

Social worker: Marcel Bodenham

Registration number: SW118588

Fitness to Practise

Final Hearing

Dates of hearing: 16 November 2023 to 22 November 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 Bodenham did not attend and was not represented.
3. Mr Harris, case presenter from Capsticks LLP, represented Social Work England.
4. The case was determined by a two-person panel of adjudicators (hereafter 'the panel'), as follows:

Adjudicators	Role
Jill Crawford	Chair
Charlotte Scott	Social worker adjudicator

Titlee Pandey	Hearings officer
Khadija Rafiq	Hearings support officer
Francesca Keen	Legal adviser

Allegation

'Whilst registered as a Social Worker, between April and May 2019, whilst working with Family D:

- 1. You did not maintain clear and/or accurate records of your interaction with Family D.*
- 2. You provided inaccurate and/or misleading information in a Child and Family Assessment.*
- 3. You provided inaccurate information to your colleagues about your interactions with Family D.*
- 4. The matters outlined at 2 and 3 above were dishonest.*
- 5. You have one or more health condition/s as set out in Schedule 1, which have the potential to impact your fitness to practise.*

The matters outlined at 1-4 above amount to the statutory ground of misconduct.

The matters outlined at 5 above amounts to the statutory ground of health.

By reason of your misconduct and/or health, your fitness to practise is impaired.

[PRIVATE]

Facts Proved: Particulars: 1, 2, 3, 4 and 5.

Facts Not Proved: Not applicable.

Grounds: Misconduct and Health

Fitness to Practise Impaired: Yes

Sanction: Removal

Service of notice:

5. Mr Bodenham did not attend and was not represented. The panel was informed by Mr Harris that notice of this hearing (hereafter 'the Notice') was sent to Mr Bodenham by both email and Royal Mail Special Delivery post, to the registered email and postal addresses provided by Mr Bodenham and as they appear on the Social Work England register. Mr Harris submitted that the Notice had been duly served.
6. The panel 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 05 October 2023 and addressed to Mr Bodenham at his registered email and postal addresses, which he had previously provided to Social Work England;
 - An extract from the Social Work England Register as at 05 October 2023 detailing Mr Bodenham's registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 05 October 2023, the writer sent by email and Royal Mail Special

Delivery service to Mr Bodenham at the addresses referred to above: the Notice and related documents;

- A copy of the Royal Mail Track and Trace Document indicating 'signed for' delivery to Mr Bodenham's postal address at 12.34pm on 06 October 2023.

7. The panel accepted the advice of the legal adviser in relation to service of the Notice.
8. Having had regard to the Fitness Practise Rules 2019 (as amended) (hereafter 'the Rules') Rules 14, 44 and 45 and all of the information before it in relation to the service of the Notice, the panel was satisfied that Mr Bodenham had been given proper notice of this hearing.

Proceeding in the absence of the social worker:

9. The panel heard the submissions of Mr Harris, appearing on behalf of Social Work England. Mr Harris submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Mr Bodenham and as such there was no guarantee that adjourning today's proceedings would secure Mr Bodenham's attendance. Mr Harris therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance 'Service of notices and proceeding in the absence of the social worker'.
11. The panel considered all of the information before it, together with the submissions made by Mr Harris on behalf of Social Work England. The panel determined that it was reasonable and in the public interest to proceed with the hearing for the following reasons:
 - a) although Mr Bodenham had been in contact with Social Work England during the course of Social Work England's investigation, the panel considered that Mr Bodenham's engagement with his regulator could best be described as sporadic and inconsistent. On a number of occasions Mr Bodenham had requested that Social

Work England cease contacting him, with the most recent of these requests (dated 23 October 2023) stating: *“Please note this has been ongoing since 2019. I don’t need any updates the decision has already been made. I just feel totally unsupported and being taken for a ride. It will be 4 years 4 years of stress cancellation and still no resolution. Can you imagine what it’s like to have this over your head for 4 years. Please do not send any more documents to my property”*. In view of the aforementioned, in the panel’s view, Mr Bodenham’s engagement could not be said to be meaningful or tending to demonstrate his intention to engage with proceedings but rather quite the opposite;

- b) Mr Bodenham had not requested an adjournment of the hearing, nor had he indicated that he would be willing or able to attend on an alternative date. Therefore, relisting the hearing would serve no useful purpose and the panel was satisfied that it was reasonable to conclude that Mr Bodenham’s non-attendance was voluntary and therefore a deliberate waiver of his right to attend and participate in person;
- c) whilst the Panel recognised that there may be some disadvantage to Mr Bodenham in not being able to give evidence or make oral submissions, the Panel noted that he had provided some responses to the Allegation, which would go some way to mitigate any potential disadvantage to him. Further, the panel also balanced fairness to Mr Bodenham with fairness to Social Work England. In doing so, the Panel noted that Social Work England had four witnesses ready to be called to give evidence during the course of the hearing and the panel therefore concluded that was in the interests of justice that the witnesses be able to give their evidence as soon as practicable; and
- d) as this is a substantive hearing there is a strong public interest in ensuring that it is considered expeditiously. It is also in Mr Bodenham’s own interest that the Allegation is heard as soon as possible, given his expressed wish for this matter to be resolved.

12. Consequently, taking all of the above into account, the panel determined to proceed with the hearing in Mr Bodenham’s absence.

Preliminary matters

Privacy:

13. Mr Harris made an application for the parts of the hearing pertaining to Mr Bodenham's health to be considered in private. He submitted that conducting these parts of the hearing in private would protect Mr Bodenham's right to a private life.
14. The panel accepted the legal adviser's advice which had drawn its attention to Rule 10 of the Rules and to the section on conducting hearings in private contained within Social Work England's 'Hearings guidance for social workers'. The panel also carefully considered the public interest grounds in the case being heard in public.
15. However, having considered Mr Harris' application, the panel was satisfied that the matters relating to Mr Bodenham's health should be heard in private to maintain Mr Bodenham's right to a private life. The panel was satisfied, having considered the matter, that Mr Bodenham would suffer disproportionate damage if it did not do so and the panel therefore ordered that the matters concerning Mr Bodenham's health be conducted in private.

Redactions:

16. After the panel had determined the aforementioned preliminary applications, the legal adviser raised the issue of Social Work England's hearing bundle, which was before the panel, making reference to:
 - i. Mr Bodenham's dismissal from his employer;
 - ii. an interim order being in place; and
 - iii. alleged similar conduct which might be considered to be similar in nature to that included within the Allegation, but not forming part of the Allegation before the panel.
17. The panel invited submissions from Mr Harris on the points.
18. Mr Harris submitted that in respect of i) and ii), he accepted that both matters should have been redacted from the hearing bundle and he apologised on behalf of Social Work England for them remaining within the bundle. However, he further submitted that the panel having

sight of both of these matters did not automatically preclude the panel from continuing to hear the case, nor did knowledge of these matters result in the panel having to consider itself biased by it. Mr Harris submitted to the panel that the panel would undertake its own evaluation of the evidence presented by Social Work England and therefore it would form its own view and the panel's conclusions, following this may not be the same as Mr Bodenham's employers.

19. Mr Harris also submitted, in respect of the existence of an interim order, that again, the panel were not prejudiced by this information being included within the bundle because, as an experienced panel, the panel was aware that the function and role of an interim order committee was a risk-based assessment, and it did not concern itself with fact finding. Whereas the role of this panel was to determine facts. Therefore, he submitted that they were two completely separate functions, and the panel could place the existence of an interim order from its mind.
20. In respect of iii), Mr Harris submitted that the section which made reference to Mr Bodenham's alleged similar conduct should also have been redacted from the employer's investigation report and stated that "*it had slipped through the net*" when redactions were being undertaken. He further submitted: that nothing had been proved by the employer; the information was lacking in detail and amounted to a single section within a very large bundle; it was neither admitted or denied by Mr Bodenham; it did not form part of the Allegation to be considered; Mr Bodenham would be entitled to a good character direction; and the panel could place the information from its mind. Mr Harris also submitted that the average member of the public, on the basis of the information outlined above, would not consider the panel to be biased.
21. The panel accepted the legal adviser's legal advice, which had drawn its attention to: *Enemuwe v Nursing and Midwifery Council* [2015] EWHC 2081; *Porter v Magill* [2002] 2 AC 357; *Lawal v Northern Spirit Ltd* [2003] UKHL 35 [2003] ICR 856; and *R (Mafouz) v Professional Conduct Committee of the General Medical Council* [2004] EWCA Civ 233 in addition to the principles of equality of arms and fairness in regulatory proceedings.
22. The panel considered points i), ii) and iii), in turn.

