

Social worker: Mark James
Williamson
Registration number: SW42369
Fitness to Practise
Final Hearing

Dates of hearing: 18 December 2023 to 20 December 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 Williamson did not attend and was not represented.
3. Social Work England was represented by Mr East case presenter instructed by Capsticks LLP.

Adjudicators	Role
Kerry McKevitt	Chair
Elaine Mackie	Social worker adjudicator
Louise Wallace	Lay adjudicator

Titlee Pandey	Hearings officer
Gabriella Berettoni	Hearings support officer
Helen Gower	Legal adviser

Service of notice:

4. Mr Williamson did not attend and was not represented. The panel of adjudicators (hereafter “the panel”) was informed by Mr East that notice of this hearing was sent to Mr Williamson by special delivery post and by email to the address provided by the social worker (namely his registered address as it appears on the Social Work England register). Mr East submitted that the notice of this hearing had been duly served.
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 6 November 2023 and addressed to Mr Williamson at his postal and e-mail addresses which he provided to Social Work England;
 - An extract from the Social Work England Register as at 6 November 2023 detailing Mr Williamson’s registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 6 November 2023 the writer instructed an agent to send the Notice of Hearing and related documents by next day special delivery to Mr Williamson at the address held by Social Work England, and sent the same documents by e-mail to the email address held by Social Work England;
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Mr Williamson’s address at 12.08 pm on 7 November 2023.
6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to 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 Williamson in

accordance with Rules 14, 44 and 45 of Social Work England (Fitness to Practise) Rules 2019 (as amended) (“the Rules”).

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Mr East on behalf of Social Work England. Mr East submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Mr Williamson and as such there was no guarantee that adjourning today’s proceedings would secure his attendance. Mr East submitted that in Mr Williamson’s limited engagement with Social Work England he was clear that he did not wish to attend a hearing. Mr East invited the panel to proceed given the public interest in the expeditious disposal of this hearing.
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 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’.
10. The panel considered all of the information before it, together with the submissions made by Mr East on behalf of Social Work England. Having concluded that there had been good service of the Notice of Hearing, the panel was satisfied that Mr Williamson was or should be aware of today’s hearing. The panel considered the circumstances of Mr Williamson’s absence. He did not respond to the Notice of Hearing, but his e-mail dated 3 November 2023 set out his position that he would not attend any meetings and had retired from social work. The panel concluded that Mr Williamson had chosen voluntarily to absent himself. It had no reason to believe that an adjournment would result in Mr Williamson’s attendance. Having weighed the interests of Mr Williamson 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 decided to proceed in Mr Williamson’s absence.

Preliminary matters:

Application to admit hearsay evidence

11. Social Work England’s statement of case notified Mr Williamson that an application would be made by Social Work England to admit hearsay evidence. Mr Williamson has not opposed the application or provided any response to it.
12. The hearsay evidence is background evidence of the dates Mr Williamson was assigned to Service User A’s case. It consists of a record of correspondence between Mr Topham of Capsticks solicitors and Mr McLaughlin, the Single Point of Contact at Stoke-on-Trent Council. The correspondence includes a screenshot of the Council’s system which shows the relevant dates.
13. Mr East submitted that the hearsay evidence should be admitted because it was analogous to the type of hearsay admissible in criminal proceedings under the exception set out in section 117 of the Criminal Justice Act 2003 which allows a statement

contained in a business document to be admissible if certain requirements are met. Alternatively, he invited the Panel to admit the evidence under the principles described in the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565.

14. The panel accepted the advice of the legal adviser. She advised that when considering Social Work England's application the key consideration for the Panel was that of fairness. In some circumstances fairness requires that a social worker has the opportunity to challenge the evidence by cross-examination and it would be unfair to admit hearsay evidence. Relevant factors in this case include the nature of the evidence and its scope within the allegations, whether it is demonstrably reliable, and whether it is challenged by Mr Williamson.
15. The panel agreed with Mr East's submissions that the evidence in question related to a background matter only, and was not decisive to any of the particulars of the allegation. In Mr Williamson's limited engagement with Social Work England he has not commented on Mr Topham's evidence. The panel was of the view that the evidence is demonstrably reliable and equivalent to the business documents which are admissible section 117 of the Criminal Justice Act 2003. Therefore, the panel was satisfied that the admission of the hearsay evidence would not create any unfairness for Mr Williamson and that it would be fair to admit the evidence.

