

Social worker: Barbara Yani
Doh-Nani
Registration number: SW46301
Fitness to Practise:
Final Hearing

Dates of hearing: 8 to 12 and 15 to 19 July 2024

Hearing venue: Remote hearing

Hearing outcome: Removal order

Interim order: Interim suspension order – 18 months

Introduction and attendees:

1. This is a hearing of allegations against Ms Barbara Yani Doh-Nani, which is held under Part 5 of the Social Workers Regulations 2018 (as amended).
2. Ms Doh-Nani did not attend and was not represented.
3. Social Work England was represented by Ms Sophie Sharpe, Counsel instructed by Capsticks LLP, solicitors to Social Work England.
4. The panel of adjudicators (the “**panel**”) and the other people involved in the conduct and administration of this hearing were as follows:

Adjudicators	Role
Alexander Coleman	Chair (Lay adjudicator)
Jacqueline Telfer	Social worker adjudicator
John Brookes	Lay Adjudicator

Simone Ferris	Hearings Officer
Robyn Watts	Hearings Support Officer
Charles Redfearn	Legal Adviser

Service of Notice:

Service documents

5. The documents before the panel included the following:
 - An extract from Social Work England’s register (the “**Register**”) showing the email and postal addresses for Ms Doh-Nani which were held by Social Work England and which would have been provided by Ms Doh-Nani.
 - A copy of the notice of this final hearing dated 5 June 2024 (the “**Notice**”), which stated that it was to be sent by “post and email” and was addressed to Ms Doh-Nani at her email and postal addresses as they appear on the Register.
 - A statement of case, setting out Social Work England’s case against Ms Doh-Nani (the “**Statement of Case**”).
 - A copy of a covering email dated 5 June 2024 and sent to Ms Doh-Nani at her email address as it appears on the Register. The covering email specified various attachments, including a Notice of Hearing and a Statement of Case.
 - A copy of a signed Statement of Service which was made on 13 June 2024 by the employee of Capsticks LLP who had sent the covering email. The Statement of Service stated that, on 5 June 2024, that employee had “instructed Docucentre” to send the Notice and its enclosures by special delivery and email to Ms Doh-Nani at her email and postal addresses as they appear on the Register. (However,

the covering email indicated that it had been sent by the employee of Capsticks LLP who had made the Statement of Service rather than by “Docucentre”).)

- A copy of a Royal Mail tracking slip bearing a tracking number and stating, “Your item was delivered on 07-06-24” and that the item was signed for by “NANI”.

Submissions on service

6. Ms Sharpe, on behalf of Social Work England, submitted that:

- The Notice had been served by two of the mandatory means of service specified in rule 44(a) of the Social Work England’s Fitness to Practise Rules (the “**FTP Rules**”), as evidenced on the face of the Notice and by the Statement of Service.
- As the Notice had been sent on 5 June 2024, Ms Doh-Nani had received not less than 28 days’ notice of this hearing as required by rule 14(a) of the FTP Rules.
- As required by rule 15 of the FTP Rules, the Notice specified the date, time and place of this hearing and was accompanied by a Statement of Case.
- The email and postal addresses given on the Notice and the email address given on the covering email were those which appeared in Ms Doh-Nani’s entry in the Register, as evidenced by the extract contained in the service bundle
- Service of the Notice was proved by the Statement of Service and by the Royal Mail tracking slip.

7. **Legal advice on service**

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

- Notices of final hearings must contain the information required by paragraph 10(2) of Schedule 2 to the Social Workers Regulations 2018 and rule 15 of the FTP Rules.
- Notices of final hearings must be sent by one or more of the mandatory means of service set out in rule 44(a) of the FTP Rules.
- Pursuant to rule 14(a) of the FTP Rules, Ms Doh-Nani had to be given at least 28 days’ notice of this hearing.
- If service was proved, rule 45 of the FTP Rules required the panel to treat the copy of the Notice sent by email as being received on the day on which it was sent and to treat the copy of the Notice sent by next day delivery service as being received on the day after it was sent.
- Any of the documents specified in rule 44(b) of the FTP Rules could be relied on as conclusive proof of service but this rule did not preclude the panel from relying on other evidence of service. The documents specified in rule 44(b)(iii) included, in the case of a notice sent by email or ordinary post, a signed

statement from the person who sent it and, in any other case (including notices sent by next day delivery service), a signed statement from the person delivering the notice.

Panel's decision on service

9. With regard to the contents of the Notice and its enclosures, the panel noted that:
 - The Notice satisfied the requirements of paragraph 10(4) of Schedule 2 to the Social Worker's Regulations 2018 in that (i) it notified Ms Doh-Nani of the date and time of this hearing and that it would take place remotely; (ii) it invited her to make written submissions; and (iii) it informed her that she could attend this hearing, be represented at it, make oral submissions and call witnesses.
 - The Notice satisfied the requirements of rule 15(b) of the FTP Rules in that its enclosures (and the attachments to the covering email) included a Statement of Case.
 - The Statement of Case also satisfied the requirements of rule 15(b) as it set out those matters that are agreed between the parties, those matters that are not agreed, and the basis for alleging Ms Doh-Nani's impairment of fitness to practise.
10. The panel noted from the Notice, its covering email, the extract from the Register and the Statement of Service that, when sending the notice, Social Work England had used two of the mandatory means of service specified in rule 44(a) of the FTP Rules, namely, sending the Notice by email and by special delivery to an email address and postal address provided by Ms Doh-Nani, being those appearing on Ms Doh-Nani's entry in the Register.
11. With regard to proof that the Notice had been served on Ms Doh-Nani:
 - The panel noted that Ms Doh-Nani had responded to the Notice in her letter to Social Work England's solicitors of 28 March 2024, which indicated that she had received the Notice and its enclosures.
 - The panel considered that service of the copy of the Notice sent by email had been conclusively proved by the Statement of Service, which, as required by rule 44(b)(iii) of the FTP Rules, had been made by the sender of the covering email and its attachments (which included the Notice).
 - On the basis of the Statement of Service and the Royal Mail delivery slip the panel was also content that Ms Doh-Nani had been served with the copy of the Notice sent by Royal Mail special delivery.
12. The panel noted that, having found service of the Notice by email and by special delivery to be proved, rule 45 of the FTP Rules required it to treat the copy of the notice sent by email as being served on the day on which it was sent, namely 5 June 2024, and to treat the copy of the notice sent by next day delivery service as being served on the

day after that on which it was sent, namely 6 June 2024. On that basis, the panel was satisfied that Ms Doh-Nani had been given at least 28 days' notice of this hearing, as required by rule 14(a) of the FTP Rules.

13. Accordingly, the panel concluded that Ms Doh-Nani had been served with notice of this hearing in accordance with the FTP Rules and the Social Workers Regulations 2018.

Proceeding in the absence of Ms Doh-Nani:

Submissions on behalf of Social Work England

14. Ms Sharpe referred the panel to its discretion to proceed in the absence of the social worker under rule 43 of the FTP Rules, where, as in the present case, Ms Doh-Nani had not attended (and was not represented at) the relevant hearing and the panel was satisfied that notice of this hearing had been served on Ms Doh-Nani.
15. Ms Sharpe then referred the panel to the notes of telephone conversations between Ms Doh-Nani and Social Work England's solicitors and the email exchanges between Ms Doh-Nani and Social Work England regarding her attendance at the final hearing of this case which were contained in the hearing bundles. She pointed out that Ms Doh-Nani had repeatedly stated that she would be unable to attend the final hearing if it were held after the end of April 2024 and that she had requested a hearing date before 10 April 2024 which also avoided certain weeks in February and March 2024. Ms Sharpe also pointed out that Ms Doh-Nani had failed to say why she would be unable to attend the final hearing after April 2024 or to provide details as to when she would be able to attend a final hearing after April 2024. Ms Sharpe added that Ms Doh-Nani had nevertheless attended the case management meeting held on 13 May 2024 and, on the same date, provided a written statement.
16. Ms Sharpe then submitted that, given the communications from Ms Doh-Nani and the delay resulting from Merton's criminal proceedings against her, an adjournment would not be in the public interest or in the interests of Ms Doh-Nani, nor would it be likely to secure her attendance. She added that, as Ms Doh-Nani had not given a reason for her inability to attend this hearing after the end of April 2024, it was not clear whether she would be able to attend if this hearing were to be adjourned.
17. Ms Sharpe also submitted that the extent of the disadvantage suffered by Ms Doh-Nani by not being able to present her case at this hearing would be mitigated by the written submissions and written statement which she had provided in July 2022 and May 2024 respectively and by the inclusion in the hearing bundles of transcripts of her evidence at her Crown Court trial together with the defence statement which she submitted for the purposes of that trial.
18. With regard to the public interest, Ms Sharpe submitted that there was a public interest in proceeding with this hearing expeditiously given the age of the allegations against Ms

Doh-Nani. She added that Social Work England had arranged for five witnesses to attend this hearing and re-listing it at this late stage would cause inconvenience both to the witnesses and to Social Work England.

19. Ms Sharpe concluded by submitting that, in the circumstances, the balance of fairness lay in proceeding with this hearing in Ms Doh-Nani's absence.

Legal advice on proceeding in absence

20. The panel heard and accepted the advice of the Legal Adviser in relation to proceeding in Ms Doh-Nani's absence.
21. That advice included reference to rule 43 of the FTP Rules, Social Work England's guidance entitled 'Service of Notices and Proceeding in the Absence of the Social Worker' and the cases of *R v Jones [2003] UKPC 1* and *General Medical Council v Adeogba [2016] EWCA Civ 162*.
22. The panel noted from that advice that:
- Under rule 43 of the FTP Rules, where a social worker does not attend a hearing and is not represented, the panel has a discretion to proceed with that hearing in the absence of the social worker provided that it is satisfied that the social worker has been served with notice of that hearing.
 - The discretion to proceed in the absence of the social worker should be exercised with great caution and with close regard to the fairness of the proceedings. Fairness to the registrant is of prime importance, but fairness to Social Work England and the public must also be taken into account.
 - The panel had therefore to balance the interests of Ms Doh-Nani in being able to present her case against the interests of Social Work England and the public in an expeditious disposal of the allegations against Ms Doh-Nani.
 - As far as fairness to Ms Doh-Nani is concerned, (i) the panel should not proceed with this final hearing if it has evidence that she was involuntarily absent, for example, through illness or incapacity; (ii) the panel could take account of any communication from Ms Doh-Nani indicating that she was content for proceedings to take place in her absence; and (iii) the question of whether an adjournment would secure Ms Doh-Nani's attendance was also relevant.
 - In considering fairness to Social Work England and the public, the panel should bear in mind Social Work England's overarching objective of protection of the public.
 - The court in *General Medical Council v Adeogba* had concluded that, "*where there is good reason not to proceed, the case should be adjourned; where there is not, however, it is only right that it should proceed*".
 - As stated in *McDaid v NMC [2013] EWHC 586 (Admin)* and the line of cases which preceded it, if this hearing proceeds in the absence of Ms Doh-Nani, the panel, the

case presenter and the Legal Adviser should ensure that they explore any weaknesses in Social Work England's case and identify any points which may be of assistance to Ms Doh-Nani (but that duty does not require the panel to cross-examine witnesses in the same way that a litigant or their representative would do).