23. In respect of i): the panel noted that Mr Harris accepted, on behalf of Social Work England, that, in line with the case of *Enemuwe v Nursing and Midwifery Council [2015] EWHC 2081*, reference to Mr Bodenham's dismissal from his employer ought to have been redacted from Social Work England's bundle. The panel accepted and agreed with this submission and having done so, the panel next considered whether knowledge of this information prejudiced the panel in its consideration of the case. The panel considered that it did not prejudice it and that it could properly go on to hear the case. In forming this view, the panel noted that the outcome of the employer's employment proceedings was not a relevant factor or consideration for the panel to weigh up when determining the facts in this case. The panel considered that this information could reasonably be placed from its mind and that it would place no weight upon it when determining the Allegation. The panel was also satisfied that an informed member of the public would not consider the panel to be biased in its consideration of the Allegation because of its knowledge of Mr Bodenham's dismissal.
24. In respect of ii): the panel again noted that Mr Harris accepted that reference to the existence of an interim order ought to have been redacted from Social Work England's hearing bundle. Again, the panel agreed with and accepted this submission. In the panel's view there was a distinction between a registrant placing this information before the panel as part of the presentation of its case, and the regulator including it and it ought to have been excluded. Notwithstanding this view however, the panel considered that it was not prejudiced by knowledge of the interim order and that it could go on to fairly consider the Allegation before it. In reaching this conclusion, the panel noted that this type of information was frequently placed before panel's making decision on facts and as experienced panel members, the panel could differentiate between the risk-based assessment that is required by a panel during an interim order hearing and determining facts in the case before it. The panel also considered that no weight would be attached to the existence of an interim order, by the panel in its assessment of the evidence presented to it, and that this information could properly be placed from its mind when determining the facts in this case. Further, the panel was also satisfied, having outlined that no weight would be placed on the existence of an interim order in the panel's consideration of the facts, that an informed member of the public would not consider the panel to be biased or object to it continuing to hear the case.

25. In respect of iii): the panel noted that the information included in the bundle (page 615) was as follows:

'SK – There was a situation last year when you made up a false account about a child (name also left in but redacted for the purposes of this determination) who was at risk of sexual exploitation. Do you recall this?

MB – Yes

SK – At the time you were treated very generously and were reminded of the professional expectations of being a social worker and put on a support plan do you accept this

MB – I do, yes I remember it'

26. The panel noted that once again, Mr Harris had conceded that this information should have been redacted from Social Work England's hearing bundle. Again, the panel agreed with his submission. The panel also accepted Mr Harris' submission that it was not prejudiced by knowledge of this information. In the panel's view, it was a very short paragraph contained within a very large hearing bundle and could be considered to be a comment which was put to Mr Bodenham during his employer's investigation which he neither accepted or denied as being true. Social Work England were not intending to rely upon the information and were also not intending to rely upon the information in the presentation of its case. Mr Bodenham had not contacted Social Work England to object to the information being included within the bundle and the panel was therefore content that it would give no weight to the information, and it would place it from its mind when considering the facts. Having determined that it was not prejudiced by sight of the aforementioned information, the panel then carefully considered whether an informed member of the public would consider the panel to be biased and concluded that they would not. In forming this view, the panel considered that an informed member of the public would be satisfied and reassured that the panel had addressed the issue at the outset of the proceedings and directed itself to place no weight on the information erroneously included within the bundle.
27. Consequently, having regard to its decisions in respect of i), ii) and iii) the panel determined to proceed with its consideration of the case.

Hearsay application:

28. Mr Harris made an application to admit the hearsay evidence of Father E. Mr Harris informed the panel that Father E did not live with Family D but was said to be having unsupervised contact with the children of Family D. Mr Harris outlined to the panel that Social Work England's case was that Mr Bodenham was required to complete a Child and Family Assessment (hereafter 'CFA'), after an anonymous referral was received stating that Father E was having unsupervised contact with the children, which was contrary to earlier social work assessment and direction. Mr Harris outlined to the panel that Social Work England's case was that Father E was not contacted by Mr Bodenham prior to him closing the CFA, contrary to an expectation on him to do so, and on 17 June 2019, Father E contacted the Sheffield Safeguarding hub to make a complaint that he had not received contact from Mr Bodenham. Father E spoke to Andrew Davies (a Senior Fieldwork Manager) to assert that he had not received any contact from Mr Bodenham. Mr Davies then spoke with Mr Bodenham. Mr Davies alleged that Mr Bodenham informed him that Father E had not engaged with assessment work and the children's mother did not want Father E to have contact with the children. In turn, Mr Davies called the children's mother, who stated that she had not received a visit from Mr Bodenham.
29. Mr Harris outlined that Father E was not being called to give evidence to the panel and Social Work England wished to rely upon his evidence, to Mr Davies, as hearsay evidence.
30. As part of his hearsay application, Mr Harris also drew the panel's attention to the following:
- i. Criminal Justice Act 2003;
 - ii. Rule 32(b)(vii);
 - iii. *Thorneycroft v Nursing and Midwifery Council [2014] EWHC 1565*;
 - iv. *R (on the application of SS (Sri Lanka) v Secretary of State for the Home Department [2018] EWCA Civ 1391*, outlining that the Court of Appeal noted that a court's inability to assess the demeanour of a witness was no longer regarded as a matter which would necessarily put the court at a disadvantage;

- v. It was fair to admit Father E's evidence as it was not the sole or decisive evidence against Mr Bodenham as it was part of an evidential matrix to be considered by the panel;
- vi. the evidence provided significant probative value;
- vii. the evidence of the mother can be the subject of questioning by the panel;
- viii. Social Work England relies upon the contemporaneous documentation and the records made by Mr Bodenham himself;
- ix. there is a clear inference to be drawn that Mr Bodenham did not properly conduct the assessments required;
- x. the evidence provided by Father E is consistent with the other evidence before the panel; and
- xi. if the panel admit the evidence, it can determine what weight, if any, to attach to the evidence in due course.
- xii. The panel accepted the advice of the legal adviser who had drawn its attention to Rule 32 and to the legal principles outlined in the following caselaw: *Nursing Midwifery Council v Ogbonna* [2010] EWCA Civ 1216; *R (Bonhoeffer) v General Medical Council* [2011] EWHC 1585 (Admin); *Shaikh v General Pharmaceutical Council* [2013] (unreported); and *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565.

31. The panel considered Mr Harris' application and noted his submissions. The panel also applied the principles outlined in *Thorneycroft*. In doing so, the panel noted that Mr Harris submitted that Father E's evidence was not the sole or decisive evidence against Mr Bodenham. The panel rejected this submission. Whilst the panel accepted that Father E's evidence was not the sole or decisive evidence in respect of the entire Allegation faced by Mr Bodenham, the panel considered that Father E's evidence was the sole and decisive evidence of whether Mr Bodenham had contacted Father E prior to closing the CFA, which formed part of Social Work England's case against Mr Bodenham and upon which Social Work England intended to rely.

