evidence that on 8 September 2018 there was a difference of opinion between herself and Mr Martinson over which of two children, one Ms Wood's responsibility and one Mr Martinson's responsibility, should be the subject of the first strategy meeting. It noted that that Ms Wood accepted that the alleged events took place whilst she was stressed by her workload at the time and the delay in producing child protection plans for the children concerned.

117. The panel accepted Ms Wood's evidence that Mr Martinson acted unprofessionally towards her after she had sought the advice of her manager over the issue. It was clear to the panel that Ms Wood had found his manner physically intimidating and that Mr Martinson's conduct over a difference of professional opinion was disproportionate and unprofessional. It noted Ms Wood's evidence that this was the only time she had felt intimidated in this way by a professional colleague. It found Ms Wood's actions in reporting the matter to her manager, and not seeking a conciliatory meeting with Mr Martinson, to be appropriate.

118. The panel found this particular proved by Social Work England to the required standard.

Particular 1iv

119. The panel accepted the evidence of Witness JH that at the time of these events she was employed as a family support worker and that on 16 October 2018 she had voluntarily prepared a rota for social and family support workers for January 2019, which included Mr Martinson. The panel was aided in assessing Witness JH's evidence by the note of the event she had prepared on the day of the incident and which was provided to Mr Martinson's manager.

120. The panel accepted the evidence given by Witness JH that Mr Martinson had acted aggressively towards her without justification over the rota. It was apparent to the panel that the relationship between Mr Martinson and Witness JH had been strained before this event. The panel accepted that Mr Martinson had taken Witness JH to a room and had complained about how she had spoken to him although he had also contacted Ms Viljeon. The panel found that in taking Witness JH to a room alone where he had acted in an intimidating way, Mr Martinson had showed poor judgement. The panel noted that Mr Martinson held a position of power over Witness JH as a manager and found he should not have acted in this confrontational way towards her.

121. The panel found this particular proved by Social Work England to the required standard.

Allegation 2

Not proved

122. The panel considered carefully whether Mr Martinson had failed to act 'constructively' in his dealings with Oxford Health CAMHS in early 2021. It accepted that professionals may have differences of professional opinion and would be expected to express them. The panel noted the response to this particular provided by Mr Martinson. It further noted that no evidence of any guidance or protocol relevant to when a professionals only meeting was appropriate had been produced by Social Work England.

123. The panel found that Mr Martinson's opinion that it was not appropriate to hold a professionals only meeting which excluded Service User L and her family was a legitimately held position for him to take. It found the evidence of Ms Summers, the principle witness for Social Work England, inconsistent. It noted that she told the panel that Mr Martinson had not given a reason for his opinion, but that in the note of a phone call between Social Work

England and Ms Summers on 18 March 2021 it was recorded that she said Mr Martinson had given reasons.

124. It was clear to the panel that there was a difference of approach between CAMHS and social workers and that the relationship between the services was at times difficult. The panel took this into account in considering the events around Service User L.
125. The panel noted that Ms Summers had told it that she had been concerned over Service User L but could not detail any specific impact on Service User L from what it was she said Mr Martinson had not done. It was apparent to the panel that Mr Martinson had talked to Service User L and her mother and knew their views. The panel accepted that Service User L's mother was not satisfied with the service CAMHS was providing and had sought a private medical opinion. Ms Summers was critical of Mr Martinson putting forward Service User L's mother's views but noted that Witness VM stated that part of the social workers role is to advocate on behalf of the parent as they are the one undertaking the care. Witness VM did not feel that the provision of an email address was inappropriate. The panel did not find that Mr Martinson informing CAMHS of Service User L's mother's dissatisfaction to be inappropriate. The panel considered Mr Martinson's response to this particular carefully. It did so knowing that it was untested by questioning in the hearing. The panel concluded that Mr Martinson's response was consistent with the evidence of a lack of progress with Service User L's case and with the difference of approach between CAMHS and social workers. It was clear that CAMHS had not produced a discharge plan for Service User L when Mr Martinson became involved. It noted that Mr Martinson had been allocated the case late on the day prior to the meeting with CAMHS which Ms Summers complained about.
126. The panel found that Social Work England had failed to prove to the required standard that Mr Martinson had failed to work with Ms Summers in a constructive way. It reached that conclusion that there was a legitimate difference of opinion between professionals and that Mr Martinson had a genuine concern for Service User L and her family which he expressed appropriately.

Allegation 3

Not proved

127. The panel considered the records provided to it carefully. It accepted the evidence that 'cutting and pasting' information into the records from other sources was an accepted means of compiling them. The panel noted that Social Work England had not provided any standards of how the Council expected social workers to compile records. It took into account other records, including one referred to as a Management Oversight document dated 17 January 2021 completed by a manager which contained no analysis of the factual information recorded. The panel noted that the fields in documents it was said Mr Martinson had failed to complete were not mandatory and that there was no evidence of a statutory obligation to complete them.
128. The panel found that the records kept by Mr Martinson were sufficient and contained information which at the relevant time did not need further explanation or analysis. The

panel noted that whilst there were no detailed case records of visits to Service User L, the panel accepted that this would properly be contained within the child and family assessment. It therefore concluded that Social Work England had failed to prove this particular to the required standard.