Panel's decision on proceeding in absence

23. The panel considered that its discretion to proceed in Ms Doh-Nani's absence under rule 43 of the FTP Rules had been engaged as (a) Ms Doh-Nani was not present or represented at this hearing and (b) the panel had concluded that notice of this hearing had been served on her in accordance with the FTP Rules.
24. The panel considered that Ms Doh-Nani would have been aware of the possible consequences of her not attending this hearing as the Notice warned her that, if she failed to attend this hearing, it could proceed in her absence and also stated *"It's in your best interest to attend the hearing as this is your chance to present your case. You will also have an opportunity to question the witnesses called by Social Work England. If you are not present, then you will not get the opportunity to question the witnesses on any points in their statements that you do not agree with or be able to clarify any other matters that you may consider are relevant"*.
25. With regard to the scheduling of this hearing, the panel noted that:
 - In her email to Social Work England of 8 November 2023, Ms Doh-Nani had stated, *"At this stage I request that there are identified dates before 10th April 2024 (omitting first two weeks in February and first two weeks in March) with a view that I would confirm my availability for the 2 weeks proposed timescales. It is only fair and reasonable that after such an extended time that Social Work England to give me the opportunity to attend and defend myself against these allegations."*
 - In response, in an email dated 14 November 2023, Social Work England advised Ms Doh-Nani that, given her lack of availability after April 2024, the final hearing which had been scheduled for 10 to 14 June and 1 to 5 July 2024 had been postponed. Social Work England explained that those dates had been selected as they were the earliest possible dates to hold the final hearing having regard to Social Work England's resource and capacity and the availability of all participants, including that of Ms Doh-Nani, as outlined in her email of 12 October 2023 (which did not appear to be included in the hearing bundles). Social Work England concluded by saying, *"Unfortunately, we do not presently have any capacity to schedule the hearing before April 2024. Accordingly, we would be grateful if you can kindly provide updated details of your availability for the period April 2024 to December 2024 (inclusive) by no later than 4pm on Wednesday 22 November 2023."*

- In an email to Social Work England of 14 November 2023, Ms Doh-Nani replied, *“As said I am not available after April 2024. I am not prepared to say why as this is personal to me. I have no [sic] right to privacy. In order to give me an opportunity to represent myself and have a fair trial I ask for a date before 30th April 2024”*.
- In an email of 16 November 2023, Social Work England advised Ms Doh-Nani, *“We note you have stated you are not available after Tuesday 30 April 2024. We would be grateful if you could kindly provide confirmation of whether there are any dates in April 2024 in which you are not available for the purpose of scheduling or if you are available every working day in April. I note your wish for the final hearing to be scheduled as soon as possible and preferably before Tuesday 30 April 2024. As noted, the hearings team endeavours to schedule fitness to practise hearings as soon as reasonably possible having regard to its resource and capacity. However, should it not be possible to list the final hearing prior to April 2024, we would be grateful for details of your availability for the period between May 2024 to December 2024 (inclusive) as well by no later than 4pm on Wednesday 22 November 2023.”*
- In her reply of 16 November 2023, Ms Doh-Nani stated, *“[I] am seeking legal counsel and will get back to you with my April availability by 30th November 2023.”* Despite that assurance, Ms Doh-Nani did not appear to have provided details of her availability in April 2024 or given any dates after the end of April 2024 when she would be available to attend a final hearing in response to the request for such dates in Social Work England’s emails of 14 and 16 November 2024, almost eight months ago.

26. The panel therefore considered that Ms Doh-Nani had made it clear that she would not be available to attend a hearing after April 2024. However, she had not stated why, or for how long, she was unavailable. Nor had she requested an adjournment or provided any dates after the end of April 2024 when she would be free to attend this hearing if it were adjourned. In the circumstances, (i) there was no evidence before it which indicated that Ms Doh-Nani was involuntarily absent and (ii) the panel considered that it had no information on the basis of which it could re-schedule the present hearing nor did it consider that adjourning this hearing would secure Ms Doh-Nani’s attendance in any event.
27. The panel considered that it was in the public interest and in the interests of Social Work England’s overarching objective of protection of the public (which included maintaining public confidence in social workers and proper professional standards) that this hearing should proceed without further delay given that the allegations against Ms Doh-Nani were serious and dated back to the period of 2011 to 2013.
28. The panel also considered that any disadvantage caused to Ms Doh-Nani by this hearing proceeding in her absence would be mitigated by the panel having before it Ms

Doh-Nani's written submissions in response to the allegations against her, which she submitted on 19 July 2022; her written statement dated 13 May 2024; the written defence statement which she made for the purpose of the criminal proceedings against her; and the transcripts of her evidence at her Crown Court trial.

29. In the circumstances, the panel concluded that the balance of fairness lay in this hearing proceeding in Ms Doh-Nani's absence.

Preliminary Matters

Allegations of unfairness and abuse of process

30. The Legal Adviser informed the panel that, in her written statement of 13 May 2024, Ms Doh-Nani had contended that this hearing was unfair and an abuse of process for the following reasons:
- She had not been given the opportunity to attend this hearing despite making it clear in 2022 and 2023 that she could not attend from May 2024 onwards.
 - Social Work England wished *"to use unsubstantiated information (hearsay) to justify the case"*.
 - This hearing was being held *"to satisfy the local authority Merton due to them losing the criminal case they conducted against me using in excess of 200,000 pounds of taxpayers money ..."*
 - Ms Doh-Nani had claimed that she had notified her manager, [Former Manager A], in supervision that she was performing consultancy work in addition to her job at Merton but she was unable to corroborate this assertion as the relevant supervision files had been *"conveniently lost"*.
 - Ms Doh-Nani asserted that, given the delay in holding this hearing, *"the expectation for anyone to recall information accurately pertaining to concerns raised 10 years ago that allegedly took place 12 years ago is unrealistic. To have witnesses available or able to recall anything is also unrealistic."* Ms Doh-Nani added, *"Waiting for the criminal case to finish is not a viable excuse for the delay as Social Work England has a supposed different burden of proof."*
31. The Legal Adviser advised the panel that:
- It had already decided that it was fair for this hearing to proceed in Ms Doh-Nani's absence.
 - At a case management hearing held on 13 May 2024, a panel of independent adjudicators appointed by Social Work England had already considered and

decided the question of whether the hearsay evidence to which Ms Doh-Nani referred should be admitted.

- However, it was appropriate for the panel to consider the three remaining issues raised by Ms Doh-Nani as preliminary issues.

Submissions on behalf of Social Work England

32. Ms Sharpe made the following submissions on behalf of Social Work England:
33. With regard to Ms Doh-Nani's assertion that Social Work England had only pursued the present regulatory proceedings to a final hearing because Merton's criminal case against her had failed, Ms Sharpe submitted that:
 - There was no evidence of any collusion between Merton and Social Work England in relation to the decision to resume the present proceedings after Ms Doh-Nani's Crown Court trial.
 - Although the evidence relied upon by Social Work England in these proceedings was produced by, and obtained from, employees of Merton, Merton was not involved in the decision to refer the regulatory concerns about Ms Doh-Nani to a final hearing, which was made by Social Work England's case examiners.
34. With regard to Ms Doh-Nani's assertion that unfairness resulted from the loss of supervision notes made by [Former Manager A], Ms Sharpe submitted that:
 - [Former Manager A]'s supervision notes related to a single allegation against Ms Doh-Nani.
 - Ms Doh-Nani claimed that the supervision notes would corroborate her evidence that she disclosed her consultancy work for Universal Care Consultants Limited to [Former Manager A]. However, this would not address Social Work England's contention that Merton's policy required that her disclosure should have been made to a director at Merton.
35. With regard to Ms Doh-Nani's assertion that it was unfair for this hearing to proceed given the delay in holding it, Ms Sharpe submitted that:
 - Where criminal proceedings were brought against a registrant, it was normal and reasonable to suspend any regulatory proceedings in respect of that registrant so that they would not interfere with the criminal proceedings and so that they would be informed by the outcome of those proceedings.

- It was not unreasonable for the present hearing to be taking place two years after Ms Doh-Nani's Crown Court trial given that the issues in this case were complex and involved taking statements from a number of witnesses and obtaining and considering a large number of documents.
- Social Work England's case relied heavily on contemporaneous documents rather than witness to events. Where any delay affected the quality of witness evidence, this could be reflected in the weight given to that evidence by the panel.

Legal advice

36. With regard to the two allegations of abuse of process, the Legal Adviser, referring to *R v Maxwell [2011] 1 WLR 1837*, advised the panel that, in each case, it should ask itself, whether Ms Doh-Nani's assertion of abuse of process was well-founded; and, if so, whether she could still receive a fair hearing or whether proceeding with this hearing would offend the panel's sense of justice and propriety or undermine confidence in the regulatory system.
37. With the regard to Ms Doh-Nani's assertion that she could not receive a fair hearing because of the delay, the Legal Adviser advised the panel that delay in holding a final hearing could breach a registrant's right under Art.6 of the European Convention of Human Rights to a fair and public hearing within a reasonable time. He also referred the panel to the following principles derived from *Attorney General's Reference (No. 1 of 1990) [1992] QB 630*:
 - Stays imposed on the grounds of delay or for any other reason should only be employed in exceptional circumstances. Even where the delay can be said to be unjustifiable, the imposition of a permanent stay should be the exception rather than the rule.
 - Still more rare should be cases where a stay can properly be imposed in the absence of any fault on the part of the complainant or the prosecution.
 - Delay due merely to the complexity of the case or contributed to by the actions of the defendant himself should never be the foundation for a stay.
 - No stay should be imposed unless the defendant shows on the balance of probabilities that, owing to the delay, they will suffer serious prejudice to the extent that no fair trial can be held.