32. In forming this view, the panel noted that Social Work England had not made any attempts to take a witness statement from Father E, nor had it sought to secure Father E's attendance at the hearing. Instead, Social Work England sought to rely on a telephone record, allegedly made by Mr Davies, which provided a purported record of Mr Davies' conversations with: Father E (when he telephoned to complain); Mr Bodenham (when Mr Davies allegedly called to discuss the complaint); and the mother (to allegedly confirm whether Mr Bodenham had visited her or the children). However, the panel also noted that Mr Davies was also not being called to give evidence by Social Work England, nor had he provided a witness statement or, it appeared to the panel, had he been asked to do so. Instead, Social Work England sought to rely upon Mr Davies' entries on the liquid logic database to attest to the details of his conversations with Father E, Mr Bodenham and mother. Additionally, the panel also noted that when questioned on the point about the lack of telephone records before the panel, Mr Harris submitted that there was a record available of all telephone conversations made by Mr Bodenham and that these had not been sought by Social Work England, nor were they being presented to the panel as part of its case.
33. The panel was concerned by Social Work England's approach to the evidence of Father E, Mr Davies, and the lack of any telephone records because the panel noted that throughout the course of Social Work England's investigation into the alleged concerns, Mr Bodenham had challenged the assertion that he had not contacted Father E and had stated that he did have contact with Father E and that Father E had refused to engage with the CFA. Further, the panel also noted that during the course of the employer's investigation, Mr Bodenham had directed the investigation to purported telephone records between himself and Father E, in support of his case and Social Work England had not sought to obtain these records to present to the panel. Consequently, the panel was concerned by the lack of evidence presented by Social Work England in this regard, knowing that Social Work England intended to rely solely upon a note made by Mr Davies to prove this aspect of its case.
34. The panel next considered Mr Harris' submission that Father E had no motive to fabricate his evidence that Mr Bodenham had not contacted him. The panel also rejected this submission. In the panel's view, it could be alleged that Father E did have a motive to complain about Mr Bodenham, if Mr Bodenham's account was considered in due course to

be plausible, and Father E had not engaged in the CFA and the decision to permit unsupervised contact between him, and his children had been maintained.

35. The panel next considered the serious nature of the charge faced by Mr Bodenham. The panel noted that the Allegation faced by Mr Bodenham was extremely serious, namely that of dishonesty, with a potential sanction of removal from Social Work England's register, if found proved. The panel considered that the impact of such a finding on Mr Bodenham would have significant ramifications for his career as a social worker.
36. The panel also considered the reason for the non-attendance of the Father E, noting that Mr Harris had accepted, when questioned on the point, that Social Work England had not sought to take a witness statement from Father E, nor secure his attendance at the hearing.
37. Having regard to all of the aforementioned, the panel determined, in view of the serious ramifications for Mr Bodenham's career if Father E's evidence was admitted and weight placed upon it, without the benefit of it being subjected to challenge and testing, that this could be prejudicial and unfair.
38. Consequently, having regard to all of the aforementioned, the panel refused Social Work England's application to admit Father E's evidence as hearsay.

Admissions:

39. 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.
40. Following the reading of the Allegation the panel found Particulars 1 and 5 proved by way of Mr Bodenham's admission, made on his observations form dated 09 May 2022 and submitted in response to Social Work England's Case Investigation Report.
41. The panel noted that in respect of Particular 2, Mr Bodenham appeared, in his responses to Social Work England during the course of its investigation, to accept providing inaccurate information but that he denied it being misleading information or that he had been dishonest. The panel invited submissions from Mr Harris on the point. Mr Harris invited the

panel to treat Particular 2 as an equivocal plea and not find the matter proved by way of admission.

42. The panel accepted the legal adviser's advice and determined to treat particular 2 as an equivocal plea. The panel determined that it would consider and weigh Mr Bodenham's submissions alongside the other evidence presented to it by Social Work England, when it determined whether Social Work England had proved its case or not in respect of the remaining particulars (2, 3 and 4).
43. The panel noted that Mr Bodenham denied particulars 3 and 4 and in line with Rule 32c (i)(a) of the Rules, the panel then went on to determine the disputed facts.

Background

44. On 19 November 2019, the HCPC received a referral regarding Mr Bodenham. The referral was made by Joanne Walker, on behalf of Sheffield City Council ('the Council'). The Council employed the Social Worker at the time of the concerns.
45. The referral arose after it allegedly became apparent to the Council that an assessment carried out by Mr Bodenham was substantially identical to one carried out by a previous social worker in respect of the same family the previous year and that Mr Bodenham had not in fact carried out the required assessment work (CFA). It was also alleged that Mr Bodenham had falsely asserted that he had visited Family D and that the children's father was not willing to undertake an assessment.

Summary of evidence:

46. Social Work England relied upon the oral evidence of four witnesses who were called to give evidence to the panel:
 - i) Yasmin Khan ('YK') – Senior Fieldwork Manager at the Council;
 - ii) **[PRIVATE]**
 - iii) Joanne Walker ('JW') – Service Manager at the Council; and
 - iv) Mother of the children in Family D ('mother').
47. Further, Social Work England also relied upon the following documentation:

- i) Statement of case – 19 pages;
- ii) Witness statement bundle – 29 pages;
- iii) Exhibits bundle – 655 pages;
- iv) Social Worker’s response bundle – 64 pages; and
- v) Service and Supplementary bundle – 14 pages.

Witness evidence:

48. The accounts below are provided as a summary of each of the witnesses’ evidence to the panel and are not a verbatim account of the evidence provided by each witness.

Witness YK:

49. Witness YK gave oral evidence to the panel and also relied upon her witness statement and exhibits, which were admitted into proceedings as part of her evidence.
50. YK told the panel that she is a registered social worker and had been working for the Council as a social worker between 2012 and 2015. Following this she worked for Rotherham Council between 2015 and 2016, as a social worker, and then returned to the Council, in November 2016 where she took up her current role as Senior Fieldwork Manager.
51. YK’s evidence to the panel was that as Senior Fieldwork Manager she provides case supervision, personal supervision and performance and strategy supervision. She stated that she also reviews and approves child protection plans, child in need plans, public law outline plans, audits and that she also covers the allocation of cases within her team and team meetings.
52. YK told the panel that Mr Bodenham was a support worker prior to joining her team at the Council. She stated that her working relationship with Mr Bodenham was very positive and that he was well liked within the team. YK stated that Mr Bodenham had complimented her on her style of management and that he had stated, during their monthly supervision meetings, that he felt settled and supported. YK exhibited records of her supervision sessions with Mr Bodenham.

53. YK informed the panel that Mr Bodenham had joined the Council on an assessed and supported year in employment ('AYSE') and that as part of this, he had a training day on a Wednesday. YK also stated that as part of the AYSE, Mr Bodenham was provided with a social work consultant and it was that individual's role to provide support to Mr Bodenham in the form of reflective practice, training and any other support required. YK told the panel that her role, as Mr Bodenham's line manager was to assist him with case supervision.
54. YK informed the panel that newly qualified social worker's proficiency was measured against the standards of proficiency and under these Mr Bodenham was expected to meet different stages of proficiency at different times. For example, by three months, he was expected to be proficient in child in need cases and low-level complexity cases and at six months he would have been expected to be proficient in child protection cases. At nine months Mr Bodenham should have been proficient in complex cases and by twelve months he should also have been proficient in care proceedings. YK stated that Mr Bodenham's progress was very delayed when measured against the standards of proficiency. YK told the panel that she and Mr Bodenham's social work consultant had meetings to discuss how they could best support him in view of his delayed progress against the proficiencies. YK also told the panel that she had provided additional support to Mr Bodenham to support him in conducting assessments.
55. YK also informed the panel that when Mr Bodenham's started his AYSE at the Council, the team was fully staffed and his caseload was very well supported by her and the rest of the team. YK stated that Mr Bodenham was never put under any pressure in respect of his caseload and he was not assigned complex cases. She also told the panel that he had between 18-20 cases maximum, at any one time.
56. YK stated that Mr Bodenham had a duty, as part of his role as a social worker, to ensure that when a meeting or assessment was conducted, such as a child in need meeting, the minutes from that meeting are shared with the relevant professionals if they have attended the meeting. She informed the panel that the minutes would be signed off by a manager, which, once approved, are then shared with Family D. She also told the panel that once these minutes are uploaded to the case file, the manager receives a notification and it prompts the manager to review the minutes. YK told the panel that the distinction between this and a social worker visiting a family, is that the social worker does not need to share the minutes

of a family visit with Family D but that the expectation is that the minutes are still uploaded to the case file. YK also told the panel that in respect of family visit minutes, these did not need to be signed off by a manager. YK also told the panel that these processes are explained in the Council's Practice Standards for Practitioners ('SCC Practice Standards') and that this policy is provided to all social workers as part of their induction.