Allegation 4

Proved in its entirety

8 February 2021

129. The primary evidence advanced by Social Work England in support of this particular was a video recording produced from the body worn camera of a police officer. The officer had been called to premises where Service User Z and his family lived. Mr Martinson had attended as part of a Section 7 assessment he was preparing. This was an assessment to discover what support and assistance the County could provide to the family. It was clear that an altercation had occurred between Mr Martinson and Service User Z's father. Mr Martinson had spoken to his manager, Witness VM, and had said that Service User Z was at risk and should be removed from the home. Her opinion from that conversation was that the child was not at immediate risk and that she had concluded from what Mr Martinson had said the father's anger was addressed at him, not the child.
130. On viewing the video material, it was apparent that Mr Martinson was uncooperative with the officer from the start of the conversation. He refused to speak to her until she threatened him with arrest, Service User Z's father having made a complaint of assault against Mr Martinson. He appeared to take issue with the officer having spoken to the father before speaking to him. Mr Martinson engaged in what the panel found to be part of a pattern of behaviour with him when engaged with the police of refusing to provide basic details, threatening a complaint, demanding the person's collar number and alleging discrimination because of his accent.
131. The panel was satisfied that the officer concerned dealt with the issue professionally and calmly. She said that there was no threat to the child, that the anger the father had shown was to Mr Martinson, not the child and that there were no grounds for the child being removed under a PPO. The panel noted that Mr Martinson would not take advice, which included the sensible suggestion that he leave the scene and that another social worker could be involved if necessary.
132. The panel, as in every part of its deliberations, took account of what Mr Martinson had said in his response generally about the cultural factors that might have influenced his behaviour. It was satisfied that Mr Martinson, even taking into account the factors he referred to, had acted in the course of his engagement with the officer with a lack of professionalism and that his conduct was obstructive and angry. The panel was further satisfied that the officer did nothing to provoke Mr Martinson's response and that there was no justification for the way in which he conducted himself. It found that Social Work England had proved this particular to the required standard.

17 February 2021

133. The primary evidence for this allegation was a log of a phone conversation between Mr Martinson and the officer involved in the 8 February 2021 incident. Having admitted this evidence as hearsay, the panel was satisfied that it was reliable and consistent with other evidence. It was apparent from the log that the police officer had phoned Mr Martinson to invite him to take part in a voluntary interview about that incident. Because the father had made a complaint, the officer treated Mr Martinson as a perpetrator, although it was apparent he saw himself as a victim.
134. The panel took into account the record kept by the officer which included references to Mr Martinson becoming 'immediately aggressive', shouting and ranting at her and 'rambling'. At that point the officer told him that it was in his interests to cooperate as otherwise she would have to arrest him. An officer who had overheard the conversation spoke to Mr Martinson and again told him that he risked arrest if he did not cooperate. It was apparent that Mr Martinson continued with this officer in the same manner. The conversation ended with the first officer telling Mr Martinson that she would call him back the next day, which would give him the opportunity of speaking to a solicitor.
135. The panel was satisfied that the log was an accurate record of what took place in the phone call. The call involved the same officer it had witnessed in the video recording referred to above. It was apparent to the panel that Mr Martinson had continued to behave in the same way as it had witnessed him behaving previously towards the officer and it had no cause to believe that the officer acted differently to the way in which it had witnessed her behaving before. It found that Social Work England had proved this particular to the required standard.

Allegation 5

Proved

136. This particular relates to the events involved in particular 4. The panel noted that Mr Martinson was instructed to carry out a Section 7 assessment, which is a welfare report and the local authority had not been directed to investigate the child's circumstances under Section 37 of the Act. The evidence the panel had before it was that set out above involving Mr Martinson's interaction with the police officer outside of Service User Z's home and the evidence of Witness VM's phone call with Mr Martinson.
137. It was apparent to the panel that the office at the scene had not identified any risk to the child and had identified that the father's anger was directed at Mr Martinson, not the child. As a result she had advised Mr Martinson that he should leave the scene and that another social worker should attend if necessary. Witness VM's evidence was that from what Mr Martinson had told her there were no grounds for removing the child and it appeared to the panel that she had identified that Mr Martinson was the cause of the father's anger, which did not pose a risk to the child.
138. It was apparent to the panel that Mr Martinson had misjudged the situation and that he had failed to identify that he was the cause of the anger he had witnessed in the child's home. The panel noted that Mr Martinson was also referring to emotional harm to justify his

opinion. The panel was satisfied that there was no evidence to support Mr Martinson's suggestion that the child was at risk and that his reasoning was deficient. It found that Social Work England had proved this particular to the required standard.