Panel's decision

Social Work England's motivation for pursuing the present proceedings

38. Ms Doh-Nani had alleged that Social Work England had only pursued the regulatory proceedings against her after the conclusion of the criminal proceedings which Merton

had brought against her, in order to satisfy Merton because their criminal proceedings had been unsuccessful. The panel dismissed that allegation for the following reasons:

- Ms Doh-Nani had produced no evidence to support that allegation.
- As a regulator, Social Work England operated independently of the local authorities and other bodies which employ the social workers which it regulates.
- The decision to refer the allegations against Ms Doh-Nani to adjudicators had been made by Social Work England's case examiners in line with their obligation under paragraph 9 of Schedule 2 to the Social Workers Regulations 2018 to refer cases where they are satisfied that there is a reasonable prospect that adjudicators will find the social worker's fitness to practice to be impaired.

Loss of supervision notes

39. The notes made by [Former Line Manager A], Ms Doh-Nani's former line manager, of her supervision sessions with Ms Doh-Nani were relevant to the allegation that, between July 2011 and December 2013, Ms Doh-Nani had failed to declare to her employer, Merton, that she had a conflict of interest in that, whilst working for Merton, she was also performing consultancy work for one of its suppliers, a company named Universal Care Consultants Limited. The supervision notes were relevant to that allegation because Ms Doh-Nani claimed that she had disclosed her consultancy work to [Former Manager A] during supervision and, according to Ms Doh-Nani, the notes would corroborate that disclosure and their loss therefore rendered the regulatory proceedings against her unfair.
40. The evidence in the bundles supported Ms Doh-Nani's assertion that the relevant supervision notes had indeed been lost after [Former Manager A] took them home when she retired and subsequently posted them through the letterbox at Merton's offices. However, the panel dismissed Ms Doh-Nani's assertion that the loss of the relevant supervision notes would lead to unfairness at the present hearing for the following reasons:
 - The supervision notes related to only one of the eight allegations against Ms Doh-Nani.
 - In her evidence during the trial, Ms Doh-Nani had testified that she had disclosed to [Former Manager A] that she was performing consultancy work for Universal Care Consultants Limited, she also stated that she did not say that that company supplied services to Merton, which would have alerted [Former Manager A] to the existence of a conflict of interest on the part of Ms Doh-Nani. This may have been because Ms Doh-Nani's disclosure would have been made before [Former Manager A] retired from Merton in 2010, whereas Universal Care Consultants Limited was not incorporated until 2011.

Delay

41. The panel next considered Ms Doh-Nani's assertion that the present hearing was unfair because of the delay in holding it.
42. In that regard, the panel noted that:
 - This hearing concerned allegations relating to period 2011 to 2013, which was over ten years ago, and arose from a referral made in January 2014 by Merton to the Health and Care Professions Council (the "**HCPC**"), Social Work England's predecessor as regulator of social workers in England.
 - The regulatory proceedings against Ms Doh-Nani appeared to have been suspended pending the outcome of criminal proceedings against her which had been brought by Merton and which concerned charges of fraud.
 - Those criminal proceedings resulted in a Crown Court trial in June 2022 at which Ms Doh-Nani was acquitted.
 - The regulatory proceedings against Ms Doh-Nani were then resumed by Social Work England, which had taken over from HCPC as regulator of social workers in England in December 2019.
43. With regard to the period between the conclusion of Ms Doh-Nani's Crown Court trial and this hearing, the panel did not consider that there had been an unreasonable delay, given:
 - the complexity of the present case;
 - the need for Social Work England's case investigators and/or case examiner to obtain statements from several witnesses and to obtain and/or consider a very large number of documents and, on the basis of those statements and documents, to formulate appropriate allegations against Ms Doh-Nani and decide whether to refer those allegations to adjudicators; and
 - the problems of listing this matter due to the required duration of the hearing and the issues of Ms Doh-Nani's availability.
44. With regard to the suspension of the regulatory proceedings against Ms Doh-Nani pending the outcome of her Crown Court trial, Ms Doh-Nani had claimed that this was not justified given the difference in the standard of proof. Whilst acknowledging that regulatory proceedings are different in nature from criminal proceedings, the panel considered that it was normal procedure to pause regulatory proceedings until the conclusion of a trial where the registrant faced criminal allegations and thus the pausing of the present regulatory proceedings was not unfair.
45. With regard to the period between the initial referral to HCPC in January 2014 and the suspension of the regulatory proceedings against Ms Doh-Nani pending the outcome of her Crown Court trial:

- The panel noted from the evidence bundles that, in 2013, Merton had initiated an investigation into the concerns about Ms Doh-Nani shortly after those concerns were raised and that fraud investigators had become involved in 2015. However, it was not clear when Merton decided to bring criminal proceedings against Ms Doh-Nani and when the HCPC was made aware of Merton's fraud investigation and subsequent intent to prosecute Ms Doh-Nani. Nor did the panel have any information about the extent to which the HCPC had acted upon Merton's referral concerning Ms Doh-Nani prior to being made aware of Merton's criminal proceedings. Likewise, the panel did not have any information as to why Ms Doh-Nani's Crown Court trial did not take place until June 2022 (although it noted that the courts may have been affected by the corona virus pandemic in 2020 and 2021).
 - In the circumstances, the panel did not consider that it had sufficient information on which to take a view as to whether there had been an unreasonable delay prior to the Crown Court trial or not.
 - However, even if there had been an unreasonable delay on the part of HCPC prior to its being notified of the Merton's intent to bring criminal proceedings against Ms Doh-Nani and/or on the part of Merton in bringing the criminal allegations against Ms Doh-Nani to trial, the panel did not consider that this prevented Ms Doh-Nani from having a fair hearing in the present proceedings given that much of the evidence against her either comprised, or was supported by, contemporaneous documents and records.
46. In the circumstances, the panel dismissed Ms Doh-Nani's assertion that the present proceedings should be stayed on the grounds of unreasonable delay.

Allegations and background:

Allegations

47. The allegations against Ms Doh-Nani (the "**Allegations**") were as follows:

Whilst registered as a social worker:

1. Between approximately 28 July 2011 to 17 December 2013:

i. You entered into an arrangement that created a conflict of interest, in that you and/or a family member financially benefited from Universal Care Consultants at the same time you were employed by London Borough of Merton

2. You failed to declare and/ or inform a London Borough of Merton Director of your connection to Universal Care Consultants and/ or the conflict of interest that arose as a result of this connection.

3. You failed to adequately prevent and/ or stop acting when a conflict of interest arose between your work at London Borough of Merton and Universal Care Consultants, in that you:

- i. Promoted Universal Care Consultants to one or more colleagues;
- ii. Were involved in approving/authorising one or more payments of London Borough of Merton funds to Universal Care Consultants;
- iii. Received one or more payments from Universal Care Consultants during the time you were employed by London Borough of Merton.

4. Between approximately 27 June 2012 and 31 October 2012:

- i. You entered into an arrangement that created a conflict of interest, in that you and/or a family member financially benefited from being landlord of Property 1 at the same time you were employed by London Borough of Merton

5. You failed to adequately declare and/ or inform London Borough of Merton that you were the owner of Property 1 during the period that one or more tenants were housed there when London Borough of Merton was funding their rent.

6. You failed to adequately prevent and/ or stop acting when a conflict of interest arose between your work at London Borough of Merton and being landlord of Property 1, in that you:

- i. Were involved in approving/authorising one or more payments from London Borough of Merton in respect of rental payments for Property 1

7. Between 1 August 2012 and 30 October 2012, you abused your position as a social worker, in that you assisted in the making and/or processing of a social housing application that was:

- i. Made in respect of a family member, Person A, without you informing London Borough of Merton of your personal connection;
- ii. Made in respect of your family member, Person A, who was not entitled to said housing.

8. Your conduct at paragraphs 1, 2, 3, 4, 5, 6 and/ or 7 was dishonest.

The matters outlined above amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Background

48. The Allegations arose from a referral concerning Ms Doh-Nani which was made on 2 January 2014 by Ms Doh-Nani's former employer, the London Borough of Merton ("**Merton**") to the Health and Care Professions Council (the "**HCPC**"), Social Work England's predecessor as regulator of social workers in England.
49. The panel understood from the information before it that:
- In November 2003 Ms Doh-Nani started working for Merton as an Accommodation Officer.
 - In August 2007 she became an Assistant Team Manager in the 16 Plus Team in Merton's Children Schools and Families Department.
 - In March 2009 she became Team Manager in the 16 Plus Team.
 - In January 2013 she became Team Manager of the 14 Plus Team.
 - On 7 February 2014, she ceased working for Merton following her resignation.
50. The Allegations relate to the period when Ms Doh-Nani was a Team Manager in Merton's Children, Schools and Families Department. The Allegations arose out of a complaint made to OFSTED in September 2013 by [Ex-Colleague B], an employee of Merton, who had initially been involved in establishing a business venture with Ms Doh-Nani and others. The complaint included allegations about Ms Doh-Nani. OFSTED informed Merton of those allegations in September 2013 and this, in turn, led Merton to investigate those allegations.
51. Merton brought criminal proceedings against Ms Doh-Nani for fraud offences based on alleged facts similar to those appearing in the Allegations. In June 2022, after a Crown Court trial, Ms Doh-Nani was acquitted of those charges.

Admissions:

52. As Ms Doh-Nani had made no formal admissions for the purpose of the present proceedings, the facts alleged in the Allegations were disputed. In consequence, it was up to Social Work England to prove its case. Therefore, in accordance with rule 32(c) of the FTP Rules, the panel proceeded to determine those disputed facts.