57. YK also outlined to the panel that she would expect all social worker's to be honest about their interactions with families and that she would also expect that visits to families and meetings with professionals to be conducted within the timeframes outlined within the Council's Practice Standards.
58. YK stated, in respect of Family D, that Mr Bodenham should have conducted an assessment of Family D within four to five days of Family D being referred to the Council. She also told the panel that Mr Bodenham should have been looking at the concerns raised and why the case had been referred to the Council, potential wider issues such as Family D's network or health issues and then he should also have attended further visits and meetings to review the concerns and see if they had increased or decreased. Depending on this outcome, YK also told the panel that Mr Bodenham should then have formulated a new action plan and YK also stated that you cannot formulate a new action plan without all of the aforementioned information.
59. YK told the panel that Family D assessments (CFA's) are important because they are one-to-one meetings between the social worker and Family D in question, in their home. She also told the panel that they are conducted on all cases and that their purpose is to promote the wellbeing of the children and family and to prevent harm and ensure that Family D receives appropriate support to try and enable that the children stay with their families.
60. YK also informed the panel that in respect of Family D, she could not recall specifically if she had discussed this family with Mr Bodenham, as he did not have the case for very long. She also told the panel that when Mr Bodenham completed a CFA, she would have received a notification requesting approval of it and in respect of Family D, YK stated that she signed this assessment off because Mr Bodenham has noted that the father had refused to engage with the CFA. YK told the panel that she would not have had a discussion with Mr Bodenham about this process because there was nothing alarming contained within the

CFA. YK also stated that once a case is closed, there was an option for the social worker to either hand deliver or post the assessment to Family D, but she could not recall which option had been selected by Mr Bodenham in this case.

61. YK told the panel that she was aware that there was a previous, earlier, CFA on file for Family D, but that she did not supervise the social worker who had undertaken the previous CFA and therefore had not had sight of the first CFA previously signed off and held on the case file.
62. YK stated that she became aware that something might be amiss, when she received a telephone call from a colleague who outlined that the father in Family D (Father E), had contacted the Council to clarify when he would be undergoing his risk assessment. Due to the performance concerns already in YK's mind, she told the panel that she escalated this matter to her line manager, witness JW. YK informed the panel that JW told her not to get involved and she was told not to discuss the matter with Mr Bodenham.
63. YK told the panel that the consequence of not completing a CFA properly was that a family or child may be placed at risk of harm. She also stated that as a social worker, your role is to advocate for a family and that in lying about whether a CFA was performed or not, Mr Bodenham was in breach of his safeguarding and practise standards and he also placed the two children, within Family D, at risk of harm, given that the father had issues with alcohol and drug misuse. YK also told the panel that Mr Bodenham's actions had the potential to undermine the wider social work profession.
64. YK also gave evidence to the panel about the practice of "*pulling through*" information from a previous CFA when populating an up-to-date CFA. YK stated that it is not something which is commonly used by social workers as it was something which managers advised social workers against as it carried with it a risk of mistakes being made. However, notwithstanding this, YK told the panel that there was a facility to select information which is pulled through from a previous assessment or meeting and that you do this by clicking a button on each section of the information you wish to "*pull through*" onto your document.

[PRIVATE]

Witness JW:

65. Witness JW gave oral evidence to the panel and also relied upon her witness statement and exhibits, which were admitted into proceedings as part of her evidence.
66. Witness JW told the panel that she qualified as a social worker in 1998 and worked as a social worker, at the Council, between 1998 to 2003. Between 2003 and 2017, JW told the panel that she worked in a number of different roles, within social care, for different employers and then in 2017 she moved back to the Council to work as a Team Manager and in 2019 she was promoted to her current role of Service Manager at the Council. JW informed the panel that in this role she manages seven senior fieldwork managers, who in turn manage six teams and that each team consists of seven social workers.
67. JW stated that during the time she worked as the Team Manager she had no direct line management contact with Mr Bodenham as he was under the supervision of YK and that when she moved into her role as Service Manager, this was only a short time before the investigation into Mr Bodenham's conduct commenced. JW also told the Panel that as she had not been the Service Manager for long, she did not recall discussing Mr Bodenham with YK during her supervision sessions with YK.
68. JW also told the panel that it was a breach of policies and procedures not to maintain accurate and clear records of a social worker's interactions with a family and that this was set out within the SCC Practice Standards. JW also stated that at the time, all social workers were expected to have read the SCC Practice Standards and that this document also made it clear that there was an expectation that all visits were recorded within 2 working days of the visit having been made.
69. JW also gave evidence to the panel that following Mr Bodenham's alleged visit on 24 April 2019, she would have expected a clear case note to have been entered onto the case file and that this should have included notes on interactions with Family D, discussions regarding the children's wishes and feelings and whether the children had been seen alone or not. JW also told the panel that the Council had issued tablets to each of its social workers to try and assist with writing up notes after each visit. JW stated that there was no note of a visit ever having taken place with Family D.

70. JW stated that she raised concerns with the HCPC as Mr Bodenham had provided inaccurate information in a CFA by using large amounts of information from a previous CFA that was conducted ten months prior.
71. JW told the panel that every single Social Care Assessment should contain updated information. She explained that “pulling through” is occasionally performed by social workers, and that this was where information could be copied from a previous assessment, such as the chronology, but that this action should not be undertaken for the remainder of the assessment as the information was required to be up-to-date.
72. JW stated that it had become apparent that Mr Bodenham had “pulled through” the entire information from the earlier assessment and it was particularly evident that this is what had been done in the section that explained the children’s concerns, which mirrored the previous assessment completely.
73. JW also told the panel that there should have been a manager’s action plan undertaken by YK which is specific at the time of the referral and that this document sets out what was expected of the social worker in respect of the assessment. JW told the panel that this was not evidence from the file and would have been an oversight on YK’s part.
74. JW stated that it was vital, in respect of Family D, that an assessment was undertaken properly because the reason for referral to the Council in July 2018 was very different to the referral to the Council in 2019. JW stated that the referral on 25 July 2018 was owing to an incident regarding domestic violence where it was alleged that one of the children had been hurt, and the referral in 2019 related to alleged unsupervised visits from the father of Family D with the two children of Family D. JW stated that the time between the assessments was 10 months meaning that the wishes and feelings of the children may have been very different and as a result the manager’s action plan would have been very different also.
75. JW informed the panel that it appeared to her that Mr Bodenham had “pulled through” large amounts of the earlier assessment and that this information was then presented to YK, so that she could decide the next steps on the case. JW also told the panel that as the information contained within the assessment was incorrect as Mr Bodenham stated “*there is no evidence to substantiate the concerns – case to close to social care and remain open to universal services*” on the basis of inaccurate information, YK agreed to close the case. JW

explained to the panel that this created a number of risks. JW told the panel that the father in Family D was not supposed to be having unsupervised contact with his two children and it was potentially the case that he was, or that the mother in Family D was permitting unsupervised contact between the father and children. She stated that this placed the children at potential risk of harm given that there had been previous concerns raised in respect of the father misusing alcohol and narcotics.