Hearing in private

16. Mr East made an application for part of the hearing to be heard in private. This application was limited to information provided by Mr Williamson in his former employer's disciplinary proceedings which relates to details of his health. Mr East submitted that the panel may consider that such details should be heard in private to protect Mr Williamson's private life under the exception in Rule 38(a)(i) of the Rules.
17. The panel accepted the advice of the legal adviser. She confirmed the panel's discretionary power to hear part of the hearing in private where that was appropriate having regard to Mr Williamson's interests. The panel should carefully balance Mr Williamson's interests in protecting his private life and the public interest in open justice.
18. The panel decided that it was appropriate to exercise its discretion and hear details relating to Mr Williamson's health in private. The remainder of the case would be heard in public in accordance with the public interest in open justice.

Allegations:

Whilst registered as a social worker with Social Work England, and employed by Stoke City Council you:

1. *You failed to maintain professional boundaries, by:*

- a. *Sending Service User A inappropriate WhatsApp messages between 1 April 2022 and 31 May 2022;*
 - b. *Sending Service User A inappropriate Text messages between 11 March 2022 and 2 May 2022;*
 - c. *Providing Service User A gifts, including:*
 - i. *Chocolates, and*
 - ii. *Flowers.*
2. *Your actions at paragraph 1 were sexually motivated.*
 3. *The matters set out in paragraphs 1 and 2 constitute misconduct.*
 4. *By reason of your misconduct your fitness to practise is impaired.*

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. No formal admissions were made by Mr Williamson and in line with Rule 32c(i)(a) of the Rules, the panel determined the disputed facts.

Background:

21. On 25 May 2022, Social Work England received a referral from Mr Williamson's former employer Stoke-on-Trent Council ("the Council"). Mr Williamson commenced employment with the Council on 17 May 2021 as a social worker in Children and Family Services. This role included working systematically with children and families, undertaking assessments, evidence based interventions and providing effective help.
22. In an email, dated 23 May 2023, the Council confirmed that Mr Williamson was allocated to Service User A's case between 17 February 2022 and 29 May 2022. The focus of Mr Williamson's intervention was the safety and wellbeing of Service User A's children.
23. On 16 May 2022, Lisa Lyons, Director of Children and Family Services, received an email from Service User A in respect of Mr Williamson. Service User A informed Ms Lyons that they wanted to make a complaint about Mr Williamson who had been sending inappropriate WhatsApp messages in and out of work hours. Service User A provided screenshots of messages sent by Mr Williamson to her both via his personal WhatsApp account and by text message.
24. Service User A further alleged that Mr Williamson gave her gifts of flowers and chocolates. Service User A has provided a photograph of the flowers that were gifted to her by the Social Worker.

25. The Social Worker was suspended by the Council pending an investigation conducted by Picklu Roychoudhury, Improvement Partner at the Council. During the investigation the Social Worker was interviewed by Mr Roychoudhury and admitted to sending Service User A WhatsApp messages and gifts. Upon concluding his investigation, Mr Roychoudhury recommended that the case should be considered at a Disciplinary Hearing.
26. Mr Williamson attended a disciplinary hearing held on 29 June 2022.

Summary of evidence:

27. The panel read an exhibits bundle of 166 pages. This bundle included copies of the Whatsapp and text messages allegedly sent by Mr Williamson to Service User A.
28. The panel heard oral evidence from Service User A. She confirmed her witness statement. She stated that she had no previous involvement with social services and therefore believed that Mr Williamson's conduct was normal. She was not aware that Mr Williamson was using his personal mobile telephone to contact her. She stated that she expected Mr Williamson to visit every twenty days which she had been advised was the timescale for visits to her children who were under a child in need plan. Within the twenty-day timescale Mr Williamson visited her on three or four occasions. Service User A stated that on some occasions Mr Williamson visited her without notice and when he left a gift for her he did not make arrangements with her, but delivered the gift to her door.
29. The panel heard oral evidence from Mr Roychoudhury. Mr Roychoudhury confirmed his witness statement. In answer to questions from the panel he advised that having completed a return to practice course Mr Williamson was supported by a Team Manager in gradually building a case load and that Mr Williamson's progress was as expected. In relation to his interview with Service User A, Mr Roychoudhury considered her to be credible and he had no doubt that her interpretation of the events was fair. Her account was supported by the texts and WhatsApp messages.
30. The panel read the production witness statement of Mr Topham
31. Mr Williamson did not present any evidence for the panel's consideration. The panel was provided with a "social worker response bundle". This bundle included correspondence with Mr Williamson but no evidence relating to the facts of the allegation.