Allegation 6

Proved in its entirety

Schedule 1i

139. The evidence advanced over this particular was related to the involvement of Mr Martinson in moving Service User A to different accommodation. The panel was assisted by the evidence of Mr Lockhart, the support worker who was allocated to help with the move.
140. The panel noted that Service User A had not been notified in advance that he was to be moved, that no consideration had been given to transporting or accommodating his belongings and that Mr Martinson was allocated to the task at short notice with no previous involvement with Service User A. It therefore accepted that the situation Mr Martinson found himself in was not favourable and that this was not of his making.
141. The panel accepted Mr Lockhart's evidence throughout. It found him to be a measured and convincing witness and that his evidence was consistent with other contemporaneous evidence related to this incident. It noted with concern the evidence that Mr Martinson insisted on calling Service User A by his birthname, not his preferred name, despite Service User A making it clear that was his preference. The panel further noted that it appeared Mr Martinson had repeatedly addressed Service User A as 'Boy', which it considered to be entirely inappropriate. The panel considered these to be a basic failings by Mr Martinson in his professional duty to treat Service User A with respect.
142. It was apparent that Mr Martinson was unhappy about being allocated to the task and the panel accepted that the situation was far from ideal and could have been improved by better planning. However, the panel was satisfied that Mr Martinson was confrontational from the start with Service User A and created a tense situation when he should have been taking the lead and acting professionally to accomplish the task, whatever the circumstances. It was clear from Mr Lockhart's evidence that he had taken the lead and had so far as possible, calmed the situation by treating Service User A appropriately and with respect. It accepted the Mr Lockhart's evidence that considerable delay and frustration was caused by his manager and Mr Martinson's manager being called to the scene, which in his experience was unprecedented.
143. The panel was satisfied that by his conduct Mr Martinson, to adopt Mr Lockhart's assessment, made a bad situation worse. It found that Mr Martinson had acted unprofessionally in his handling of Service User A's move and that Social Work England had proved this particular to the required standard.

Schedule 1ii

144. The panel in considering this particular was aided by the evidence of Ms Harris about the involvement of Mr Martinson in Service User A's review meeting of 1 December 2021. Ms

Harris acknowledged that the circumstances were difficult, which was supported by Ms Hamilton's acknowledgment that the case should have been reallocated after the events of 19 November 2021.

145. It was apparent from the evidence before the panel that Mr Martinson acted unprofessionally in the course of the meeting towards Service User A, Ms Harris and the support worker who was present. It accepted Ms Harris' evidence that Mr Martinson had not prepared for the meeting and could not answer the questions she would normally ask as IRO. It also accepted her evidence that the support worker was able to answer questions and that Mr Martinson was offensive to her when she did so. The panel noted that following the meeting Service User A requested a change of social worker and was supported by Ms Harris who subsequently contacted Mr Martinson's manager.
146. The panel accepted Ms Harris' view of the meeting that by his conduct Mr Martinson deprived Service User A of a meeting to review the plan for his care, which was his right, and that Social Work England had proved this particular to the required standard.

Schedule 1iii

147. This particular related to Mr Martinson visiting Service User A on 7 December 2021 to give him money to which he was entitled. The panel was assisted in its consideration of this particular by a recording of a 999 call Mr Martinson made to the police during this incident. It was clear from the background to the recording that an angry exchange had taken place in the premises involving Mr Martinson and Service User A.
148. The panel found that Mr Martinson should have handed the money to Service User A after prearranging to meet him for that purpose. It was clear to the panel that Mr Martinson was making the handing over of the money conditional on Service User A's behaviour, which was inappropriate. The panel found that Mr Martinson continued inappropriately to call Service User A by his birth name, not his preferred name, which it considered to be provocative.
149. The panel accepted that Service User A acted angrily towards Mr Martinson and spat at him for which he was subsequently cautioned by the police. It was apparent from the record of the call to the police that Mr Martinson considered himself to be the victim of an assault by Service User A. It was also apparent that Mr Martinson ignored the advice of the call handler that he should leave the scene when Service User A had moved from the vicinity.
150. Whilst the panel accepted that Mr Martinson should not have continued to be Service User A's social worker after earlier events set out above, it concluded that there was clear evidence of Mr Martinson acting unprofessionally and exhibiting poor judgement and unprofessional conduct in the course of this event. It was satisfied that that Social Work England had proved this particular to the required standard.

Schedule 1iv

151. The panel found PC Rose to be a credible witness and that his evidence was consistent with the content of the call and the evidence of Sergeant Ranford, who also gave evidence.

152. It was apparent from the call that Mr Martinson was uncooperative with PC Rose, who had been told to follow up the complaint of assault Mr Martinson had made on 19 November 2021. The panel noted that Mr Martinson's attitude was consistent with his conduct generally when dealing with the police. He refused to give PC Rose basic details, was argumentative, spoke over PC Rose, demanded to speak to an inspector, asked for PC Rose's collar number and made unwarranted suggestions of racial bias. It noted that Mr Martinson referred to 'You English people' in a disparaging way.
153. The panel found that Mr Martinson's behaviour in the course of this call was unprofessional by normal standards of the social work profession and that Social Work England had proved this particular to the required standard.

Schedule 1iv

154. This particular related to a call between Mr Martinson and Ms Baker on 8 December 2021. It accepted the evidence of Ms Baker, which was consistent with the evidence of the way in which Mr Martinson spoke to others, including the police. The panel accepted that Ms Baker was trying to do her job and to ensure that the electronic records for which she was responsible were accurate and sufficient to fulfil their purpose, which included ensuring that a Service User's accommodation was paid for.
155. It was clear to the panel that Mr Martinson was mainly concerned with why Ms Baker had escalated the matter as she had, rather than in ensuring a service user was provided with a proper service. The panel accepted Ms Baker's evidence that it was normal for these issues to be escalated when no response was received from a social worker or a manager in an appropriate time. It noted her evidence that social workers were sometimes frustrated or annoyed by the requirements of the system, but that it was exceptional for her to end a call as she had with Mr Martinson. She said it had never happened before and that she felt 'attacked'.
156. The panel found that Social Work England had proved this particular to the required standard.

Findings and reasons on grounds and impairment

Submissions

157. Mr Blackburn made submissions on behalf of Social Work England orally with reference to a written note:

With a few exceptions I will not quote back to the panel its own words: it is unnecessary to do so, and also it risks inaccuracy.