Summary of Evidence

Witnesses and evidence produced by Social Work England

53. Social Work England called the following witnesses:
- [Investigator A], who is the Corporate Fraud Team Manager at South-West London Fraud Partnership, which conducts and manages fraud investigations for a number of local authorities in south-west London, including Merton. In April 2017,

[Investigator A] assumed conduct of Merton's investigation into the activities of Ms Doh-Nani. As part of her evidence, [Investigator A] produced statements made, and documentary evidence obtained, by [the Principal Auditor], a Principal Auditor at Merton, who took over the investigation on 31 October 2014. Prior to that the investigation had, from when it started in 2013, been conducted by Merton's Head of Investigations.

- [Investigator B], who, from April 2015 to March 2017 managed Merton's investigation into the activities of Ms Doh-Nani, during which time he was employed by Wandsworth Borough Council as a fraud investigation officer and worked in the South-West London Fraud Partnership.
- [the Housings Options Manager], who, at the time of the events to which these proceedings relate, was a Housing Options Manager at Merton and who gave evidence about Person A's housing application.
- [Assistant Team Manager A], who, at the time of the events to which Allegation 7 relates, was an assistant team manager in the 16 Plus Team at Merton, which was then managed by Ms Doh-Nani. [Assistant Team Manager A] also gave evidence about Person A's housing application.
- [Service Manager A], who, from June 2010 to August 2012, was a Service Manager in Merton's Looked After Children Service and, in that capacity, the direct line manager of Ms Doh-Nani, who was then a team manager for the Leaving Care Team and the 16 Plus Team. [Service Manager A] produced and gave evidence about the provision of Merton's Code of Conduct regarding conflicts of interest.

54. [Investigator A] and [Investigator B] produced an extensive amount of documentation. This included emails from Merton's email system; records of payments and copies of purchase orders and invoices from Merton's payment system; bank account records obtained by court order for the purposes of the previous criminal proceedings; Companies House and Land Registry documents; birth and marriage certificates; and statements taken from individuals for the purposes of Merton's investigation into the activities of Ms Doh-Nani and/or the criminal proceedings against her.
55. Social Work England also relied upon transcripts of evidence given at Ms Doh-Nani's Crown Court trial by Ms Doh-Nani and by her former manager, [Former Manager A]. These transcripts were obtained and produced by an employee of Social Work England's solicitors.

Evidence produced by Ms Doh-Nani

56. Although Ms Doh-Nani did not attend, she had nevertheless provided a written statement dated 13 May 2024. Prior to this, on 19 July 2022, she had provided written submissions in response to the Allegations, which was accompanied by documentary evidence.

57. Ms Doh-Nani also produced 10 character references as well as two certificates of excellence from Merton LB; a commendation from the Metropolitan Police; and an article and certificate confirming that she had been short-listed for social worker of the year in 2012.

Finding and reasons on facts

Submissions on behalf of Social Work England

58. Ms Sharpe, on behalf of Social Work England, referred the panel to the evidence in support of each Allegation.
59. In relation to Allegation 1, Ms Sharpe submitted that:
- Some form of arrangement which was intended to benefit Ms Doh-Nani and her family could be inferred from the evidence. Universal Care Consultants Limited (“**UCC**”) appeared to be a successor to Cleo Care Limited (“**CCL**”), as it used the same offices, referral form and pricing list. In the case of Cleo Care Ms Doh-Nani herself was a shareholder of Cleo Care; in the case of UCC, it was [PRIVATE] [relative] [Relative A].
 - Bank records obtained under a court order for the purposes of the criminal proceedings revealed that, during the period covered by Allegation 1, UCC had paid £46,850 to Ms Doh-Nani, £6,000 to her [relative] [Relative B] and around £1,500 to her [relative], Person A.
 - Ms Doh-Nani’s assertion that she was being paid by UCC for consultancy work which she had performed for UCC whilst it was being set up was not credible, given that the payments for this work were made after the event and in irregular amounts. Even if Ms Doh-Nani’s account was correct, she had still been receiving a financial benefit from UCC.
 - There was potential for the financial benefit received by Ms Doh-Nani and her family to create a conflict of interest for her in her work at Merton, given that she had influence over which third party care providers were used by her team and was responsible for authorising or approving the purchase of their care packages. As [Service Manager A] said in his evidence, it is not proper for a Council official to, in effect, authorise payments to themselves.
60. In relation to Allegation 2, Ms Sharpe submitted that:
- Under Merton’s Code of Conduct in place at the time, Ms Doh-Nani had a duty to declare her involvement with UCC. That duty was clear, well-documented and consistent.

- Ms Doh-Nani's assertion that she was not aware of Merton's policies and procedures regarding conflicts of interest lacked credibility. [Service Manager A] confirmed that managers of Ms Doh-Nani's seniority would be aware of those matters, especially as her role was to manage social workers rather than do casework. Ms Doh-Nani's denial of knowledge of the Code was further undermined by her having been copied into an email exchange in December 2009 with one of her team about taking on work outside of their job at Merton (although there was no evidence that she had read the relevant email).
- An email from Ms Doh-Nani to [Ex-Colleague B] showed her to be the driving force behind the venture which led to the establishment of CCL an UCC.
- Ms Doh-Nani had said that she had disclosed her involvement in UCC to [Former Manager A], her former manager, during supervision. [Former Manager A] had said that she could not recollect such a disclosure but could not say for sure. It was undisputed that the relevant supervision note had been lost. However, for Ms Doh-Nani's assertion that she made a disclosure to [Former Manager A] to be credible, the panel would have to believe that [Former Manager A] would not follow up on that disclosure in any way. Ms Doh-Nani's account was further undermined by the fact her disclosure was purportedly made nine months before CCL was incorporated.
- Moreover, there was no evidence of any declaration from Ms Doh-Nani formally in Merton's register of interests.

61. In relation to Allegation 3, Ms Sharpe submitted that:

- It was reasonable to assume that the opening wording of Allegation 3 was intended to mean "You failed to prevent a conflict of interest from arising and/or to stop acting when a conflict did arise".
- In relation to particular (i), the panel should have regard to the several emails in which Ms Doh-Nani promoted UCC to colleagues inside and outside Merton and requested members of her team to order support packages from UCC.
- In relation to particular (ii), the panel should have regard to the spreadsheets produced by [the Principal Auditor] showing the payments made to UCC and that the vast majority were authorised by Ms Doh-Nani. Ms Doh-Nani maintained that she had merely "rubber-stamped" the payments but [Service Manager A]'s evidence was that, consistent with her duty as a budget holder, she should have considered whether each order was appropriate.
- In relation to particular (iii), the bank records of UCC's account demonstrated the payments made to Ms Doh-Nani. The accuracy of those records had not been challenged.

62. In relation to Allegation 4, Ms Sharpe submitted that:

- Ms Doh-Nani did not dispute her ownership of Property 1 or that it had been used by Merton to house at least one care leaver, [Service User A].
 - The evidence showed that [Friend A] was being used as Ms Doh-Nani's agent. This gave rise to a clear conflict of interest as Merton was paying Ms Doh-Nani indirectly for the use of Property 1.
 - If it was true that, as alleged by Ms Doh-Nani, the moneys received by [Friend A] in respect of Property 1 were being applied to reduce Ms Doh-Nani's debt to [Friend A], then this also represented a financial benefit for Ms Doh-Nani.
63. In relation to Allegation 5, Ms Sharpe submitted that Ms Doh-Nani had maintained that [Benefits Officer A], the benefits officer who made [Service User A]'s housing benefit claim knew that Ms Doh-Nani was the owner of Property 1 and had recorded this in the Licence Agreement for that property. However, this was not an adequate disclosure of Ms Doh-Nani's interest in Property 1 and, moreover, [Benefits Officer A] denied knowing that Ms Doh-Nani owned the property.
64. In relation to Allegation 6, Ms Sharpe submitted that there was a clear paper trail showing that Ms Doh-Nani had authorised payments in respect of Property 1 and had asked for [Friend A] to be set up on Merton's payment system as a payee.
65. In relation to Allegation 7, Ms Sharpe submitted that:
- There was no dispute that Ms Doh-Nani had not disclosed that Person A was her [relative].
 - Person A's application would not have been processed if it were not for Ms Doh-Nani's instructions to [Assistant Team Manager A] and her email to the housing team.
 - The inclusion in the application of addresses where Merton placed young people in its care indicated that Ms Doh-Nani had been involved in its completion. [Investigator B] had produced statements from the occupiers of those addresses confirming that Person A had not lived there. Although those statements were documentary hearsay, the occupiers had no reason to fabricate their evidence.
 - As Person A was not resident in Merton, she may not have been eligible to be housed there. In any event, as there was no evidence to show that Person A was a care leaver, she was not entitled to be on the quota list. This was a flagrant abuse of Ms Doh-Nani's position.
66. In relation to Allegation 8 (dishonesty), Ms Sharpe submitted that:
- The appropriate test for dishonesty was that in *Ivey v Getting Casinos*.
 - In relation to her involvement with UCC, Ms Doh-Nani's state of mind was demonstrated by her attempts to conceal that involvement.

- In relation to Property 1, it was demonstrated by her attempts to conceal her ownership of that property by using [Friend A] as her agent.
- In relation to Allegation 7, it was inconceivable that Ms Doh-Nani would not know that the information in the application was false and the story about the form being lost for four years was unbelievable. Moreover, Ms Doh-Nani had concealed her relationship with Person A.
- In the circumstances, ordinary decent people would think that Ms Doh-Nani's conduct in relation to her involvement with UCC, her ownership of Property 1 and Person A's housing application was dishonest.

Legal advice on fact-finding stage

67. The panel heard and accepted the advice of the Legal Adviser on the fact-finding stage. That advice included reference to Rule 32(c) of Social Work England's Fitness to Practise Rules, regulation 25(4) of Social Workers Regulations 2018 and the case of *Miller v Minister of Pensions [1947] 2 All ER 372*. The panel noted, in particular, that it was for Social Work England to prove each of the Allegations on the balance of probabilities.
68. The Legal Adviser informed the panel that, at a case management meeting held in May 2024, adjudicators had, under rule 32 of the FTP Rules, admitted in evidence for the purpose of this hearing certain documentary hearsay, including statements from individuals who had not been called to give evidence. The Legal Adviser advised that the panel should give such weight to that hearsay evidence as it thinks appropriate. He added that, in line with the decision in *Ogudele*, the panel should:
 - proceed with caution in the absence of cross examination of the witness;
 - review the absent witness' evidence to see if there is any inherent or other weakness in it;
 - ascertain if there was evidence supporting the untested evidence; and
 - make a fair assessment in all the circumstances.
69. In terms of assessing the credibility of the witnesses, the Legal Adviser referred the panel to the cases of *Suddock v Nursing and Midwifery Council [2015] EWHC 3612 (Admin)*, *Sri Lanka v SSHD [2018] EWCA Civ 391*, *R (on the application of Dutta) v General Medical Council [2020] EWHC 1974 (Admin)* and *Khan v General Medical Council [2021] EWHC 374 (Admin)* the panel understood from the Legal Adviser's advice that:
 - The panel should consider all of the evidence before coming to a conclusion about a witness' credibility.