Finding and reasons on facts:

32. The panel accepted the advice of the legal adviser. It understood that the burden of proving each allegation is on Social Work England and that the standard of proof is the civil standard, whereby it is more likely than not that the alleged fact is proved. In relation to alleged sexual motivation, the legal adviser advised the panel in accordance with the cases of *Basson v GMC* [2018] EWHC 505 and *Haris v GMC* [2021] EWCA 763.

33. The panel had regard to the evidence placed before it. It took account of Mr East's closing submissions.
34. The panel accepted the undisputed evidence of Service User A which was consistent with the contemporaneous documentary evidence and was clear and credible. The panel also accepted the undisputed evidence of Mr Roychoudhury which was consistent with the documents.

Particular 1(a)

You failed to maintain professional boundaries, by:

Sending Service User A inappropriate WhatsApp messages between 1 April 2022 and 31 May 2022;

35. The panel noted that the WhatsApp messages included in the bundle of exhibits were dated between 21 April 2022 to 16 May 2022. All of the messages fell within the timescale in particular 1(a), but they were confined to that three week period.
36. The panel found that the messages were sent by Mr Williamson to Service User A. The WhatsApp messages were provided to the Council by Service User A. When interviewed by Mr Roychoudhury Mr Williamson accepted that he had sent the WhatsApp messages to Service User A.
37. The content of the messages was unrelated to Mr Williamson's professional responsibilities. Some of the messages were sent outside working hours including late at night and at weekends. Examples of the WhatsApp messages included the following:

21/04/2022, 15:32 - : Hi there chocolate girl

23/04/2022, 18:29 - : I'm good going to a family party tonight have a few beers and tomorrow food shopping clean my car and try to impress you and football late afternoon

06/05/2022, 18:13 - : So B I'm getting to know you now like a man buying you flowers love galaxy chocolate and your fave food is gammon although you also like fish n chips and you enjoy male company and are happy to go for coffee with me

06/05/2022, 18:35 – [Service User A]: But i think its the saltiness in bacon and gammon that i like lol but i do only eat smoked bacon plain one isnt as tasty

06/05/2022, 18:36 – [Service User A]: Iv felt sick all da mark so iv not eaten today but the boys had their food while i was out :)

06/05/2022, 18:37 – [Service User A]: I cant keep flowers alive so thered be no point lol i like a variet of foods if im honest but yeah gammon is my fav :) i like all company male and female even sometimes animals :)

06/05/2022, 18:38 – [Service User A]: I prefer animals to humans though lol

06/05/2022, 18:39 – [Service User A]: But if my social worker wants to take me for coffee and allowed to then yeah i am

06/05/2022, 18:42 - : Haha it would be a pleasure to take you our first coffee and you never know I may even spring for lunch too

06/05/2022, 22:53 - : Oh well wishing you a restful sleep and pleasant dreams sending you a great big hug

06/05/2022, 22:56 - : I know you like your hugs of is it me you like hugging

06/05/2022, 22:57 - : Not that I'm complaining

06/05/2022, 22:57 – [Service User A]: No mark thankfully i havent just my back feels a little funny iv literally just replied ti them cause they only just got back to me about 15 mins ago so took me a while reply lol

06/05/2022, 22:58 - : Ok at least it's recorded

06/05/2022, 22:58 – [Service User A]: I like hugs

06/05/2022, 22:58 - : Dam. Haha

06/05/2022, 22:58 – [Service User A]: Im a hugger lol

06/05/2022, 22:59 - : Well you do feel good to hug back

06/05/2022, 23:00 – [Service User A]: Im not a hand shaker to be honest i think a hug to me says thank you

06/05/2022, 23:00 - : Well like I said I'm not complaining I like them too

06/05/2022, 23:00 – [Service User A]: I really appreciated what u and bev did for me and i didnt think a hand shake would have shown you how thankful i was

06/05/2022, 23:01 - : I know that and it's ok I liked it

06/05/2022, 23:02 - : So hope you enjoy the one I'm sending you x

07/05/2022, 11:50 - : Would be a great day to go to beach for a picnic shame we can't go

07/05/2022, 11:51 - : How's your boys today? What you got planned for them ?