Overall Social Work England suggests that there is impairment in all four of the allegations where the facts have been found proved.

Allegation one

On three different occasions between July and October 2018 the panel has found significant findings against Mr Martinson in terms of what I will call his poor behaviour.

In the first he was, among other important findings, menacing.

In the second and third he was intimidating (and in the former *physically* intimidating).

Allegation four

By early 2021 Mr Martinson knew that the 2018 incidents had been raised with him as issues, and also knew that he had been through a disciplinary process as a result of them. The panel is entitled to consider whether he had taken any learning on board as a result of those earlier events, or more broadly had gained any insight into himself or his behaviour. The evidence taken together strongly suggests that he had not.

In the 8th and 17th February 2021 incidents he was obstructive and angry, and immediately aggressive, respectively.

It is important to note that Mr Martinson had no insight in particular into how his remaining at the scene, and even returning later, could make a sensitive situation far worse.

Allegation five

The panel has found that he misjudged the situation, in particular failing to identify himself as the cause of the anger in the father. Significantly, however, the panel has found that there was no evidence to support his risk assessment. This must be as opposed to, for example, a difficult balancing judgement to be made where there were competing pieces of evidence.

The panel may wish to consider what could have happened, had the police officer who came to the scene (and whose voice can be heard during the BWV recording) had not been experienced, calm and measured in her approach, but rather a different officer more easily persuaded by Mr Martinson.

The panel is entitled to consider why Mr Martinson came to make such a decision about risk to the child, and whether it was in part or whole a consequence of his own anger, created during and maintained after the confrontation with the father.

Allegation six

In this allegation the list of the people who must have been given a negative impression of both Mr Martinson and by extension his profession, is a long one. It appears to include at least service user A, Sam Lockhart, PC Rose and PS Ranford, all the various call handlers, Olivia Harris, Natalja Volusko and Laura Baker.

It is important to note that once more, Mr Martinson had no insight into how his remaining at the scene of the dispute with A could make a sensitive situation far worse. If that is right, he not only had done factually as alleged in allegation four, but failed to have learned anything from it by the time of allegation six, eight months later.

Overall impairment submissions

Mr Martinson has shown misconduct in each of the allegations, and that misconduct is serious. Social Work England maintains this stance in terms of each allegation considered on its own terms, and also where the factual findings show a pattern. It is submitted that they do show such a pattern, from July to October 2018, and February to December 2021, at least.

Mr Martinson has shown in his written submissions no recognition of any failings (nor even part-recognition), or insight into them, let alone any acceptance and willingness to learn. The panel can only act on the material before it.

In headline terms, and mindful of the two sets of professional standards as between allegation one and allegations four to six, his types of impairment were under the headings as follows:

- A. He failed to maintain the standards to be expected of a person regulated as he is;
- B. He failed to show an understanding of the need to maintain those standards; and
- C. He behaved in a way which would bring into question his suitability to act as a social worker.

The impairment here is of a type and degree such that even if he had remedied past failings, or sought to do so, a finding of impairment would be needed to uphold public confidence, Social Work England submits.

Legal advice

158. The legal adviser gave advice to the panel orally by reference to a written note:

Having decided the facts, you will have to decide whether on the facts found proved Mr Martinson's fitness to practice is impaired. Rule 32 of the fitness to practice rules 2019 applies.

One of the statutory grounds for a finding of impaired fitness to practice must apply before you can reach a finding of impairment. In this case Social Work England rely upon conduct as the relevant statutory ground. You will therefore first have to decide whether the facts you have found amount to misconduct.

Essentially, this a matter for the panel's judgment. There is no burden or standard of proof. There is no statutory definition of misconduct. There is guidance from the courts over its meaning. Lord Clyde defined misconduct in *Roylance v GMC (No.2)* [2000] 1 AC 311, at para.35:

Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed...in the particular circumstances.

It is clear from *Roylance* that the conduct must be serious misconduct.

In deciding what standards are applicable the panel should have regard to the standards which applied to social workers at the time the events proved took place. Social Work England's current standards document was effective from July 2019 and revised in July 2020. They will therefore apply to particulars 2 to 6. Particular 1 will be subject to the HCPC standards from January 2016. You may also take into account the standards which would be expected generally of a social worker, or any professional.

If you find there is misconduct which is serious, you should then consider whether Mr Martinson's fitness to practice is impaired by reason of that misconduct.

The panel should take into account Social Work England's guidance on impairment 2019. The guidance states:

6. A social worker is fit to practise when they have the skills, knowledge, character and health to practise their profession safely and effectively without restriction. We set out our expectations of social workers in our professional standards. Our decision makers should assess a social worker's fitness to practise in accordance with the standards. If the alleged conduct predates our regulation, our decision makers will refer to the professional standards in force at the time of the alleged events [3].

7. Fitness to practise is not just about professional performance. Our decision makers will also consider acts by a social worker that may damage public confidence in the profession. This may include conduct that takes place outside of the workplace (such as acts resulting in criminal investigations).

The panel is concerned with the social worker's current and future fitness to practise, rather than with imposing penal sanctions for things done in the past. It will of course have to consider how the social worker has acted in the past in deciding on his current fitness to practise.