76. JW also told the panel that the Council's Practice Standards and the HCPC's Standards of Proficiency 2017 are provided to social workers as part of their induction when they are first employed by the Council and social workers are also expected to attend training days which would have also covered these materials. JW told the panel that a record of Mr Bodenham's training was appended to her witness statement.
77. JW also informed the panel that during the Council's disciplinary process, she was the commissioning manager and this meant that she was involved in the verification meeting on 02 July 2019 but it was Ms Keefe who conducted the interim investigation on behalf of the Council. JW told the panel that in addition to being present at the verification meeting, she was also present at the management meeting on 22 November 2019.
78. JW also stated that during the course of the Council's investigation, Mr Bodenham had denied that he had been dishonest.

Mother:

79. Mother gave oral evidence to the panel and also relied upon her witness statement and exhibits, which were admitted into proceedings as part of her evidence.
80. Mother informed the panel that she spoke with a social worker, via telephone call, on one occasion and she believed that this may have been Mr Bodenham. However, Mother also told the panel that the telephone call was "*very short*" and she "*was at work*" when she received and answered the telephone call. Mother stated that the social worker asked how things were going generally and informed her that if she needed anything else he would "*call back*". Mother told the panel that she did not take the social worker's name so she could not confirm with any certainty whether it was Mr Bodenham. Mother also informed the panel that she could not provide any clarity regarding when this telephone call took place, save to say that it occurred whilst she was at work.

81. Mother did confirm however, that she had never met Mr Bodenham in person and he had never visited her home address.

Finding and reasons on facts:

82. The panel was aware that the burden of proving the facts was on Social Work England. Mr Bodenham did not have to prove anything and the individual particulars of the Allegation could only be found proved if the panel was satisfied on the balance of probabilities.
83. In reaching its decision the panel took into account the oral evidence of all of the witnesses, the documentary evidence contained within the hearing bundles as well as the oral submissions made by Mr Harris on behalf of Social Work England.
84. The panel accepted the advice of the Legal Adviser.
85. Having found particulars 1 and 5 proved by admission at the outset of the hearing, the panel considered whether particulars 2, 3 and/or 4 were proved.

Particular 2: PROVED

2. You provided inaccurate and/or misleading information in a Child and Family Assessment.

86. The panel had regard to the evidence before it and noted that Social Work England had not sought to provide a schedule nor further particularise, within the particular, what information it considered to be inaccurate and/or misleading within the CFA. However, the panel noted Mr Harris' submission to it that there were a number of actions taken by Mr Bodenham which led to inaccurate and misleading information being contained within the CFA.
87. The panel considered that the most serious of the alleged conduct, outlined by Mr Harris in the presentation of Social Work England's case, was that Mr Bodenham had failed to undertake a visit to Family D in order to determine what risks, if any, were posed to the two children within Family D. With this in mind, the panel first considered whether a visit to Family D had taken place. The panel noted that Mr Bodenham's account, during the

Council's investigation and during Social Work England's investigation was that he did visit the mother and children of Family D to inform the CFA.

88. The panel had regard to the oral and written evidence of Mother. The panel noted that Mother was clear in her oral and written evidence that she had never had a home visit from a male social worker and that only her previous female social worker had visited her at home to meet with the children. She told the panel that she and her children had moved house at the beginning of 2019, prior to the visit which Mr Bodenham claimed to have made. The panel noted that Mother was first interviewed about this approximately five months after the alleged visit was said to have occurred and Mother stated categorically to the investigating officer at the Council that a visit did not take place. The panel considered that this evidence was as close to be contemporaneous as the panel might expect and could also be considered to be relatively fresh in Mother's mind. The panel also noted that Mother had remained entirely consistent in her evidence throughout the Council and Social Work England's investigation. Conversely, the panel noted that Mr Bodenham had indicated during the Council's investigation and on the CFA that he had visited the mother and children of Family D at an address which they no longer resided at.
89. In determining whether a visit took place to Family D's home, the panel next had regard to the information, which was included, by Mr Bodenham, on the CFA. In doing so, the panel noted that there was no relevant 'new' or 'fresh' information regarding Family D or in the section relating to the wishes or desires of the children, which the panel would expect to see, if a home visit had taken place, given Mr Bodenham had made edits and additions to the CFA, including to this section.
90. The panel also noted that there was no record of the home visit on the Liquid Logic system and further, the panel also noted that Mr Bodenham claimed to have undertaken the visit to see Family D alone and that this went against the Council's policy of two social workers undertaking initial visits to meet and speak with families.
91. Weighing up all of the evidence before it, and noting that Mother had no motivation for being untruthful to the panel in her oral evidence, the panel found Mother's evidence to be consistent and credible. Consequently, the panel was satisfied, on the balance of

probabilities, that Mr Bodenham did not undertake a visit to see Family D, nor had he interviewed them at home to inform the information outlined within the CFA.

92. The panel also considered the inclusion of the visit, outlined on the CFA, to be both inaccurate and misleading.
93. The panel next considered the first CFA (completed by his colleague nine months prior) and the CFA completed by Mr Bodenham. The panel noted that there were several sections within the CFA completed by Mr Bodenham which he had added to, or amended.
94. The panel noted that part of Social Work England's case was that Mr Bodenham had not contacted Father E, to inform his decision making on the CFA and that he had misled colleagues when he stated that he had spoken to Father E, who had subsequently not engaged. In the panel's view, based on the evidence presented to it, Social Work England had failed to provide sufficient evidence to it to satisfy the panel of this fact. In forming this view, the panel noted that it had no witness statement from Father E, nor had Father E been called to give evidence to it. Further, the panel also considered that there was a lack of documentary evidence presented regarding the lack of purported telephone calls. Mr Bodenham claimed, throughout his employer's investigation, to have telephoned Father E on a number of occasions and telephone records for Mr Bodenham had not been requested by Social Work England, or furnished to the panel.
95. In addition, the panel also noted that Mr Davies, the individual who was said to have spoken to Father E when Father E made his complaint, had also not been asked to produce a witness statement, nor had he been called to give evidence. Whilst the panel noted that there was a purported entry from Mr Davies, on liquid logic attesting to Father E's complaint and lack of contact with Mr Bodenham, the panel noted that it had not been provided with an opportunity to subject this entry to any critical scrutiny. The panel therefore considered it could give the entry little weight. Consequently, the panel determined that it could not be satisfied that Social Work England had made out its case in respect of Mr Bodenham allegedly providing inaccurate and/or misleading information in respect of Father E, on the CFA.

96. The panel next considered whether Mr Bodenham had made any inaccurate or misleading entries on the CFA. Having determined that no visit was undertaken by Mr Bodenham to Family D, the panel considered that Mr Bodenham had provided further inaccurate and misleading information on the following areas of the CFA:
- i. no new information outlined within the children's view section of the document: The panel considered this to be both inaccurate and misleading because Mr Bodenham replicated exactly the same information outlined within the first CFA on his version of the CFA. The panel considered this to be both inaccurate and misleading because it misrepresented to the reader of the document that Mr Bodenham had spoken to the children and that they had expressed the same views as nine months earlier, which may or may not have been the case had he actually spoken to them, but was something he could not attest to because he had not spoken directly to them to seek their views;
 - ii. risk assessment rating on the document: the panel considered this information to be both inaccurate and misleading because the score rating outlined on the document tended to suggest to the reader of the CFA that Mr Bodenham had met and spoken with Family D and further to that meeting that he had formed a view of the current risk posed to the children with Family D, when this was not the case;
 - iii. analysis and judgement: the panel noted that Mr Bodenham had given a '10' rating on the CFA noting that the children were 'safe'. In the panel's view, it was both inaccurate and misleading to include this on the CFA when he had not visited with Family D and could not have appropriately come to this conclusion without such a visit having been undertaken; and
 - iv. suggested outcomes: the panel noted that Mr Bodenham had outlined on the CFA that "*the children have made no disclosures of concern.*" The panel considered this to be both inaccurate and misleading because it leads any reader to believe that the children were spoken to and given the opportunity to disclose any concerns to Mr Bodenham when this was not the case. This, therefore, would provide false reassurance to any reader about the safety of the children.