- It is open to the panel not to rule out the whole of a witness's evidence on the basis of credibility.
- The panel should consider objective evidence, such as contemporaneous documents, before other factors.
- Rather than attempting to assess whether testimony is truthful from the way it is given, the panel should focus on the content of the testimony and consider the inherent probabilities and improbabilities of the witness' account of events and whether that account is consistent with other evidence and with known or probable facts.

70. With regard to Allegation 8, the Legal Adviser referred the panel to the two-stage test for dishonesty set out by the court in Ivey v Genting Casinos [2017] UKSC 67

- The panel must first ascertain (subjectively) the actual state of the registrant's knowledge or belief as to the facts.
- When, once the registrant's actual state of mind as to their knowledge or belief regarding the facts has been established, the question of whether their conduct was honest or dishonest is to be determined by the panel by applying the (objective) standards of ordinary decent people. There is no requirement that the registrant must appreciate that what they have done was, by those standards, dishonest.

71. With regard to the first limb of the test, the Legal Adviser also advised that:

- The reasonableness or otherwise of the registrants' belief is a matter of evidence (often in practice determinative) going to whether the registrant held that belief but it is not an additional requirement that the registrant's belief must be reasonable: the question is whether the registrant's belief was genuinely held
- A mistake or misunderstanding of criminal law is not a good defence. (See, for example R v Lee [2000] EWCA Crim 13 CA). However, a mistake of civil law may be (R v Smith [1974] QB 354 (CA))
- A reckless disregard of the facts may negate honest belief (Bultitude v Law Society [2004] EWHC Civ 1853).

72. As Ms Doh-Nani had no previous regulatory findings against her and had put forward evidence of good character, the Legal Adviser referred the panel to the good character direction in Donkin v Law Society [2007] EWHC 414 (Admin) and advised that evidence of previous good character is relevant to dishonesty in that (i) it is relevant to the credibility of the practitioner's evidence; and (ii) it is relevant to the practitioner's propensity to act dishonestly (in that a person of good character is less likely to act dishonestly than a person of bad character). The Legal Adviser added that character evidence is, however, not determinative and it was for the panel to weigh any evidence

of good character in the balance along with all other evidence presented to the panel on the question of dishonesty and to determine what weight should be attached to the character evidence.

73. As evidence of her good character, Ms Doh-Nani has provided 10 character references. In line with the section on testimonials in Social Work England's Impairment and Sanction Guidance, the Legal Adviser advised the panel that, in addition to considering the content of those testimonials, it should consider the extent to which they include details of:

- what the author knows of the regulatory concerns about Ms Doh-Nani;
- how long they have known Ms Doh-Nani and in what capacity; and
- any conflict of interest on the part of the author.

Panel's decision on facts

74. The panel considered each Allegation in turn. As Allegation 8, which concerned dishonesty, related to all of the Allegations which preceded it, the panel considered the question of dishonesty in relation to each of Allegations 1 to 7 as they considered it.
75. For the purposes of Allegations 1 to 7, the panel found that Ms Doh-Nani was employed as a social worker by Merton from 2003 until 7 February 2014. Although the panel had not been provided with Ms Doh-Nani's employment records to evidence this, it was nevertheless content to rely upon the evidence of [Investigator A] in that regard as the point did not appear to be disputed by Ms Doh-Nani. Moreover, the records and correspondence contained in the hearing bundles showed that Ms Doh-Nani was working at Merton during the period covered by the Allegations.

Allegation 1: Between approximately 28 July 2011 to 17 December 2013 ... you entered into an arrangement that created a conflict of interest, in that you and/or a family member financially benefited from Universal Care Consultants at the same time you were employed by London Borough of Merton – PROVED BUT NOT DISHONEST

Background to UCC

76. Before considering the elements of Allegation 1, the panel noted from the evidence produced by Social Work England that:
- Companies House documents for a company named Cleo Care Limited ("CCL") demonstrated that it was incorporated on 17 March 2011 and Ms Doh-Nani and two of her then colleagues at Merton, [Ex-Colleague A] and [Ex-Colleague B], were its shareholders.
 - Companies House documents showed that UCC had been incorporated on 29 July 2011 with [Ex-Colleague A] as its sole shareholder and director. Annual

returns submitted between 2012 and 2015, showed that, during that period, UCC's shareholders were [Ex-Colleague A] and [Relative A], each holding 50 shares. An annual return submitted on 17 May 2016 named [Ex-Colleague A] and [Relative A] as shareholders but stated that [Ex-Colleague A] held 100 shares and [Relative A] held no shares.

- [Relative A]'s [PRIVATE] when he became a shareholder of UCC. Copies of emails exchanged between Ms Doh-Nani and [Relative A] between April and September 2011 and produced by [Investigator A] indicated that [Relative A] was [PRIVATE] and in regular contact with Ms Doh-Nani.
- A change of address notification and a licence agreement with Square Roots Limited showed that, in or around August to October 2011, CCL moved its registered address to the Square Roots Business Centre.
- An email dated 2 January 2012 from Square Roots Business Centre confirmed that, with effect from 1 January 2012, CCL's account with Square Roots Business Centre would be closed and a new account opened in the name of UCC. In addition, information provided by Square Roots Business Centre, showed that UCC had requested access to the business centre for a "Barbara [name]" and Ms Doh-Nani's birth certificate showed that [name] was [Relative B]'s name and had been used on her [relative]'s birth certificate to identify Ms Doh-Nani as his [relative].
- An email from UCC to Merton dated 23 October 2011 referred to attached information from UCC and had attached to it a referral form and price list for CCL. The email itself had been sent from CCL's email address.

77. [PRIVATE] [Relative A] was Ms Doh-Nani's [relative] [PRIVATE] when he became a shareholder of UCC. Copies of emails exchanged between Ms Doh-Nani and [Relative A] between April and September 2011 and produced by [Investigator A] indicated that [Relative A] was [PRIVATE] and in regular contact with Ms Doh-Nani. Ms Doh-Nani did not deny that [Relative A] was her [relative] or that he had been a shareholder of UCC. In her written submissions dated 19 July 2022, Ms Doh-Nani stated "*I can confirm that my [relative] was named as a shareholder however this was purely to assure that Universal Care made payments owed to me for the consultancy work that I undertook for them from 2010-2012. I can confirm that there was no financial gain to my [relative] and his name should have been removed.*"

Financial benefit from UCC

78. In relation to Allegation 1, the panel first considered whether Ms Doh-Nani or any member of her family had received a financial benefit from Universal Care Consultants Limited (“**UCC**”) between 28 July 2011 and 17 December 2013.
79. In that regard, [Investigator B] had produced bank accounts records showing payments into and out of UCC’s bank account, such records having been obtained by a court order for the purposes of the criminal proceedings against Ms Doh-Nani. Those records showed that:
- Between 27 January and 10 September 2012, Ms Doh-Nani received 13 payments from UCC totalling £52,450 (£46,850 being paid to her personal account and £5,600 being paid to a children’s savings account in her name).
 - No monies were paid to UCC’s director and shareholder, [Ex-Colleague A] between UCC being incorporated in July 2011 and the start of 2015. However, during 2015, [Ex-Colleague A] received a total of £36,410 from UCC in a series of payments described as loans but paid back £39,000.
 - From 28 December 2011 to 28 January 2014, an individual named [name] and [name] together received nine payments totalling £1,586. Of these only £100 fell outside the period covered by Allegation 1. As discussed in more detail in relation to Allegation 7, birth and marriage certificates produced by [Investigator B] and a deed of change of name produced by Ms Doh-Nani satisfied the panel that both of those names were used by Ms Doh-Nani’s [name], Person A.
 - In January 2012, a single payment of £6,000 was made to [Relative B].
 - In 2014, which falls outside the period covered by Allegation 1, [Friend A] received a total of £7,110. As mentioned later, [Friend A] had acted as Ms Doh-Nani’s agent for the purposes of receiving payments from Merton in respect of the use Property 1, which was owned by Ms Doh-Nani.
 - [Ex-Colleague B] received £1,500 in February 2012. In her evidence at her Crown Court trial, Ms Doh-Nani explained that this was due to him for work prior to the establishment of UCC.
 - In 2012, [Benefits Officer A], a benefits officer at Merton received £65.
80. In relation to the payments which she had received from UCC, Ms Doh-Nani, in her written submissions of 19 July 2022, stated that she had been a self-employed consultant for UCC but that she did not gain financially from the placements made by Merton through UCC. In this regard, at her Crown Court trial Ms Doh-Nani described her consultancy work for UCC as being *“very similar to things that I’d done before around how to set up a project or set up a service, so, it was a lot of compliance work, polices,*

procedures, ensuring the right level of staffing was in place. Ensuring that they had all the things in place to ensure that young people were supported appropriately, including the tool kits and things like that.” In her written submissions, Ms Doh-Nani went on to say, *“The payments that I received for the work I had completed from 2010-2012 were made in 2012. As my consultancy had ended in 2012, I received no further payments after this time. In relation to this I was registered self-employed and paid tax in respect of this self-employed work. The total received was £55,369.00 for the 22 months of consultancy on weekends and I paid tax in respect of my self-employed status”*. In support of this Ms Doh-Nani provided a copy of her tax return for the tax year 2013.