CHRE v NMC & Grant [2011] EWHC 927 (Admin) establishes an appropriate approach for a tribunal considering impairment, taken from a formulation arrived at in the Shipman enquiry :

The tribunal should consider whether their] findings of fact in respect of the [registrant's] misconduct...show that his fitness to practise is impaired in the sense that he:

- i 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;
- ii. Has in the past brought and/or is liable in the future to bring the...profession into disrepute;
- iii. Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession;
- iv. Has in the past acted dishonestly and/or is liable to act dishonestly in the future.

In *Cohen v GMC* [2008] EWHC 581 (Admin), para.65 the court said:

It must be highly relevant in determining if...fitness to practise is impaired that first [the] conduct which led to the charge is easily remediable, second that it has been remedied, and third that it is highly unlikely to be repeated.

Mr Martinson has not taken part in the hearing and has provided no up to date material relevant to remediation or the risk of repetition. The only contribution you have from him has been considered at the facts stage. You should of course consider whether anything in that material assists you at this stage. As there is nothing up to date about any training or reflection by Mr Martinson, you will have to consider what insight Mr Martinson has shown, which goes to the risk of repetition. Therefore whilst you may think the conduct is remediable, you will have to consider to what extent, if at all, Mr Martinson has remedied his deficiencies.

The panel should consider not only public protection but also the public interest. The public interest includes, amongst other things, the maintenance of public confidence in the profession and the upholding of proper standards of conduct and behaviour. It is contained in the overriding objective.

In some cases a finding of impairment is necessary to uphold confidence in the profession where the public's confidence in the profession would be undermined if there was not a finding of impairment, whatever remediation or mitigation exists in relation to the individual registrant. You will have to consider whether this is such a case. You are guided by the cases of *Yeong v GMC* [2009] EWHC 1923 and *Grant*, above.

Findings of the panel on grounds and impairment

159. In deciding upon whether the statutory ground of misconduct was made out, the panel took fully into account the submissions made on behalf of Social Work England, its findings of fact and any material that might be favourable to Mr Martinson. It accepted the advice of the legal adviser.
160. The panel considered the issues of grounds and impairment as matters for its judgement, accepting that there was no burden or standard of proof. It considered the statutory ground of misconduct and impairment individually, as it was necessary for statutory ground to be made out before it could consider the issue of impairment.

Grounds

161. In relation to the ground of misconduct, the panel considered its findings of fact individually and then collectively in deciding whether its findings amounted to serious misconduct.
162. The panel found that Mr Martinson's conduct in relation to the individuals involved in Allegation 1 was serious misconduct. It noted its findings that Witness MG had found Mr Martinson's conduct 'aggressive' and 'menacing' and found that this was a part of a pattern established by his behaviour towards the three individuals referred to in Allegation 1.
163. The panel considered that Mr Martinson's conduct was not explained or excused by the cultural factors he referred to in his response. The panel was satisfied that proper standards of conduct are expected of all members of the social work profession. It found, as submitted by Social Work England in its statement of case, that the following standards were breached by Mr Martinson in relation to Allegation 1.

HCPC Standards of Conduct, Performance and Ethics 2016

- 2.1- You must be polite and considerate
- 2.5- You must work in partnership with colleagues, sharing your skills, knowledge and experience where appropriate, for the benefit of service users and carers.
- 9.1- You must make sure that your conduct justifies the public's trust and confidence in you and your profession.

HCPC Standards of Proficiency 2017

- 3.1- understand the need to maintain high standards of personal and professional conduct
- 8.2- be able to demonstrate effective and appropriate skills in communicating advice, instruction, information and professional opinion to colleagues, service users and carers
- 9.1- understand the need to build and sustain professional relationships with service users, carers and colleagues as both an autonomous practitioner and collaboratively with others
- 9.6- be able to work in partnership with others, including those working in other agencies and roles

164. In relation to Allegation 4, the panel found that Mr Martinson's conduct towards the police on both occasions was serious misconduct. It was apparent to the panel that Mr Martinson had an unfortunate and unprofessional attitude to the police and that his conduct was seriously below the standard which was to be expected when a social worker is dealing with the police, where collaboration and respect are important. It found that Mr Martinson's conduct amounted to serious breaches of the following standards:

Social Work England Professional Standards

- 2.4- Practise in ways that demonstrate empathy, perseverance, authority, professional confidence and capability, working with people to enable full participation in discussions and decision making.
- 2.5- Actively listen to understand people, using a range of appropriate communication methods to build relationships.
- 5.2- Behave in a way that would bring into question my suitability to work as a social worker whilst at work, or outside of work.

165. In relation to Allegation 5, it was clear to the panel that Mr Martinson's conduct amounted to serious misconduct. There were no grounds for taking Service User Z from her home, the panel found, and therefore no grounds for the police to utilise their powers of police protection. The panel was satisfied that if the officer involved had not acted professionally and with good judgement, the child might have been removed from her home, with potentially serious consequences. The panel found that Mr Martinson had breached the following standards expected of a social worker:

Social Work England Professional Standards

- 1.2- Respect and promote the human rights, views, wishes and feelings of the people I work with, balancing rights and risks and enabling access to advice, advocacy, support and services.
- 1.3- Work in partnership with people to promote their wellbeing and achieve best outcomes, recognising them as experts in their own lives.
- 1.7- Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate and in people's best interests.
- 3.1- work within legal and ethical frameworks, using my professional authority and judgement appropriately
- 3.7- Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions.
- 5.2- Behave in a way that would bring into question my suitability to work as a social worker whilst at work, or outside of work
- 5.5- (I will not) treat someone differently because they've raised a complaint

166. The panel considered each of the instances contained in Allegation 6 individually and concluded that each of them amounted to serious misconduct. When taken collectively, the

panel found that there was again a pattern of behaviour on Mr Martinson's part which showed a lack of professionalism, and a failure to realise the consequences his conduct had on the individuals involved and on their perception of social workers. The panel found that Mr Martinson's misconduct was serious and that he was in breach of each of the following standards:

Social Work England professional standards

1.2 Respect and promote the human rights, views, wishes and feelings of the people I work with, balancing rights and risks and enabling access to advice, advocacy, support and services.