07/05/2022, 12:16 – [Service User A]: We are going the park :) what u doing today

07/05/2022, 12:28 - : Visiting my mum cleaning my fish tank then football this evenin

07/05/2022, 12:29 - : Oh and cleaning my car out

07/05/2022, 12:53 – [Service User A]: Oh thats nice mark

07/05/2022, 13:08 - : Yes a leisurely day

07/05/2022, 13:21 - : I would love deep tissue massage right now I ache all over how about you 07/05/2022, 13:23 - : Do you like a good massage too

07/05/2022, 13:24 – [Service User A: Oh thats fab lucky you lol iv never had one mark

07/05/2022, 13:25 - : I don't mean anything seedy in a proper health spa

07/05/2022, 13:25 - : Would you like to try it

07/05/2022, 13:45 – [Service User A]: Yeah thats what i mean iv never been for a proper one 07/05/2022, 13:46 - : Would you try it

07/05/2022, 13:47 – [Service User A]: Im not too sure if im honest

07/05/2022, 17:53 - : Wife is out with mother in law and sisters so I'm left to my own devices which is always a bad move haha

07/05/2022, 17:53 – [Service User A]: Youll be drunk in no time lol

07/05/2022, 17:54 - : No I can always manage at least a good ten pints and then I love everyone I'm not a bit aggressive haha

07/05/2022, 17:55 – [Service User A]: Aww i bet your fun to drink with lol

07/05/2022, 17:55 - : Softy really I suppose but shhh don't tell anyone

07/05/2022, 17:55 – [Service User A]: But i bet your serious when needs be

07/05/2022, 17:55 - : You don't drink so you won't get to find out

07/05/2022, 17:56 – [Service User A]: No i wont lol

07/05/2022, 17:56 - : Can I ask why

07/05/2022, 17:56 – [Service User A]: Just doesnt interest me mark ... i dont want to pay to feel like poop the next day haha

07/05/2022, 17:57 - : I reckon you would be so funny when drunk

07/05/2022, 17:57 – [Service User A]: When i have drunk iv found im a happy one lol

07/05/2022, 17:57 - : Ah you see I don't get hangovers

07/05/2022, 17:57 – [Service User A]: Well thats lucky for you ... whats your secret

07/05/2022, 17:57 - : So nothing to discourage me

07/05/2022, 17:58 - : I never have so don't know

07/05/2022, 17:58 – [Service User A]: I remember the last time i drank i went to the traffic lights and kept pressing them at 2am lol

07/05/2022, 17:58 - : Haha

07/05/2022, 17:58 – [Service User A]: Seeing how man cars i could stop lol

07/05/2022, 17:58 – [Service User A]: Didnt work though

07/05/2022, 17:58 - : Haha

07/05/2022, 17:58 – [Service User A]: There were no cars haha

07/05/2022, 17:59 - : You can stop me anytime lol

07/05/2022, 18:03 - : Well football at 7:45 so I will not bother you whilst that's on haha

07/05/2022, 18:03 – [Service User A]: Haha football is poop

07/05/2022, 18:04 – [Service User A]: Im going do the dishes cause the aint doing clean themselves

07/05/2022, 18:04 - : OMG I'm chatting with a heathen

07/05/2022, 18:04 - : Enjoy your chores talk more later if you want too

07/05/2022, 18:06 – [Service User A]: Haha whats a heathen lol

07/05/2022, 18:56 - : IMG-20220507-WA0001.jpg (file attached) Ahhh

07/05/2022, 19:34 - : That first half pint didn't touch the sides lol

07/05/2022, 19:39 – [Service User A]: Whats a heathen

07/05/2022, 19:39 – [Service User A]: Half pint ? Wheres the full ones

07/05/2022, 19:55 - : Down my neck up to number three now heathen means thick haha don't mean it nastily

09/05/2022, 19:25 - : Where you serious about going to a rugby match with me I would like that

09/05/2022, 19:30 – [Service User A]: Yeah ill show you mark luckily iv cleaned today haha ... id like go watch rugby with whoever is willing to take me haha

13/05/2022, 09:18 - : Hope you liked your flowers you have done so well this week I'm very proud of you and it was good to see you protecting [Child] this morning you had everything under control and didn't leave it to me and I didn't interfere as I want to empower you in your life

13/05/2022, 09:19 - : Oh and the chocolate is another feel good factor

13/05/2022, 10:02 – [Service User A]: The flowers are gorgeous thank you ... yeah ill always protect my boys mark they are my life and ill protect them with everything i can :) the chocolate is always a bonus thank you

15/05/2022, 08:36 - : Well after a sober day yesterday I find myself wide awake and thinking about you