97. When considering each of the aforementioned sections, the panel considered Mr Bodenham's account that he had accidentally "pulled through" information from the previous CFA which was undertaken by his colleague nine months prior and that the form was submitted in error before it was complete. The panel rejected Mr Bodenham's account because the panel had heard evidence from witnesses YK and JW that in order to "pull through" the information from an earlier version of the CFA, it would not be "one click" but several "clicks" which would have needed to be undertaken and in each section of the CFA document. Further, Mr Bodenham had made changes throughout the document, including completing the final sections on suggested outcomes and reasons for those as well as filling in a date in the box marked 'Date of Completion by Assessing Worker'.
98. Consequently, having regard to all of the aforementioned, the panel was satisfied on the balance of probabilities that Mr Bodenham provided inaccurate and misleading information in a CFA.

Particular 3: PROVED

2. *You provided inaccurate information to your colleagues about your interactions with Family D.*

99. The panel noted that Particular 3 did not specify who "colleagues" related to within its meaning. However, the panel had regard to Mr Harris' statement of case and noted that Social Work England had put its case on the basis that "colleagues" referred to those who conducted the internal investigation within the Council (witness JW and Sharon Keiffe). The panel considered it to be fair, given that the statement of case had been served on Mr Bodenham prior to the hearing, to apply this meaning when it considered the Particular 3.
100. The panel considered the oral evidence of witness JW and the documentary evidence attached to her statement, from Sharon Keiffe (investigating officer at the Council). The panel noted that in both the initial verification meeting and during the course of the investigation, meeting minutes indicate Mr Bodenham informed both JW and Sharon Keiffe that he had met with Family D and that he had spoken directly with the children. However, having determined that a meeting between Mr Bodenham and Family D (family D) did not take place, the panel was satisfied to the required standard, that Mr Bodenham provided inaccurate information to his colleagues (JW and Sharon Keiffe) about his interactions with

Family D. It came to this conclusion on the basis of the evidence of JW, who commissioned the investigation and produced the minutes of three investigatory meetings in which Mr Bodenham is recorded as asserting the visit did take place. It noted that this is consistent with Mr Bodenham's submissions to Social Work England during its investigations and the regulatory proceedings.

101. Therefore, the panel found particular 3 proved.

Particular 4: PROVED

2. The matters outlined at 2 and 3 above were dishonest.

102. The panel had regard to the Legal Adviser's advice in respect of the test to be applied when considering dishonesty and in particular had regard to the case of *Ivey v Genting Casinos Ltd t/a Crockfords* [2017] UKSC 67.

103. The panel considered Mr Bodenham's state of mind in respect of the inaccurate and misleading information outlined within the CFA and also in respect of the inaccurate information provided to colleagues about his interactions with Family D.

104. The panel was satisfied, on the evidence presented to it by Social Work England, that Mr Bodenham had received sufficient training on how to complete a CFA, what information should be included within the document and what was expected of him in doing so. The panel was also satisfied that Mr Bodenham was provided with sufficient support, by his managers and AYSE supervisor, that if he had been struggling to complete a task or CFA that there was sufficient support available to him to avail himself of the necessary advice and help to complete it. On the basis of the witnesses' evidence to it by Social Work England, the panel was also satisfied that Mr Bodenham would have been aware of the potential risks of including inaccurate and/or misleading information within the CFA and in conveying inaccurate information to colleagues.

105. The panel also had regard to Mr Bodenham's good character when determining if his actions in respect of particular 2 and 3 were dishonest however, the panel noted that Mr Bodenham's accounts have varied between those provided to his employer during the course of its internal investigation and the explanations provided to Social Work England as

part of its investigation. For example, the explanation given by Mr Bodenham to Social Work England in relation to particular 2, namely, that the CFA form was submitted in error before it was finalised, was never part of the explanation he gave for the content of the CFA during the internal investigation by the Council.

106. Additionally, the panel also noted, that Mr Bodenham's position remains that he undertook a visit to Family D. Given this, Mr Bodenham did not have any intention of changing the CFA to indicate that a visit had not taken place. His submission that the form was submitted early in error cannot justify why he has documented that a visit took place when the panel has found that it did not. The panel determined that Mr Bodenham deliberately and knowingly falsely represented that a visit to Family D took place.

107. **[PRIVATE]**

108. **[PRIVATE]** Having determined this, the panel was satisfied that Mr Bodenham knew that he had not completed a visit to Family D and that he knew that he had included fabricated information within the CFA. The panel also concluded, based on the evidence presented to it, that Mr Bodenham knew that he should not have recorded that he had visited Family D. The panel found that he deliberately provided inaccurate and misleading information in the CFA, flowing from the fabricated visit. In doing so, the panel found that his actions were dishonest.

109. Further, the panel also concluded on the evidence presented to it, that when it was discovered that Mr Bodenham had provided inaccurate and misleading information within the CFA, that he continued his dishonest conduct by providing colleagues with inaccurate information relating to the fabricated visit during the course of the Council's investigation.

110. The panel was also satisfied, on the balance of probabilities, that Mr Bodenham's actions would be considered dishonest by reasonable and honest people.

111. Consequently, Particular 4 is proved.

Finding and reasons on grounds

Decision on Grounds

112. Having found all particulars proved, the panel went on to consider whether Mr Bodenham's conduct amounted to a statutory ground.
113. The panel took into account Mr Harris' oral and written submissions and accepted the advice of the Legal Adviser.

Misconduct

114. In considering the issue of misconduct, the panel bore in mind the explanation of that term given by the Privy Council in the case of *Roylance v GMC (No.2)* [2000] 1 AC 311 where it was stated that:

“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 by a ... practitioner in the particular circumstances. The misconduct is qualified in two respects. First, it is qualified by the word ‘professional’ which links the misconduct to the profession ... Secondly, the misconduct is qualified by the word ‘serious’. It is not any professional misconduct which will qualify. The professional misconduct must be serious.”

115. The panel first considered whether any of the facts found proved amounted to misconduct. In order to assist with this task, the panel considered the HCPC's Standards of Conduct, Performance and Ethics (dated 2016) and was satisfied that Mr Bodenham's conduct had breached the following standards:

6.1- You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible;

8.1 – You must be open and honest when something has gone wrong with the care, treatment or other services that you provide;

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

10.1 – You must keep full, clear and accurate records for everyone you care for, treat, or provide other services to.

116. The panel also found breaches of the following parts of the HCPC's Standards of Proficiency for Social Workers in England (dated 2017):

2.10 – Understand what is required of them by the Health and Care Professions Council;

3.1 – Understand the need to maintain high standards of personal and professional conduct;

4.3 – Recognise that they are personally responsible for, and must be able to justify, their decisions and recommendations;

8.11 – be able to prepare formal reports in line with applicable protocols and guidelines;

10.1 – be able to keep accurate, comprehensive and comprehensible records in accordance with applicable legislation, protocols and guidelines;

10.2 – recognise the need to manage records and all other information in accordance with applicable legislation, protocols and guidelines; and

14 – be able to draw on appropriate knowledge and skills to inform practice.

117. The panel was aware that a breach of the standards alone does not necessarily constitute misconduct. However, the panel was satisfied that Mr Bodenham's conduct in respect of particulars 1, 2, 3 and 4 each fell far below the standards expected of a registered social worker and was satisfied that each of the aforementioned particulars amounted to serious professional misconduct.