81. Contrary to Ms Doh-Nani’s assertion that she was merely performed consultancy work for UCC, Social Work England had maintained that she was covertly running UCC and receiving the benefit of its activities. In this regard, the panel noted that between UCC’s incorporation in 2011 and the start of 2015, [Ex-Colleague A], the company’s director and one of its two shareholders, had received no payments from UCC whereas Ms Doh-Nani had been paid £52,450. It also noted that UCC had paid substantial amounts to [Relative B] and to her friend, [Friend A], and that no explanation for those payments had been provided by Ms Doh-Nani. In addition, the panel considered that appointment of Ms Doh-Nani’s [PRIVATE] [relative] as a shareholder was unusual. In this regard, in her written submissions dated 19 July 2022, Ms Doh-Nani explained *“I can confirm that my [relative] was named as a shareholder however this was purely to assure that Universal Care made payments owed to me for the consultancy work that I undertook for them from 2010-2012. I can confirm that there was no financial gain to my [relative] and his name should have been removed.”*
82. The panel concluded from the above that Ms Doh-Nani had indeed financially benefitted from UCC, whether in the form of payments for consultancy work or by virtue of running UCC’s operations covertly. The panel did not consider that, for the purposes of the Allegations, it had to take a view on which of those situations was the case. However, it noted from the payments out of UCC’s account that Ms Doh-Nani appeared to be the biggest beneficiary of UCC’s operations.
83. Given the payments made to them by UCC, the panel concluded that [Relative B] and [relative] (Person A) also financially benefitted from UCC.

Conflict of interest

84. The panel next considered whether the financial benefit which Ms Doh-Nani and her family members received from UCC created a conflict of interest for her as an employee of Merton.
85. In that regard, the panel noted from spread sheets produced by [the Principal Auditor] from information on Merton’s payment system that UCC was providing care packages to Merton (which involved the provision of support to young people who were, or had been, in Merton’s care). The spreadsheet showed that Merton’s payments to UCC in

respect of its services amounted to £39,271 in 2011, £118,400 in 2012 and £72,773 in 2013. Moreover, the young people who benefitted from those packages were those for whom Ms Doh-Nani's 16 Plus team were responsible. In the circumstances, the panel found that Ms Doh-Nani's personal interest in receiving payments from UCC conflicted with her duty as an employee of Merton to whom UCC supplied its services.

86. Given the above findings regarding Allegation 1, the panel found that Allegation proved.

Dishonesty in relation to Allegation 1

87. On the question of whether Ms Doh-Nani had acted dishonestly by entering into an arrangement which created a conflict of interest as alleged in Allegation 1, the panel, in line with the test in *Ivey v Genting Casinos*, first considered Ms Doh-Nani's knowledge as to the facts. In particular, it considered whether Ms Doh-Nani would have been aware that her obtaining a financial benefit from UCC - either by performing consultancy work or otherwise - would create a conflict of interest with her role as a manager of a team at Merton which used UCC's services. For the reasons given below in relation to Allegation 2 and Ms Doh-Nani's awareness of Merton's Code of Conduct, the panel considered that Ms Doh-Nani would have been aware that her relationship with both UCC and Merton created a conflict of interest for her.
88. However, as far as the second limb of the test in *Ivey v Genting Casinos* was concerned, the panel did not consider that ordinary, decent members of the public would think that entering into an arrangement which created a conflict of interest was, of itself, dishonest. On that basis, the panel found that Ms Doh-Nani had not acted dishonestly by entering into an arrangement which created a conflict of interest as alleged in Allegation 4.
89. In arriving at the above conclusion, the panel considered that ordinary, decent members of the public would consider that it was dishonest to attempt to conceal an arrangement which gave rise to a conflict of interest. However, in the present instance no such attempt was alleged in Allegation 1, Allegation 8 or the list of allegedly dishonest conduct in paragraph 92 of the Statement of Case.

[Allegation 2: You failed to declare and/ or inform a London Borough of Merton Director of your connection to Universal Care Consultants and/ or the conflict of interest that arose as a result of this connection - PROVED AND DISHONEST

90. In relation to Allegation 2, the panel first considered whether Ms Doh-Nani had been under an obligation to declare or otherwise disclose her connection to UCC, and the related conflict of interest, to a Director at UCC. In that regard, the panel considered that the provisions of Merton's Code of Conduct cited below were relevant. In considering the Code, the panel noted that, in her witness statement, [Investigator A] had explained that the version of the Code which she had produced post-dated the period to which the Allegations relate but that Merton's human resources department

had given [Investigator A] oral confirmation that the only differences between the version of the Code which was in force during that period and the version of the Code provided to [Investigator A] related to the section on bribery and corruption.

91. The panel considered the following parts of section 7 of the Code to be relevant in creating an obligation on Ms Doh-Nani to declare her involvement with UCC:
- The Code defined a conflict of interest as “*a shortened way of describing a conflict of personal interest and contractual duty*”. It gave as an example “*You are buying goods and services and those goods and services are supplied by a supplier owned by you, your friend, family or business associate.*”
 - With regard to the action to be taken in relation to a conflict of interest, the Code stated, “*Some conflicts maybe unavoidable – however, you should always report them to your manager in advance.*”
 - With regard to working for other organisations whilst working for Merton, the Code stated, “*You must not undertake any paid, or unpaid, work if your official duties overlap with your proposed work in a way which will cause a conflict of interest... If you are considering taking up additional paid/unpaid employment, you must first seek the approval of your Director in writing before taking up the post. Consideration will be given to the effects of such employment on the Council’s services and interests... Private work should not be undertaken for any person, company or contractor who is known by you to have a contractual relationship with the Council, or who is seeking work from the Council... If you have your own business, or are considering setting up your own business, you must seek the approval of your Director.*”
92. On the subject of relationships with contractors and consultants, section 6 of the Code stated. “*All relationships of a business, private or personal nature with external contractors/ consultants, or potential contractors, should be made known to the appropriate manager... If you engage or supervise contractors/consultants or have any other official relationship with contractors/consultants and have previously had or currently have a relationship in a private or domestic capacity with contractors/consultants, you should declare that relationship to the appropriate manager. Details should be recorded in the ‘Declaration of Interests Register’ that is kept by Directors.*”
93. On the basis of the parts of the Code quoted above, the panel was satisfied that Ms Doh-Nani had an obligation to declare her involvement with UCC to Merton as her employer and that the declaration should, in the first instance have been made to her manager.
94. The panel noted that Allegation 2 envisaged an obligation to declare conflicts of interest to a Director rather than a manager. However, the panel did not consider that affected

its conclusions regarding Allegation 2 given its conclusion below that Ms Doh-Nani had failed to make any disclosure of her involvement with UCC and given that it was clear from the Code, and from [Service Manager A]’s evidence, that Ms Doh-Nani would have had to obtain the prior approval of a Director, if she was to perform work for UCC.

Ms Doh-Nani’s disclosure of her connection with UCC

95. The panel next considered whether Ms Doh-Nani had disclosed her connection to UCC and the related conflict of interest as required by the Code.
96. In that regard, in the first instance, the panel noted that, in her witness statement, [the Principal Auditor] had said that she had checked the conflict of interest register held by Merton’s Children Schools and Families Department had been checked for the three financial years between 2011 and 2014 and no record of Ms Doh-Nani declaring a conflict of interest had been found. In her oral evidence, [Investigator A] stated that she had made the same search with the same result. The panel also noted that [Service Manager A], who was Ms Doh-Nani’s manager from July 2010 to August 2012 had said that he had no recollection of having any conversation with her about conflicts of interest and there was no record in the notes of his supervision meetings with Ms Doh-Nani of her having made any disclosure of such a conflict.
97. [Investigator A] had produced emails between an Assistant Team Manager in Ms Doh-Nani’s team and Merton’s human resources department in which the Assistant Team Manager enquired about the procedure for declaring work outside Merton and was advised that she must declare in writing to the director any work done outside of her duties at Merton. Ms Doh-Nani was copied into this email and therefore could have been aware of its contents. However, the panel placed little weight on this as there was no evidence to show whether she had opened or read those emails.
98. Ms Doh-Nani had consistently maintained in her written submissions to Social Work England and in her evidence at her Crown Court trial she had declared to [Former Manager A], her manager at Merton up to July 2010, that she worked as a self-employed consultant for UCC between 2010 and 2012. Ms Doh-Nani also maintained that she had made this disclosure to [Former Manager A] during their supervision meetings. At the Crown Court trial Ms Doh-Nani also stated that she had disclosed that she was working on a venture with [Ex-Colleague A] to establish an independent service provider and that [Former Manager A] was enthusiastic about that project. Ms Doh-Nani also said that [Former Manager A] had recorded her disclosures in her notes of her supervision meetings with Ms Doh-Nani. However, investigators at Merton had been unable to find those notes. The reason for this was provided by [Former Manager A] in her evidence for the Crown Court trial and by [Service Manager A] in his witness statement for these proceedings. In brief, [Former Manager A], after she had retired from Merton, had discovered files containing the relevant supervision notes at her home. She then posted

those files in an envelope through the letter box of Merton's offices and advised [Service Manager A] accordingly, but Merton had no record of having received them.

99. The panel did not accept that Ms Doh-Nani had disclosed her involvement with UCC to [Former Manager A] as she had claimed for the following reasons:

- [Former Manager A], in her witness statement for the Crown Court trial and in her evidence at that trial, had stated that she could not recall any such disclosure being made to her (although she had qualified this by saying that, without her supervision notes, she could not be sure). The panel considered that, if Ms Doh-Nani had disclosed to [Former Manager A] that she was going to do consultancy work for UCC and that UCC was going to provide services to Merton, [Former Manager A] would have taken the approach outlined by [Service Manager A] in his oral evidence and referred the matter to the Assistant Director and asked Ms Doh-Nani that she (Ms Doh-Nani) would have to write to the Assistant Director for approval to do work for UCC.
- UCC was not incorporated until July 2011, which is one year after [Former Manager A] retired from Merton and, in the months prior to this, Ms Doh-Nani and [Ex-Colleague A] were planning to work under the name of Cleo Care Limited, which had been incorporated in March 2011. The panel therefore thought it highly unlikely that Ms Doh-Nani would have, or could have, disclosed to [Former Manager A] in 2010 that she was going to work for UCC specifically.
- Likewise, the panel also considered it unlikely that Ms Doh-Nani would have said that UCC was going to provide services to Merton. In this regard, the panel noted that, in cross-examination at the Crown Court, Ms Doh-Nani had said that she had not mentioned to [Former Manager A] that UCC would provide services to Merton but had later said that they might possibly do so. However, on reading the transcript of her evidence at the Crown Court trial, the panel was not convinced by Ms Doh-Nani's evidence in that regard as it considered that, in cross-examination, Ms Doh-Nani had constantly expanded her evidence to counter arguments put forward by Counsel. The panel also noted that Ms Doh-Nani appeared to portray the proposed business as a venture on the part of [Ex-Colleague A].