38. The content of these messages speaks for itself. The photographs sent with the WhatsApp messages were pint glasses, fish in a tank, fish tank, and flowers. Taken as a whole the messages are flirtatious, including invitations to Service User A to meet for a coffee and attend a rugby match and it was entirely inappropriate to refer to Service User A as “chocolate girl”.
39. When Mr Williamson was interviewed by Mr Roychoudhury, he excused his messages by stating that he was trying to support Service User A. He accepted that looking back at his behaviour he had “*got it wrong*” and added that it was “*not intentional to seduce her*”. When pressed further as to what was wrong he stated “*I have overshared, I can see that. In my desire to come across as friendly I have pushed the boundaries to the point where what I was trying to say doesn't come across. I think she has read it differently than I intended it. I have to accept responsibility.*” At the end of the interview with Mr Roychoudhury Mr Williamson accepted and recognised that what he had done was inappropriate. In the Council's disciplinary investigation he stated that he “*realised I have overstepped the mark*”.
40. The panel reviewed the content of the WhatsApp messages and found that it was inappropriate. The messages are not explained or excused by any attempt on Mr Williamson's part to support Service User A. Professional support can be demonstrated in many ways, but these messages did not provide the professional support that a social worker can legitimately give to a parent.
41. Mr Williamson's inappropriate comments were a breach of professional boundaries because he disclosed personal information about himself with no professional reason to do so. He made unnecessary comments and offered inappropriate invitations. His references to hugs, massage, and use of the term “chocolate girl” were over familiar or flirtatious.

42. The panel therefore found particular 1(a) proved.

Particular 1(b)

You failed to maintain professional boundaries, by:

Sending Service User A inappropriate Text messages between 11 March 2022 and 2 May 2022;

43. The panel noted that the text messages included in the bundle of exhibits were dated between 11 March 2022 to 16 May 2022, but the messages relied on by Social Work England covered the period 11 March 2022 to 2 May 2022.

44. The panel found that the messages were sent by Mr Williamson to Service User A. The text messages were provided to the Council by Service User A. When interviewed by Mr Roychoudhary Mr Williamson accepted that he had sent the text messages to Service User A.

45. The content of the messages was unrelated to Mr Williamson's professional responsibilities. They included messages sent late at night outside working hours. The text messages included the following:

"11/03/2022 17:06 How old are you if you don't mind me asking you don't look over 30

11/03/2022 17:23: Does that make you a yummy mummy now then

02/05/2022, 15:07 – Hi how you doing? Hope you have enjoyed the extra day to your weekend

02/05/2022, 19:00– Chocolate?

02/05/2022, 19:02 – [Service User A]: haha again Mark

02/05/2022, 19:02 – [Service User A]: Ill have no teeth

02/05/2022, 19:03 – Just wanted to put a naughty little smile on your face

02/05/2022, 21:45 – I've been thinking about you tonight and I think that woman who slags you off is jealous of you because of your personality and your looks

02/05/2022, 22:08 – [Service User A]: I don't know why though Mark because im not a fabulous looking woman and im just as bitchy as the next girl lol but theres a time and place that you say something

02/05/2022, 22:14 – She clearly wants to put you down

02/05/2022, 22:21 – Maybe she has a bitch of a social worker haha

02/05/2022, 22:22 – Don't put yourself down you are an attractive woman

46. These messages speak for themselves. When questioned by Mr Roychoudhury and in the disciplinary investigation Mr Williamson excused the comments stating that he was attempting to support Service User A, but when pressed he did accept that they were inappropriate. In the disciplinary hearing Mr Williamson was asked questions challenging his messaging and suggesting that his behaviour might be described as grooming because it involved building a relationship and connections with the purpose of manipulating, and using controlling behaviour by making use of his authority. Mr Williamson denied that this was his intention, but accepted that this could be read from the text messages.
47. The panel reviewed the content of the text messages and found that it was inappropriate. The messages are not explained or excused by any attempt on Mr Williamson's part to support Service User A. The messages refer to Service User A's appearance and there is no justification for such comments.
48. Mr Williamson's inappropriate comments were a breach of professional boundaries because such comments undermined the objective professional relationship which should exist between a social worker and a parent and were an abuse of the imbalance of power that existed between Mr Williamson and Service User A.
49. The panel therefore found particular 1(b) proved.

Particular 1(c)

You failed to maintain professional boundaries, by

Providing Service User A gifts, including:

- i. Chocolates, and*
- ii. Flowers.*

50. The panel found particular 1(c)(i) and (ii) proved by the evidence of Service User A, the photograph of the flowers, and the WhatsApp messages. Service User A recalled the brand of chocolate, which was Galaxy.
51. In the investigatory interview with Mr Roychoudhury and the disciplinary hearing Mr Williamson did not deny that he had given chocolates and flowers to Service User A.

Particular 2

Your actions at paragraph 1 were sexually motivated.