118. In forming this view, the panel noted that Mr Bodenham was the allocated social worker for Family D with children who could be considered as vulnerable. He was tasked with undertaking a CFA, following a referral to the Council. However, instead of performing the required CFA, the panel has found that Mr Bodenham failed to undertake a visit to see Family D and that he fabricated responses on the CFA document. The panel consider that

Mr Bodenham's dishonest actions had the consequence of not only leading any reader of the CFA to the conclusion that he had undertaken the visit to see Family D, but that he had sought the views and voices of the mother and the children when this was not the case. The panel also noted that the CFA document, completed by Mr Bodenham, tended to suggest to any reader, that he had conducted an up-to-date risk assessment of all and any risks posed to the children, when this was also not the case. In the panel's view, Mr Bodenham knew that he had not undertaken the visit and that he did not have the requisite information to populate the CFA. However, rather than being honest with his manager and colleagues, that a visit had not taken place, he chose to fabricate information contained within the CFA document to cover his lack of a visit to Family D and close the case.

119. The panel also considered that Mr Bodenham's acts were compounded by the fact that he misrepresented the section on the CFA which outlined the views of the children. The children in Family D had been assessed, in a previous CFA (which was undertaken approximately nine months earlier), as being at risk of harm from Father D, owing to Father D's substance misuse. In the panel's view, Mr Bodenham owed the children a duty of care. As the children's allocated social worker, he knew that he was under an obligation to visit and speak directly to the children to check on their wellbeing and to hear directly from them given new information that indicated they may be at current risk of harm, and he failed in that duty. Furthermore, the panel considered that in falsifying the children's views section of the CFA, Mr Bodenham's actions resulted in an unnecessary risk of harm to the children because he assessed the children as safe and recommended the case be closed without further social work involvement.
120. The panel notes that Mr Bodenham adopted the findings of the previous CFA undertaken by a colleague as his own, including the previously solicited views of the children. The panel considers this to be a fabrication, as there is no basis for believing them to be their views at the time of the CFA in May 2019, particularly given the new information that the children were allegedly having unsupervised contact with their father who had previously caused one of them harm and had been found to be an ongoing risk to them.
121. Additionally, the panel also considered that Mr Bodenham's conduct was exacerbated by the fact that when his dishonest conduct was discovered, rather than being honest with

managers and colleagues that a visit had not taken place, Mr Bodenham chose to provide further inconsistent and dishonest accounts of who he had spoken to and who he had visited and when; further entrenching his dishonesty.

122. The panel considered that honesty and integrity are core aspects of a social worker's role and Mr Bodenham, as a social worker, has a duty to be honest about all aspects of a case. In addition to misrepresenting views, Mr Bodenham's dishonest recording meant that his managers could not provide direction or guidance on the case. In addition to the aforementioned, the panel was also of the view that managers and professional colleagues with whom any social worker interacts (including: health professionals, families, police and the courts) must be able to trust the information provided by social workers so that appropriate decisions can be made to safeguard the vulnerable individuals that they seek to protect. By fabricating the visit to Family D and dishonestly editing the CFA to make it appear that he had visited Family D and spoken to the children, Mr Bodenham undermined the trust placed in social workers to be honest and to act with integrity.
123. The panel consequently determined that Mr Bodenham's failure to perform his fundamental duties amounted to a serious falling short in the conduct expected of him as a social worker. In the panel's view, undertaking visits to children was an essential and core task of any social worker working in the environment within which Mr Bodenham operated (child services) and his inaction left vulnerable children at risk of harm.
124. The panel also considered that Mr Bodenham was aware of the requirement to accurately record his interactions with service users and that this was necessary to ensure that colleagues and other professionals were aware of the current situation in order to fulfil any duty of care. The consequence of Mr Bodenham's failure to maintain clear and accurate records meant that there was a further potential risk created in that a lack of accurate records could impact on the care provided to the service users, as other professionals would not have had an up-to-date and accurate picture of the circumstances, which the children were living in.
125. The panel was therefore satisfied that particulars 1, 2, 3 and 4 individually and collectively taken together amounted to serious professional misconduct.

126. The panel was also satisfied that fellow practitioners and members of the public would consider Mr Bodenham's behaviour to be serious and thus determined that his conduct amounted to serious professional misconduct.

127. **[PRIVATE]**

Finding and reasons on current impairment

128. Having found the statutory grounds of misconduct and health made out, the panel went on to consider whether Mr Bodenham's fitness to practise is currently impaired. The panel took into account all of the evidence that it had read and heard during the course of the proceedings and had regard to the submissions made by Mr Harris.

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

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

130. The legal adviser reminded the panel, in accordance with the case of Cohen v General Medical Council [2008] EWHC 581, that it was relevant to ask whether Mr Bodenham's conduct is easily remediable, whether it has been remedied and whether it is highly unlikely to be repeated. In so doing, the panel would examine whether or not Mr Bodenham has demonstrated insight into his past behaviour. The Legal Adviser also advised the panel to consider the public interest in accordance with the case of Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Paula Grant [2011] EWHC 927 and Yeong v GMC [2009] EWHC 1923.

131. The legal adviser also reminded the panel that when determining current impairment it should have regard to the following aspects of the public interest:
- i) the ‘personal’ component: the current behaviour of the individual social worker; and
 - ii) the ‘public’ component: the need to protect service users, declare and uphold proper standards of behaviour and maintain public confidence in the profession.
132. The panel was aware that a finding of impairment is a matter for the panel’s professional judgment.
133. The panel first considered Mr Bodenham’s fitness to practise from the personal perspective and then from the wider public perspective.
134. The panel determined that the facts found proved in this case were very serious and noted that Mr Bodenham’s actions left vulnerable service users at risk of harm. In considering the facts surrounding the case, the panel formed the view that whilst Mr Bodenham’s conduct in respect of his record-keeping and a failure to complete visits was potentially remediable, the matters pertaining to his dishonest conduct were more difficult to remediate.
135. The panel noted that Mr Bodenham had failed to attend the regulatory proceedings and had failed to engage in the fitness to practise proceedings in any meaningful or ongoing manner, electing to engage sporadically. The panel also noted that Mr Bodenham had failed to provide any account in respect of the impact of his actions on others and, in the panel’s view, had demonstrated no insight, remediation, or remorse for his actions. In view of this, the panel concluded that Mr Bodenham had done nothing to remediate his actions and had demonstrated no insight into how his actions had impacted the service users concerned, his employer the Council, his colleagues at the Council or the wider public interest considerations such as the public’s trust and confidence in the social work profession. Additionally, the panel also considered that Mr Bodenham’s responses to Social Work England were self-focused.

136. Given Mr Bodenham's lack of insight, remorse and reflection the panel was not satisfied that Mr Bodenham's conduct would not be repeated in the future. In forming this view, the panel also noted that at the time of the concerns, Mr Bodenham was working as part of an ASYE year and consequently, had a reduced caseload, with additional supervision and support in place to assist him. In view of the aforementioned, the panel concluded that Mr Bodenham posed a high risk of repetition in respect of his conduct and the panel was consequently satisfied that he continues to pose an ongoing risk to service users and the wider public.
137. The panel considered whether this was a case that required a finding of impairment on public interest grounds in order to maintain public confidence in the profession and Social Work England as its regulator. A significant aspect of the public component is upholding proper standards of behaviour and Mr Bodenham's dishonest conduct fell far below those expected. The panel was satisfied that a fully informed member of the public, who was aware of all of the background to this case, would have their confidence in the profession and the regulator undermined if a finding of impairment were not made given the panel's findings regarding Mr Bodenham's failings, and the lack of insight shown by him in respect of his conduct.
138. [PRIVATE]
139. [PRIVATE]
140. [PRIVATE]
141. [PRIVATE]
142. [PRIVATE]
143. [PRIVATE]
144. [PRIVATE]
145. [PRIVATE]
146. Accordingly, the panel found Mr Bodenham's fitness to practise currently impaired on the statutory grounds of misconduct [PRIVATE]

Decision on sanction

147. In reaching its decision on sanction, the panel took into account Mr Harris' submissions, which the panel noted focussed entirely on Mr Bodenham's misconduct. Mr Harris' submission to the panel was that a removal order was the appropriate and proportionate sanction in the circumstances of this case.
148. The panel referred to the 'Impairment and sanctions Guidance' (hereafter 'the sanctions guidance') issued by Social Work England and accepted the advice of the legal adviser.
149. The panel bore in mind that the purpose of sanction was not to punish Mr Bodenham, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct and performance. The panel was also cognisant of the need to ensure that any sanction is proportionate.
150. To assist it in assessing and determining the appropriate sanction, the panel first considered paragraphs 81 to 84 of the sanctions guidance and had regard to the mitigating and aggravating factors in the case.
151. The panel considered the mitigating factors outlined within the sanctions guidance and found that the following applied in this case:
 - i. Mr Bodenham had no previous adverse regulatory history.
152. The panel performed the same exercise in respect of aggravating factors and determined the following to be applicable in this case:
 - i. Mr Bodenham's dishonest conduct was sustained over a period of time;
 - ii. Mr Bodenham had demonstrated no insight into his actions or the impact of his actions on vulnerable service users;
 - iii. Mr Bodenham had provided no evidence of remediation in respect of his misconduct;
 - iv. Mr Bodenham's conduct placed the children in Family D at risk of harm;

- v. Mr Bodenham, at the time the concerns arose in 2019, had additional managerial supervision and support in place.