100. In the circumstances, for the reasons given above, the panel found Allegation 2 proved.

Dishonesty in relation to Allegation 2

101. The panel next considered whether Ms Doh-Nani had acted dishonestly by failing to declare her connection to UCC and the resulting conflict of interest as alleged in Allegation 2.

102. In line with the test in *Ivey v Genting Casinos*, the panel, first considered Ms Doh-Nani's knowledge as to the facts and, in particular, it considered whether she was aware that the Code required her to make such a disclosure.
103. In that regard, the panel noted that, in her written submissions of 13 May 2022, Ms Doh-Nani stated *"It is noted that after this time LB Merton have documented a process of declaration (April 2013). I was never made aware of this and was never given any documentation pertaining to this at any time during my working role with Morton [sic]. It was confirmed that this document was not given to staff however there was an expectation that staff access it. [Former Manager A] or [[Service Manager A] did not confirm any knowledge of this document... I never had a contract of employment pertaining to my role as a 16+ Team Manager, which was my role at the time of the alleged concerns. I do not recall being given a contract of employment for this role, which was a significantly different role in relation to my responsibilities, to the one held prior, therefore did not have an[y] guidance in relation to the expectations of me in this role."*
104. However, the panel considered that Ms Doh-Nani's assertion that she was unaware of the provision of the Code regarding conflicts of interest was outweighed by the following:
- At a minimum, Ms Doh-Nani knew that she should disclose her involvement with UCC to a manager, as evidenced by her assertion that she had made such disclosure to [Former Manager A]. Ms Doh-Nani acknowledged this in cross-examination in the Crown Court but claimed that she did not have detailed knowledge of the Code.
 - [Investigator A] produced a statement from [PRIVATE], a human resources adviser who had worked at Merton since 2004. [PRIVATE] produced documents evidencing that Ms Doh-Nani attended at Merton's corporate induction course and found it "very useful". [PRIVATE] also confirmed that that the induction course referred participants to the Code and informed them that it was posted on Merton's intranet.
 - The panel accepted [Service Manager A]'s evidence to the effect that, as a team manager with considerable experience of working as a social worker in local government, Ms Doh-Nani would have been aware of the provisions of the Code regarding the need to declare and manage any conflicts of interest.
 - The panel also accepted [Service Manager A]'s evidence that Ms Doh-Nani would have realised that, when he took over from [Former Manager A] as her line manager, the appropriate course of action to protect her position and integrity would have been to repeat the disclosure regarding her involvement with UCC which she claimed to have made to [Former Manager A]. This would have ensured

that her new manager was aware of that involvement so that she could not be criticised were he to discover her involvement with UCC at a later date. Moreover, as UCC was not incorporated until July 2011 (when [Service Manager A] was her manager), that would have been the appropriate time for Ms Doh-Nani to make that disclosure.

105. The panel considered that it was likely that Ms Doh-Nani would have been aware that if she declared her involvement, or intended involvement, with UCC there was a real risk that either she might not be permitted to pursue that involvement or she might be moved to a team which had no involvement with UCC, thus preventing her from promoting UCC to members of the 16 Plus team and authorising payments to UCC, as discussed below in relation to Allegation 3.
106. In terms of the second stage of the test in *Ivey v Genting Casinos*, the panel considered that ordinary decent members of the public would consider that, in failing to disclose her involvement with UCC to her manager or Director, as she knew she should do, because of her concern over the consequences of such a disclosure, Ms Doh-Nani had acted dishonestly.

Allegation 3(i): You failed to adequately prevent and/ or stop acting when a conflict of interest arose between your work at London Borough of Merton and Universal Care Consultants, in that you ... promoted Universal Care Consultants to one or more colleagues - PROVED AND DISHONEST

Preliminary issues

107. The panel first considered the meaning of the opening wording of Allegation 3. The panel decided that the words “*You failed to adequately prevent and/ or stop acting when a conflict of interest arose*” should be given their ordinary natural meaning. The panel also decided that “stop acting” should be given a wide meaning so as to include not only ceasing to act in relation to any cases at Merton in which UCC had an involvement but also ceasing to take any action which might assist UCC in furthering its business interests.

Obligation to stop acting

108. The panel found that Ms Doh-Nani was required to stop acting when a conflict of interest arose under the following provisions of section 7 of the Code:
- “Where an interest is declared the employee should take no further part in dealing with the matter in which an interest has been declared without specific clearance by their Director.”
 - “If you are considering taking up additional paid/unpaid employment you must first seek the approval of your Director in writing before taking up the post. Consideration will be given to the effects of such employment on the Council's services and interests.”

- *“If you have any involvement with outside organisations relevant to your area of employment with the Council, you should not, have any involvement with the affairs of the organisation (i.e. processing, advising on grants etc.).”*

Promoting UCC

109. The panel next considered whether Ms Doh-Nani had “promoted UCC to one or more colleagues” as alleged in Allegation 3(i). In that regard, the panel considered that colleagues should be given a wide meaning to include employees at other local authorities.
110. The panel noted that, on 11 July 2012, Ms Doh-Nani had sent an email to social workers in her team who were responsible for the young people placed at Property 1. In that email she asked the social workers to complete a UCC referral form and return it to UCC in order to request UCC to provide “outreach” which would develop the independence skills of those young people. The panel found that, by sending that email, Ms Doh-Nani was promoting UCC to colleagues at Merton.
111. The panel also noted the list of alleged instances of such promotion set out in paragraph 46 of the Statement of Case. Those instances included:
 - Emails from Ms Doh-Nani’s Merton email account in which she recommended UCC to members of the London Leaving Care Manager Group on 9 January 2012; to her former line manager, who was then working for Thurrock Council, on 30 October 2012; to a Strategic Commissioning Officer at Lambeth Council on 9 March 2012.
 - Providing to [Ex-Colleague A] at UCC on 23 August 2013 a testimonial recommending UCC, which [Ex-Colleague A] could then send to potential clients.
 - Emails dated 27 March 2012 and 22 July 2023 in which Ms Doh-Nani forwarded to UCC information that had been provided to Merton by two of UCC’s competitors. The information detailed the services and resources provided by those firms and gave details of their prices. As indicated by [Service Manager A] in his witness statement, such material could have been provided to Merton in confidence. [Service Manager A] also said that sharing such information with competitors *“would ... be considered as bringing a Council process into disrepute should another service provided gain preferential treatment and unfair advantage”*.
 - An exchange of emails with a social worker in her team on 8 March 2012, in which Ms Doh-Nani said of UCC, *“they regularly update me on whom they have engaged with...”*
112. On considering those four instances, the panel found that:
 - The first instance listed above involved Ms Doh-Nani promoting UCC to “colleagues”, in the wide sense of that word’s meaning mentioned above.

- The second instance listed above involved Ms Doh-Nani enabling UCC to promote itself to her “colleagues” (again in the wide sense of that word’s meaning mentioned above).
- The third instance listed above did not involve the promotion of UCC to colleagues as mentioned above in particular (i) of Allegation 3 but it was an instance of Ms Doh-Nani not ceasing to take any action which might assist UCC in furthering its business interests in line with the wide meaning which the panel had ascribed to the words “stop acting” as described above.
- The fourth instance listed above involved Ms Doh-Nani promoting UCC to an internal colleague by highlighting UCC’s responsiveness.

113. On the above basis, the panel found Allegation 3(i) proved.

Dishonesty in relation to Allegation 3(i)

114. The panel next considered whether Ms Doh-Nani’s several failures to “stop acting” as described above was dishonest.

115. As far as Ms Doh-Nani’s understanding of the facts was concerned:

- The panel considered that, for the reasons given in relation to Allegation 2, Ms Doh-Nani would have been aware of the Code and the requirement that she should not act in matters affected by a conflict of interest.
- The panel considered that, as a senior and experienced local government employee, Ms Doh-Nani would have realised that it was wrong for her to use her position at Merton to further the business interests of UCC.
- The panel considered that someone of Ms Doh-Nani’s experience would have known that persons to whom she recommended UCC would be likely to be more sceptical about using UCC if she informed them that she either did work for UCC or was covertly involved in running it.
- Similarly, the panel considered that someone of Ms Doh-Nani’s experience would have known that suppliers would be unlikely to be content for their promotional material and pricing to be disclosed to competitors.

116. Given that knowledge on the part of Ms Doh-Nani, the panel concluded that ordinary decent members of the public would think that Ms Doh-Nani’s actions in promoting UCC to colleagues inside and outside Merton and using her position at Merton to further UCC’s business interests without disclosing her involvement with UCC was dishonest.

Allegation 3(ii): You failed to adequately prevent and/ or stop acting when a conflict of interest arose between your work at London Borough of Merton and Universal Care Consultants, in that you ... were involved in approving/authorising one or more payments of London Borough of Merton funds to Universal Care Consultants – PROVED AND DISHONEST

117. The panel found that Ms Doh-Nani had been involved in approving or authorising one or payments from Merton to UCC to on the basis of [the Principal Auditor]’s written statement and the spreadsheets which accompanied it. Those spreadsheets contained information taken from Merton’s payments system and showed that, according to [the Principal Auditor] statement, between 27 July 2011 and 17 December 2013, a total of £460,260 was paid by Merton to UCC, of which £415,766 was authorised by Ms Doh-Nani.
118. Ms Doh-Nani had claimed that the orders for care packages from UCC were placed by members of her team and that, by authorising those care packages she was simply “rubber-stamping” decisions which had already been made. However, [Service Manager A], in his oral evidence, stated that, as a manager and budget holder, Ms Doh-Nani was expected to consider each order before approving it, so that she was satisfied that the service provider selected was appropriate to the needs of the relevant service user and so as to ensure value for money. He added that, depending on the case, managers could have a more direct involvement in the selection of the service provider. [Investigator A] confirmed that Ms Doh-Nani’s approval of the care package was effectively approval that Merton’s finance team should make the relevant payment to the service provider once the care package was delivered.
119. On the basis of the above evidence, the panel considered that Ms Doh-Nani’s approving or authorising one or more payments from Merton to UCC represented a clear failure to stop acting in matters at Merton which involved UCC.
120. The panel found that Ms Doh-Nani’s failure to stop acting by continuing to approve or authorise payments from Merton to UCC notwithstanding her conflict of interest was dishonest. This was because:
- For reasons previously mentioned, Ms Doh-Nani would have been aware that, once she had a conflict of interest due to her involvement with UCC, she should not act for Merton in any matters concerning UCC without approval from a Director at Merton (which she did not have).
 - Ordinary decent members of the public would have considered that continuing to approve payments for UCC in circumstances where she was deliberately not disclosing that she had a conflict of interest in relation to UCC was dishonest.