52. In Mr Williamson's meeting with Mr Roychoudhury and in the disciplinary meeting Mr Williamson stated that he had a medical condition and personal circumstances which he described as follows:

[PRIVATE]

53. **[PRIVATE]** As in the case of *Haris v GMC* the only reasonable inference that can be drawn from the facts in this case is that Mr Williamson's conduct was sexually motivated. Mr Williamson's comments on Service User A's appearance, the unsolicited gifts of chocolate and flowers with their romantic associations, and the references to massage and hugging are not the actions of a social worker supporting a parent, and they also go beyond friendliness. The best evidence of Mr Williamson's motivation is his behaviour.

54. **[PRIVATE]**

55. The panel concluded that there was no plausible explanation for Mr Williamson's conduct, other than it was in pursuit of sexual gratification or in pursuit of a future sexual relationship. On the balance of probabilities, the panel inferred that Mr Williamson's behaviour in particular 1 was sexually motivated. It therefore found particular 2 proved.

Finding and reasons on grounds:

56. Having announced its decision on the facts, the panel went on to decide whether the alleged statutory ground of misconduct was established. The panel took into account Mr East's submissions.

57. The panel heard and accepted the advice of the legal adviser. She advised that the question of misconduct was a matter for the panel's judgment and referred the panel to the guidance in the case of *Roylance v GMC* 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*". A breach of standards is not determinative, and the conduct must be serious for the panel to conclude that it amounts to misconduct.

58. The panel considered whether Mr Williamson's actions had caused harm or a risk of harm to Service User A and other individuals. **[PRIVATE]** Service User A also described an occasion when Mr Williamson referred to his power to remove her children. She felt that Mr Williamson had power over her. The panel was in no doubt that Mr Williamson's actions caused actual harm to Service User A.

59. Mr Williamson's actions were an abuse of the power imbalance between himself and Service User A. His sexually motivated behaviour entirely undermined the professional

relationship and his objectivity. Given his lack of objectivity, he was not able to carry out his professional responsibilities, and therefore there was the potential for Service User A's children to be exposed to the risk of harm.

60. The panel's assessment was that Mr Williamson's conduct involved a high degree of culpability. His actions were contrary to the fundamental values and ethics of the profession. His behaviour involved multiple actions, sustained over a period of time, and frequently included intense repeated contact with Service User A over the course of a single day. There were aspects of his behaviour that could be described as "grooming", involving exploitation of his position of power in relation to Service User A.
61. The panel considered that Mr Williamson's actions involved breaches of Social Work England's Professional Standards, in particular:

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.

2.2. Respect and maintain people's dignity and privacy

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

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

5.1 Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others.

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

5.6 Use technology, social media or other forms of electronic communication unlawfully, unethically, or in a way that brings the profession into disrepute.

62. In the panel's judgment Mr Williamson's conduct fell far below the professional standards for social workers and was sufficiently serious to amount to misconduct.

Finding and reasons on current impairment:

63. Mr East submitted that Mr Williamson's fitness to practise is currently impaired on both the personal element and the public element.
64. Mr East invited the panel to take into account Mr Williamson's fitness to practise history at the impairment stage. He referred the panel to Rule 35 of the Rules which limits the extent to which previous history may be taken into account at the facts stage. At the impairment stage no application is required and the regulator may take such information into account if it is fair and reasonable to do so.

65. The panel was provided with a copy of a decision of a panel of the previous regulator, the Health and Care Professions Council (HCPC) dated 29 October 2015. To assist in obtaining employment Mr Williamson had dishonestly doctored an e-mail from his previous employer to specify his dates of employment and sent this to an employment agency. This falsified e-mail was limited to information which was factually correct. The HCPC panel was persuaded that the incident was isolated, and that Mr Williamson was very unlikely to repeat his behaviour. It decided to impose a five-year caution order.
66. The caution order expired in 2020 and the events relating to Service User A occurred approximately eighteen months later.
67. The panel heard and accepted the advice of the legal adviser. Her advice included reference to case law including *Meadow v GMC* [2006] EWCA 1360, *Cohen v GMC* [2008] EWHC 581, and *CHRE v NMC and Grant* [2011] EWHC 927. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance' (the 'Guidance'). The legal adviser confirmed that the panel may take Mr Williamson's previous history into account provided it is fair and reasonable to do so.
68. When assessing Mr Williamson's behaviour in relation to the personal element of impairment the panel first considered the relevant factors. Mr Williamson's engagement with the fitness to practise process has been very limited. He made a request for voluntary removal from the register. He also stated that he did not wish to provide representations for Social Work England's investigation. Most recently, on 3 November 2023 he stated that he has retired from social work and has no intention of practising as a social worker in the future.
69. Mr Williamson engaged with the Council's investigation and within that investigation he made some admissions. When pressed, he had agreed that his conduct was unacceptable. In the panel's view the insight demonstrated by Mr Williamson at that time was very limited. The differential in power between himself and Service User A had to be pointed out to him and he did not appear to understand the seriousness of his conduct.
70. Mr Williamson has not provided the panel with any evidence to demonstrate that his level of insight has changed or that he has taken any remedial action. As pointed out by Mr East, there are remedial steps that Mr Williamson might have taken, notwithstanding that he has been subject to an interim suspension order since September 2022. For example, he might have provided a reflective statement, evidence that he has undertaken relevant training, or evidence of his compliance with ethical standards in a different field of employment.
71. The panel was of the view that Mr Williamson's conduct is not easily remediable because it involves his attitude and behaviour, rather than a deficiency in his practice. There is no evidence that the misconduct has been remedied or that Mr Williamson is motivated to do so. The panel therefore concluded that the risk of repetition is high.
72. The panel also considered that it was fair and reasonable to take into account Mr Williamson's previous history. Although the caution order imposed by the HCPC panel related to a different form of misconduct, the connection is that both cases involve