153. As advised by the legal adviser, the panel started its consideration of this matter from the bottom of the scale of possible sanctions.
154. In ascending order, the panel first considered taking no action and then moved on to consider giving Mr Bodenham an advice or warning. The panel noted the seriousness of the misconduct and the fact that it had determined that Mr Bodenham posed an ongoing risk to the public should he return to social work practice without undertaking appropriate remediation and demonstrating insight and remorse into his conduct. The panel also considered the deterrent effect of any sanction on fellow practitioners. **[PRIVATE]**
155. Having balanced all of the aforementioned, the panel considered that taking no action and/or issuing an advice or warning was not appropriate in this case. In the panel's view, these options would not protect the public from the risks identified. The panel was also of the view that such sanctions would not reflect the seriousness of Mr Bodenham's misconduct, nor would they send a clear message to other members of the social work profession that such conduct was not tolerable. The panel also determined that public confidence in the profession, and Social Work England as its regulator, would be undermined if such behaviour was dealt with by way of any of these sanctions.
156. The panel next considered whether to place conditions of practice on Mr Bodenham's registration. The panel again had regard to the sanctions guidance and in particular paragraph 114 of the sanctions guidance, which states:

'Conditions of practice may be appropriate in cases where: the social worker has demonstrated insight; appropriate proportionate and workable conditions can be put in place; decision makers are confident the social worker can and will comply with the conditions; and the social worker does not pose a risk of harm to the public by being in restricted.'

157. The panel determined that a conditions of practice order was not the appropriate sanction in this case. In forming this view, the panel had regard to the fact that Mr Bodenham had not engaged, in any meaningful way, in the fitness to practise proceedings and had not

demonstrated any insight into his misconduct or the impact of it upon others. The panel also had regard to the lack of any evidence of remediation of his misconduct.

158. Further, the panel was not aware of Mr Bodenham's current employment status, nor of his willingness or ability to comply with any conditions of practice. Whilst the panel considered that conditions of practice could potentially be drafted to address Mr Bodenham's record keeping **[PRIVATE]** the panel considered that conditions of practice could not be drafted which would address the serious attitudinal failing of dishonesty in this case. Consequently, having regard to all of the aforementioned, the panel was not satisfied that a conditions of practice order was appropriate to mark the seriousness of Mr Bodenham's conduct or would afford sufficient public protection, for the risks identified by the panel, in this case.
159. The panel went on to consider a suspension order versus a removal order. The panel had regard to paragraphs 135 to 144 of the sanctions guidance and to the fact that Mr Bodenham had an unblemished, albeit very short, career as a social worker.
160. The panel first considered whether a suspension order was the appropriate order to impose. Such an order would, in the panel's view, leave open the possibility of improved insight and remediation. However, the panel was not satisfied that a suspension order was appropriate owing to the serious nature of Mr Bodenham's dishonest conduct and the lack of meaningful or substantive engagement with the regulatory process. **[PRIVATE]**. The panel considered, on the evidence before it, that Mr Bodenham was well supported by his managers and additional AYSE supervisors at the time and in the panel's view, could have approached either of these parties if he was struggling with managing the case of Family D. Additionally, the panel had regard to the sustained and entrenched nature of Mr Bodenham's dishonest conduct and his lack of regard or recognition of the risks that he potentially exposed the two children in Family D to. Consequently, the panel had insufficient confidence that Mr Bodenham will be able to return to safe practice in the future because of the underlying attitudinal issues demonstrated by a finding of dishonesty and by his lack of insight and meaningful engagement in these proceedings.
161. The panel also noted that there were very limited mitigating circumstances in this case. Whilst the panel noted that Mr Bodenham was of previous good regulatory character, the panel considered this to be of limited weight, given that he was in his first year of practice as

a social worker. Further, Mr Bodenham has not engaged in a meaningful way with his regulator and has not demonstrated any insight, remediation or remorse for his dishonest conduct and he has been afforded with numerous opportunities to do so. The matters before the panel primarily concern Mr Bodenham's integrity and there was nothing before the panel which would alleviate its concern that he would not act in a dishonest manner again in the future. In the panel's view, Mr Bodenham's misconduct falls at the top end of the spectrum. Social workers are afforded with privileged positions of trust, and in the panel's view, Mr Bodenham abused his position of trust by fabricating the views of vulnerable children on the CFA and then exposing them to a potential risk of harm. Further, when his deceit was discovered, rather than being honest about the fact that he had not visited Family D, he continued to deceive his employers. The panel considered that members of the public would expect the regulator to regard such conduct as incompatible with continued registration, especially when there is no evidence of a commitment from Mr Bodenham to acknowledge or to address the panel's concerns.

162. The panel considered the option of a removal order and noted paragraphs 147 to 150. Having done so, the panel determined that in the circumstances of this case a removal was the appropriate and proportionate sanction.
163. In the panel's view, no other lesser sanction would protect the public, maintain confidence in the profession or maintain proper professional standards for social workers. Mr Bodenham had abused the position of trust bestowed upon him when he had acted dishonestly and he had sought to further conceal his dishonesty, over a significant period of time when his dishonesty was discovered. Additionally, Mr Bodenham had demonstrated a complete lack of insight into the seriousness or consequences of his actions and he had failed to provide any evidence of remediation of his conduct.
164. The panel also noted that in recent correspondence with Social Work England (October 2023), Mr Bodenham had told Social Work England to cease writing to him. Whilst the panel could not conclude that this request amounted to clear evidence that he no longer wished to practise as a social worker, the panel was satisfied that this request was not the expected behaviour of a professional who wished to engage with his regulator, or remain within the social work profession.

165. In determining that a removal order is the appropriate order, the panel considered Mr Bodenham's interests, but decided that they were outweighed by the need to protect the public and the wider public interest, including upholding professional standards of conduct and behaviour.
166. The panel therefore direct the Registrar to remove Mr Bodenham's name from the social work Register.

Interim order

167. Mr Harris, on behalf of Social Work England, applied for an interim suspension order to cover the appeal period and any period during which an appeal, if lodged, could be resolved.
168. The legal adviser reminded the panel of the need to be satisfied that any interim order was necessary for the protection of the public and the panel accepted this advice.
169. 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 to impose an interim conditions of practice order. In view of its findings on sanction, the panel determined that an interim suspension order, pursuant to paragraph 11(1)(b) of Schedule 2 of the Social Workers Regulations 2018 was necessary. It concluded that the only proportionate interim order was an interim suspension order for the period of 18 months to cover any appeal period and that an interim order was necessary for public protection and is otherwise in the public interest. The panel has made a finding that Mr Bodenham should be removed from the register; to make no order would be inconsistent with that finding and would not protect the public from the risks identified by the panel.

Right of appeal:

170. 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.

171. 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.
172. 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.
173. 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:

174. 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>.