1.3 Work in partnership with people to promote their wellbeing and achieve best outcomes, recognising them as experts in their own lives.

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests

2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives

2.4 Practise in ways that demonstrate empathy, perseverance, authority, professional confidence and capability, working with people to enable full participation in discussions and decision making

2.5 Actively listen to understand people, using a range of appropriate communication methods to build relationships

5.2 (I will not) Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work

Impairment

167. The panel approached the issue of impairment on the basis that it had to decide whether Mr Martinson's fitness to practise is currently impaired because of his misconduct, and that its function was not to punish Mr Martinson for past behaviour. In doing so, it was required to consider the events of the past contained in its findings of fact.
168. The panel first considered the questions posed in *Grant*. It found that Mr Martinson had placed service users at risk. He had placed Service User Z at risk of being removed from her home without proper grounds with possible serious consequences. The panel found that he had failed to deal with Service User A as he was entitled to be treated. It was clear to the panel that Mr Martinson had breached basic tenets of his profession, which include showing respect for others and acting in their best interests. The panel was satisfied that Mr Martinson's conduct would bring the profession into disrepute.
169. The panel then considered the questions posed in *Cohen*. It considered that it was possible, although difficult, for the misconduct it had found to be remedied. However, Mr Martinson had chosen not to attend the hearing. The only material the panel had from Mr Martinson was that contained in the response bundle, which contained nothing from him which suggested any attempt at remediation, reflection or insight. In fact, Mr Martinson had blamed others for his conduct, or sought to explain and excuse it on cultural grounds. Mr

Martinson had failed to recognise the impact of his behaviour on individuals, other professionals and the public. The panel noted that there was a pattern of Mr Martinson acting aggressively and in an intimidating way whenever others did not do as he wished them to do, which included the police and colleagues.

170. The panel found that Mr Martinson had caused actual or potential harm to others and had failed to recognise that he had done so. Because Mr Martinson had not provided any evidence of remorse, insight or remediation, the panel was bound to find that the risk of him repeating his misconduct was high.
171. The panel concluded that Mr Martinson's fitness to practise is currently impaired as there is no evidence of any change in his behaviour or of an understanding of the gravity of his misconduct.
172. The panel considered whether a finding of impairment was necessary to uphold standards in the profession and to maintain public confidence in it. The panel has no information about Mr Martinson's current circumstances, but it was clear to it that on the information it had, the public interest outweighed the interests of Mr Martinson. It was satisfied that members of the public would lose confidence in the social work profession and its regulator if it did not find that Mr Martinson's fitness to practise is currently impaired.

Sanction

Submissions

173. Mr Blackburn made submissions on behalf of Social Work England orally and by reference to written notes:

I have had notice of the legal advice that the panel will be given, and have nothing to say in contradiction of it. That advice includes considering each step of sanction in increasing gravity. That is the proper approach. My submissions assume the panel will go through that proper process.

Taking the four allegations together, the pattern and degree of misconduct is such that Social Work England submits that the panel should start its realistic consideration of sanction, at the level of suspension. It should then apply such matters of aggravation and mitigation as appear to be present. The panel will wish to be alert not to double-count, and so avoid using a factor in saying suspension is the starting point and then use the same factor as a matter of aggravation.

Matters capable of being aggravating are:

- A. the degree of upset and intimidation caused;
- B. poor behaviour especially when in front of a service user;
- C. poor behaviour especially when in front of those such as the police who are outside social work, and so effectively representative of the public; and
- D. the role of ill-temper on 8.2.21 in seeking for the removal of a child.

Put simply, an objective onlooker who saw all of Mr Martinson's behaviour between July 2018 and December 2021 would surely say that he could not manage himself with reason and moderation. How, then, could he act in that way solely in the interests of a vulnerable person?

An important point of mitigation is Mr Martinson's lack of any regulatory findings in the United Kingdom or South Africa.

Whether the panel decides to remove Mr Martinson from the register is likely to be a reflection of the future: what has he learnt, and what is he likely to learn?

Learning and improvement

A key decision the panel will need to make is the extent to which, if at all, Mr Martinson has engaged with any reflection or learning, or shown any insight into his behaviour.

As a counterbalance, it is important to note that it is not easy for someone to demonstrate any of these things while also responding to regulatory allegations. This is particularly true where facts are disputed as well as (for example) impairment. A person in such a situation is balancing more than one plate.

For example, if a registrant's case were,

"I can't recall saying that, but even if I did, there shouldn't be a regulatory finding against me for it,"

it wouldn't be straightforward for that same person to add,

"But if I did say it, I recognise that I need to learn not to act in such a manner in the future."

Mr Martinson has not participated in these proceedings, save for attending the first of a two-day case management meeting. No reason for that has been provided. That was not a matter of evidence against him at the fact-finding stage, but can be used as part of the assessment of his openness to change. The panel should treat it simply as part of the picture, though, and not give it undue weight.