attitudinal behaviour contrary to the ethical standards of the profession. Mr Williamson's behaviour towards Service User A occurred only eighteen months after the end of the five-year caution order. The importance of compliance with the profession's ethical standards should have been uppermost in Mr Williamson's mind. Mr Williamson's misconduct was entirely contrary to the trust that was placed in him by the HCPC panel that in future he would behave in accordance with professional standards.

73. The information about Mr Williamson's history reinforced the panel's view that the risk of repetition is high.
74. Having concluded that there is a high risk of repetition of misconduct, there is a risk that Mr Williamson will place service users at risk of harm. Consequently, the panel concluded that Mr Williamson's fitness to practise is currently impaired on the basis of "the personal impairment element" as described in the Guidance.
75. The panel next considered "the public impairment element" which takes into account whether a finding of impairment is necessary to uphold the public's confidence in the profession. The panel was in no doubt that Mr Williamson's sexually motivated conduct involved breaches of the fundamental ethical principles of the profession and brought the profession into disrepute. Paragraph 62 of the Guidance gives examples of cases that are likely to be viewed as serious and they include abuse of trust and sexual misconduct. In the panel's view, reasonable and informed members of the public would be horrified if the panel were to conclude that Mr Williamson's fitness to practise is not impaired.
76. The panel concluded that a finding of impairment is required to uphold professional standards and to maintain public confidence in the profession.
77. The panel decided that Mr Williamson's fitness to practise is currently impaired.

Decision and reasons on sanction:

78. Mr East invited the panel to impose a removal order. He referred the panel to Social Work England's Guidance.
79. The panel accepted the advice of the legal adviser. She reminded the panel that the purpose of a sanction is not to punish Mr Williamson, but to protect the public and the wider public interest. She advised that the panel should take into account Social Work England's Guidance including the sections highlighted by Mr East in his submissions. She advised the panel to consider each available sanction in ascending order of severity and to apply the principle of proportionality, carefully balancing Mr Williamson's interests and the public interest.
80. The panel did not identify any mitigating features. Although Mr Williamson made some admissions in the Council's investigation, those admissions were partial. Mr Williamson's engagement with Social Work England has been minimal.
81. The panel identified the following aggravating features:
 - Repeated behaviour over a period of time;

- Relevant previous fitness to practise history, not sexual misconduct, but demonstrating a pattern of breach of professional standards;
- Lack of insight, remorse or remediation;
- Harm to Service User A and the risk of harm;
- Abuse of trust and position of power for Mr Williamson's advantage.

82. Having considered the aggravating features, the panel was of the view that the sexual misconduct in this case was serious. Although it did not involve physical contact, its serious aspect was Mr Williamson's abuse of his professional position. The panel had regard to paragraph 162 of the Guidance which states that serious cases of sexual misconduct may include *"circumstances involving an abuse of professional position by the social worker"*.

83. The panel also noted paragraphs 167 -169 of the Guidance:

"Sexual misconduct that involves an abuse of the social worker's professional position is a serious abuse of trust. For example, pursuing a sexual relationship or engaging in sexual conduct (in any form) with someone who uses social work services, their relatives, or their carers.

People who use social work services are not necessarily always vulnerable. However, there is still an inherent power imbalance in the professional relationship between the service user and the social worker. This power imbalance may continue even after the professional relationship with the individual has ended. This means sexual misconduct with service users, their relatives, or carers will likely undermine public confidence in the profession.