There is no basis to say, either in the evidence or any of his written responses to these allegations, that he has reflected on his behaviour. Instead he has made assertions (as he was heard to do in some of the evidence) that he has been unlawfully discriminated against. The panel may feel there is no substance to what he has said about discrimination.

I note at paragraph 169 the panel has found under impairment that he has shown no insight, but rather sought to blame others.

His opportunities to learn were as follows, it is submitted:

- July 2018 to his disciplinary proceedings in late 2018;

- Those proceedings in late 2018 to February 2021;
- February 2021 to December 2021; and
- December 2021 to the start of these proceedings.

If the panel finds that Mr Martinson has learnt nothing and reached no insight, it is entitled to find that he will not do so in the future. I note at this stage what the panel said at its paragraph 170 about the risk of repetition being high.

If the panel makes the finding that he is likely to act in a similar way in the future, it would be a reasonable conclusion that he must be removed from the register. This would be in particular for reasons relating to public protection and public confidence in the profession. Whether the panel makes that decision is a matter for it and not Social Work England.

Considering the sanctions guidance at paragraph 149, the panel may conclude that the following two paragraphs are of assistance:

“persistent lack of insight into the seriousness of their actions or consequences
social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)”.

Legal advice

174. The legal adviser provided advice to the panel orally by reference to a written note:

The decision as to the appropriate sanction is a matter for the panel’s judgement. Again, there is no burden or standard of proof.

The purpose of sanctions is not to be punitive, although they may have a punitive effect. Their purpose is to protect the public and the public interest.

In deciding what sanction to impose, the panel should apply the principle of proportionality, weighing the interests of the public with those of the practitioner. The panel must be sure that the action it proposes to take is sufficient to protect the public and the public interest and no more.

The panel should be guided by Social Work England’s sanctions guidance.

The panel should decide mitigating and aggravating factors apply. There is guidance at paragraphs 80 to 82.

The panel should consider the sanctions in ascending order of seriousness, although it may consider the next sanction when considering whether a sanction is sufficient and proportionate.

The courses open to the panel are:

To take no action. That would be exceptional, the panel having found impairment. That outcome would place no restriction on Mr Martinson’s practice. Paragraphs 94 - 98 gives guidance.

To give advice or issue a warning. These sanctions are intended to apply to the lowest levels of misconduct. They again would impose no restriction on Mr Martinson's practice. There is guidance at paragraphs 99 to 112.

To impose a conditions of practice order. There is guidance at paragraphs 113 to 134. There is a useful list of the circumstances where a conditions of practice order might be appropriate at paragraph 114:

114. Conditions of practice may be appropriate in cases where (all of the following):

- the social worker has demonstrated insight
- the failure or deficiency in practice is capable of being remedied
- appropriate, proportionate, and workable conditions can be put in place
- decision makers are confident the social worker can and will comply with the conditions
- the social worker does not pose a risk of harm to the public by being in restricted practice

The panel is aware of course that Mr Martinson has taken no part in this hearing and it has no information about his circumstances. The starting point for considering a conditions of practice order must be that the conditions are workable.

Suspension for up to three years with or without a review. There is guidance at paragraphs 135 to 146. Paragraphs 137 and 138 provide a summary of when an order of suspension might be appropriate:

136. Suspension is appropriate where (both of the following apply):

- the decision makers cannot formulate workable conditions to protect the public or the wider public interest
- the case falls short of requiring removal from the register (or where removal is not an option)

137. Suspension may be appropriate where (all of the following):

- the concerns represent a serious breach of the professional standards
- the worker has demonstrated some insight
- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings

If the panel finds that suspension is the appropriate order, it will need to decide the length of the suspension. There is guidance at paragraphs 139 to 144. Paragraph 140 states:

140. In deciding on the period of suspension, decision makers should balance (both of the following):

- the need to protect the public and the wider public interest

- the risk that prolonged suspension may result in a social worker's skills declining (or 'deskilling')

If suspension is not sufficient, removal from the register is inevitable. There is guidance at paragraphs 147 to 150. Paragraphs 148 and 149 provide guidance on when a removal order may be appropriate:

148. A removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):

- protect the public
- maintain confidence in the profession
- maintain proper professional standards for social workers in England

The written decision should explain why lesser sanctions are insufficient to meet these objectives.

149. A removal order may be appropriate in cases involving (any of the following):

- abuses of position or trust (see section 'abuse of trust')
- sexual misconduct (see section 'sexual misconduct')
- sexual abuse of children or offences involving child sexual exploitation material (see section 'convictions for sexual offences')
- dishonesty, especially where persistent and/or concealed (see section 'dishonesty')
- criminal convictions for serious offences (see section 'criminal convictions and cautions')
- violence
- persistent lack of insight into the seriousness of their actions or consequences
- social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)

If the panel decides that a period of conditional registration or suspension would be appropriate, it must decide whether or not to direct a review hearing immediately before the end of the period. Otherwise, Mr Martinson could practice without restriction at the end of the order. It may specify what might assist a future panel. There is guidance at paragraph 145.

Decision of the panel on sanction

175. When considering the appropriate sanction, the panel took fully into account the submissions made on behalf of Social Work England, its decision on impairment, any

material which was in Mr Martinson's favour and Social Work England's guidance on sanction. It accepted the advice of the legal adviser.

176. Throughout its deliberations, the panel applied the principle of proportionality and sought to impose the minimum sanction which was sufficient to protect the public and the public interest. The panel considered each of the sanctions available to it in ascending order of seriousness, but when appropriate considered the next more serious sanction in deciding if it was appropriate.
177. The panel first considered what mitigating and aggravating factors were present. By way of mitigation the panel took into account Mr Martinson having no adverse previous regulatory history. The panel applied the principle of not double counting factors that had led to its findings of misconduct and impairment and found no aggravating factors beyond those which it had previously taken into account in deciding that Mr Martinson's fitness to practise is impaired.
178. The panel first considered whether taking no action, providing advice or issuing a warning to Mr Martinson were appropriate sanctions. It considered these potential sanctions in ascending order of seriousness and concluded that as they each imposed no restriction on Mr Martinson's practice they were insufficient to protect the public and the public interest. The panel considered that its finding of impairment was based on serious deficiencies in Mr Martinson's conduct and practice which required restrictions upon his practice and that the public interest would not be met by these sanctions.
179. The panel then considered whether a conditions of practice order would be sufficient to meet the need to protect the public and the public interest. It concluded that it would not. Mr Martinson had not attended the hearing or engaged with Social Work England appropriately. The panel noted the Social Work England guidance on conditions of practice orders, in particular at paragraph 114:

114. Conditions of practice may be appropriate in cases where (all of the following):

- the social worker has demonstrated insight
- the failure or deficiency in practice is capable of being remedied
- appropriate, proportionate, and workable conditions can be put in place
- decision makers are confident the social worker can and will comply with the conditions
- the social worker does not pose a risk of harm to the public by being in restricted practice

180. The panel found that Mr Martinson's case met none those factors. In particular, the panel concluded that conditions would not be workable. Mr Martinson had not attended the hearing and has not provided the panel with any information about his circumstances, whether he has any intention of seeking to return to social work or any indication that he has any intention of attempting to remediate his misconduct.

181. The panel next considered whether an order of suspension was appropriate. It considered Social Work England's guidance at paragraphs 136 and 137:

136. Suspension is appropriate where (both of the following apply):

- the decision makers cannot formulate workable conditions to protect the public or the wider public interest
- the case falls short of requiring removal from the register (or where removal is not an option)

137. Suspension may be appropriate where (all of the following):

- the concerns represent a serious breach of the professional standards
- the social worker has demonstrated some insight
- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings

182. Having concluded that workable conditions could not be formulated to protect the public, the panel considered whether Mr Martinson's case fell short of a need to remove him from the register of social workers. It was clear to the panel that Mr Martinson's conduct was a serious breach of professional standards. It was also clear that he had demonstrated no insight before or during the hearing and that there was no indication that Mr Martinson had shown any willingness or ability to remediate his misconduct. The panel whilst considering suspension considered the factors which might indicate that removal from the register was an appropriate sanction.

183. The panel took account of Social Work England's guidance on removal at paragraphs 148 and 149:

148. A removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):

- protect the public
- maintain confidence in the profession

149. A removal order may be appropriate in cases involving (any of the following):

- persistent lack of insight into the seriousness of their actions or consequences
- social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)

184. The panel concluded that only removal from the register was sufficient to protect the public and the public interest in this case. Whilst the panel in deciding the facts had drawn no adverse inference from Mr Martinson's non-attendance, it was clear that his non-attendance had consequences. These included the panel drawing the inference that Mr

Martinson had no intention of demonstrating insight into his misconduct or any willingness to remediate.

185. The panel has found that by his actions Mr Martinson had caused real harm to Service User A and potentially serious harm to Service User Z. It has also found patterns of misbehaviour in that Mr Martinson had persistently treated colleagues and others without respect or proper regard for the impact of his behaviour. The panel noted that after the events of 2018 had caused him to lose his position, Mr Martinson had repeated his behaviour in 2021. It also noted that Mr Martinson had shown a pattern of antipathy toward the police. A necessary part of social work is an ability to work in multi-disciplinary teams and it was clear to the panel that Mr Martinson had shown an inability to work with the police.
186. It was clear to the panel that Mr Martinson habitually became aggressive when others failed to act as he wanted them to act. The panel noted that there was some evidence of him working well and of being concerned with protecting children, but found that this was far outweighed by the seriously deficient way in which he had conducted himself in different situations. Whilst these serious traits might be capable of remediation, it was clear that Mr Martinson wholly lacked insight or remorse, which made it impossible for it to find that he would benefit from remaining on the register of social workers whilst he attempted to do so.
187. The panel concluded that having considered other outcomes carefully, the only sanction which would protect the public from the risk Mr Martinson poses to service users and others and which would protect the reputation of the profession was his removal from the register of social workers.

Interim order

188. In light of its findings on sanction, the panel next considered an application by Mr Blackburn for an interim suspension order to cover the appeal period before the final order becomes effective.
189. The panel accepted the advice of the legal adviser that it should consider whether not making an interim order would be consistent with its decision to order Mr Martinson's name to be removed from the register of social workers.
190. 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, in particular that Mr Martinson posed a risk to the public, not to make an interim order.
191. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order of removal shall take effect when the appeal period expires.

Right of appeal

192. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:
- a. 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.
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
193. Under Paragraph 16(2) of Schedule 2 of the regulations an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
194. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.
195. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

The Professional Standards Authority:

196. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at: <https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>.