The most serious sexual misconduct in these instances may include, but are not limited to (any of the following)

- *misconduct which took place when the social worker was involved professionally with the person using social work services, their family, or carers*
- *evidence that the social worker's professional status was a coercive factor in engaging in the relationship and/or sexual conduct*
-
-"

84. The panel considered that these paragraphs applied. There was a power imbalance between Mr Williamson and Service User A, and to that extent she was vulnerable. The conduct took place while Mr Williamson was professionally involved with Service User A. There was evidence that Mr Williamson's professional status was a coercive factor. For example, Service User A's evidence was that Mr Williamson had referred to his power to remove her children and she felt this was a threat towards her.

No action, advice or warning

85. The panel considered that the misconduct in this case was very serious, for the reasons set out earlier in this decision, and there were no exceptional reasons to merit taking no action. The option of giving advice to Mr Williamson or imposing a warning would not be sufficient to protect the public because these options do not restrict practice and are not appropriate where there is a risk of repetition and an ongoing risk to the public.

Conditions of practice

86. The panel decided that conditions of practice would be insufficient and inappropriate. The misconduct was attitudinal in nature and there were no appropriate conditions that could be formulated to address the risk of repetition. Mr Williamson's conduct was also of such a serious nature that conditions of practice would be insufficient to maintain public confidence in the profession.

Suspension order

87. The panel noted paragraph 138 of the Guidance which states that suspension is unlikely to be suitable where the social worker has not demonstrated any insight and remediation and there is limited evidence that they are willing or able to resolve and remediate their findings.
88. The panel also had regard to paragraphs 162 and 163 of the Guidance which states as follows:

"162 Serious cases of sexual misconduct may include, but are not limited to (any of the following):

- ...
- *Circumstances involving an abuse of professional position by the social worker*
- *Conduct involving children or vulnerable individuals. (Factors contributing to vulnerability may include mental illness, age, disability, lack of capacity, or history of abuse or neglect)*

163 In all cases of serious sexual misconduct, it will be highly likely that the only proportionate sanction is a removal order. If decision makers decide that a sanction other than a removal order would be appropriate they must fully explain why they have made that decision."

89. Although a suspension order would prevent Mr Williamson practising as a social worker for the duration of the suspension order, and thereby protect the public against the risk of repetition, the panel was of the view that it would be insufficient to maintain public confidence in the profession. A sanction of a suspension order would be insufficient to mark the gravity of Mr Williamson's misconduct and it would not be in the public interest for Mr Williamson's registration to continue in circumstances where his engagement with the regulator has been minimal. The panel therefore decided that a period of suspension was not sufficient or appropriate.

Removal order

90. The panel took account of the Guidance, particularly paragraphs 161-163. These paragraphs, as noted above, indicate that the appropriate sanction for serious sexual misconduct is likely to be a removal order.
91. The panel has been unable to identify mitigating features in this case and it was not presented with any submissions from Mr Williamson. It was the judgment of the panel that any lesser sanction than a removal order would be insufficient to protect the public and the wider public interest, given the seriousness of Mr Williamson's misconduct, the absence of any remediation and the very limited insight demonstrated by Mr Williamson.
92. The panel carefully considered Mr Williamson's interests, but decided that they were outweighed by the need to protect the public and the wider public interest. The panel therefore decided that the appropriate and proportionate sanction was a removal order.

Interim order:

93. In light of its findings on sanction, the panel next considered an application by Mr East for an interim suspension order to cover the appeal period before the final order becomes effective.
94. The legal adviser advised that the panel may make an interim order if it considers that an order is necessary for the protection of the public or is in Mr Williamson's best interests. She advised that the panel should apply the principle of proportionality.
95. The panel next considered whether to impose an interim order. The panel concluded that there is a real risk that Mr Williamson would repeat his behaviour if permitted to practice unrestricted in the interim period, for the reasons set out in its substantive decision, and concluded that an interim order is necessary to protect the public. The panel also concluded that an order is otherwise in the public interest, for the reasons set out in its substantive decision.
96. The panel also decided that an interim conditions of practice order would be insufficient and unsuitable, for the reasons set out in its substantive decision.
97. 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:

1. 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.
2. 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.
3. 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.
4. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

Review of final orders:

5. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:
 - 15(1) The regulator must review a suspension order or a conditions of practice order, before its expiry
 - 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker
 - 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5), and a final order does not have effect until after the expiry of that period
6. Under Rule 16(aa) of the rules a social worker requesting a review of a final order under Paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority:

7. 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>.