Allegation 3(iii): You failed to adequately prevent and/ or stop acting when a conflict of interest arose between your work at London Borough of Merton and Universal Care Consultants, in that you ... received one or more payments from Universal Care Consultants during the time you were employed by London Borough of Merton – PROVED AND DISHONEST

121. In relation to Allegation 3(iii), the panel had already found in relation to Allegation 1 that Ms Doh-Nani had, in 2012, received more than £50,000 from UCC whilst she was employed by Merton.
122. The panel considered that Ms Doh-Nani's receipt of payments from UCC whilst she was employed by Merton represented a failure to "stop acting" for the purposes of Allegation 3(iii) because she was continuing to receive those amounts without disclosing her involvement with UCC and the resulting conflict of interest to Merton, as required by the Code.
123. The panel found that Ms Doh-Nani's failure to stop acting by receiving payments from UCC whilst she was employed by Merton was dishonest. The reasons for that finding were that Ms Doh-Nani would have realised that she was receiving payments from UCC as a result of her failure to disclose her involvement with that company and ordinary decent members of the public would consider that to be dishonest.

Allegation 4: Between approximately 27 June 2012 and 31 October 2012 ... you entered into an arrangement that created a conflict of interest, in that you and/or a family member financially benefited from being landlord of Property 1 at the same time you were employed by London Borough of Merton – PROVED BUT NOT DISHONEST

124. In relation to Allegation 4, the panel found, in the first instance, that Ms Doh-Nani was the landlord of Property 1 between 27 June 2012 and 31 October 2012. The reasons for that finding were as follows:
 - The extract from the Land Register showing the entries for Property 1 demonstrated that, between 13 February 2006 and 13 April 2014, Ms Doh-Nani had been the registered proprietor of the freehold of Property 1 and, in that sense, was its landlord.
 - The copy of a licence agreement dated 27 June 2012 for the use of a bedroom and the common parts in Property 1 (the "**Licence Agreement**"). The Licence Agreement was made between Ms Doh-Nani as licensor and [Service User A] as licensee and specified a "four-weekly charge of £650". The panel considered that, although a licence to occupy would not give rise to a relationship of landlord and tenant, most people would refer to Ms Doh-Nani as [Service User A]'s "landlord".

- Ms Doh-Nani did not dispute that, between 27 June 2012 and 31 October 2012, she had been the owner of Property 1 and had entered into the Licence Agreement described above.

Financial benefit from being the landlord of Property 1

125. The panel next considered whether Ms Doh-Nani had received a financial benefit from being the landlord of Property 1.
126. In that regard, on the face of the Licence Agreement, Ms Doh-Nani would receive the periodic licence fee payments. However, it appeared from documents produced by [Investigator B] that Merton was paying £1,800 every four weeks for the use of the whole of Property 1, not just £650 for a room for [Service User A].
127. Documents produced by [Investigator B] and [Investigator A] showed that the licence fee was not paid by [Service User A] herself but by Merton on her behalf. This appeared to be because [Service User A] was a care leaver for whom Merton was responsible and who had been placed in Property 1 by Merton. However, the documents indicated that, although Merton was invoiced for, and paid, the charges in respect of [Service User A]’s occupation of Property 1, Merton would be reimbursed by Croydon Council as Property 1 was in the Borough of Croydon and [Service User A] had applied to Croydon Council for housing benefit. The documents in question were:
 - A Croydon Council application form for housing benefit dated 27 June 2012. The form was in respect of a room in Property 1 and had been completed on behalf of [Service User A] by [Benefits Officer A], a benefits officer at Merton. The amount payable in respect of the room was stated to be £675 every four weeks. On the form, Ms Doh-Nani was named as the landlord of Property 1 but [Friend A] was named as her agent and a note on the form requested that payments be made to her.
 - Three sets of invoices and related purchase orders in respect of “rent” for Property 1 for July, August and September 2012. These documents were produced by [Investigator A] and had been taken from Merton’s electronic payment system. The documents named [Friend A] as landlord, supplier and payee. The invoices and purchase orders were all for the sum of £1,800 and the purchase order stated that they were in respect of the accommodation of young people at Property 1, with one purchase order referring to there being two young people. It therefore appeared that Merton was paying for use of the whole of Property 1.
128. With regard to [Friend A]’s role as Ms Doh-Nani’s agent for Property 1:
 - Bank records obtained by [Investigator B] under a court order for the purposes of the criminal case against Ms Doh-Nani revealed that, [Friend A] had paid to Ms Doh-Nani £2,091 on 11 July 2012, £1,800 on 17 August 2012 and £3,200 on 21

September 2012. Ms Doh-Nani gave no specific explanation for those payments, although her Defence Statement for the Crown Court trial indicated that she continued to borrow money from [Friend A] in addition to the loan mentioned below. Given the amount and timing of each of those payments, and given that [Friend A] was, according to the documents before the panel, acting as Ms Doh-Nani's agent for Property 1, the panel considered that it was more likely than not that those payments to Ms Doh-Nani included the licence fee paid by Merton for Property 1 in July, August and September 2012.

- In her Defence Statement for her Crown Court trial and in her evidence at that trial, Ms Doh-Nani stated that she had made [Friend A] her agent as a way of repaying the sum of £15,000 which Ms Doh-Nani had borrowed from [Friend A] in order to enable her to purchase Property 1. The implication of this was that Ms Doh-Nani had not actually received any of the amounts payable under the Licence Agreement because they were retained by [Friend A]. However, if this were the case, then Ms Doh-Nani would still have derived a financial benefit from the Licence Agreement in that the amounts payable under it would have been applied to reduce her debt to [Friend A].

129. In the circumstances, the panel found that Ms Doh-Nani received a financial benefit from being the landlord of Property 1.

Conflict of interest

130. The panel next considered whether, between the end of June and the end of October 2012, there was a conflict between Ms Doh-Nani's personal interest as the "landlord" of Property 1 and her role as an employee of Merton.

131. In that regard:

- The panel noted from the copy invoices and purchase orders that, between 27 June and 27 September 2012, the accommodation at Property 1 was being supplied by its owner to Merton so that Merton could use it to house care leavers.
- The panel considered that this situation created a conflict of interest for Ms Doh-Nani as she was placed on both sides of that arrangement in that she was the owner of the accommodation being supplied and an employee of the local authority for whose use that accommodation was being supplied and which was responsible for paying for its supply.
- The panel also considered that the conflict went beyond Ms Doh-Nani's personal interest as owner and licensor of Property 1 in receiving, or receiving the financial benefit of, the payments made by her employer for housing care leavers in Property 1. In addition to the financial aspect of the licensing arrangements regarding Property 1, Merton had an obligation to ensure that children and young people in its care were appropriately and adequately housed and Ms Doh-Nani as

manager of the 16 Plus team in 2012 would be involved in the discharge of that obligation whilst also being the supplier of a property used to house Merton's care leavers. The panel had noted that, in his oral evidence, [Service Manager A] had considered that it was completely inappropriate for an employee of a local authority to supply property to that authority for the accommodation of young people in its care.

Panel's finding in respect of Allegation 4

132. Given the panels finding regarding the components of Allegation 4 as set out above, the panel found that Allegation 4 was proved.

Dishonesty in relation to Allegation 4

133. On the question of whether Ms Doh-Nani had acted dishonestly by entering into an arrangement which created a conflict of interest as alleged in Allegation 4:
- The panel, for the reasons given above, considered that Ms Doh-Nani realised that her obtaining a financial benefit from supplying Property 1 to Merton to house care leavers would create a conflict of interest.
 - However, the panel did not consider that ordinary, decent members of the public would think that entering into an arrangement which created a conflict of interest was, of itself, dishonest.
 - The panel therefore found that that Ms Doh-Nani had not acted dishonestly by entering into an arrangement which created a conflict of interest as alleged in Allegation 4 as creating a conflict of interest is not of itself dishonest.
 - The panel considered that ordinary, decent members of the public would think that attempts to conceal that arrangement could be dishonest but such attempts were not alleged in Allegation 4, Allegation 8 or the list of allegedly dishonest conduct in paragraph 92 of the Statement of Case.

Allegation 5: You failed to adequately declare and/ or inform London Borough of Merton that you were the owner of Property 1 during the period that one or more tenants were housed there when London Borough of Merton was funding their rent - PROVED AND DISHONEST

Obligation to disclose conflict

134. The panel found that Ms Doh-Nani had an obligation to declare that she was the owner of Property 1. This was because:
- As found above, the arrangements regarding the use of Property 1 by Merton to house care leavers created a clear conflict of interest for Ms Doh-Nani as owner of

that property on the one hand and an employee of Merton on the other (in particular, an employee in charge of a team responsible for care leavers).

- Section 7 of Merton's Code of Conduct required employees to report any conflicts of interest to their manager. The fact that Section 7 was drafted on the basis that supplies of goods and services would typically be made through organisations rather than individuals did not lessen its applicability to the arrangements for the use of Property 1 by Merton.
- As section 7 of the Code required employees to disclose any conflict to their manager *in advance*, Ms Doh-Nani should have made such a disclosure when it was first suggested to her colleagues at Merton that Property 1 was to be used by Merton to house young people who were in, or had left, its care or, at the latest, before that arrangement was finalised.

Disclosure of conflict

135. The panel found that there was no evidence to show that Ms Doh-Nani had disclosed to any of her managers that she was the owner of Property 1 at the time in 2012 that it was occupied by care leavers for whom Merton was responsible. In coming to this conclusion, the panel relied on:

- The written statement of [the Principal Auditor] and the oral evidence of [Investigator A] to the effect that each of them had separately searched Merton's register of interests for any declaration of interest by Ms Doh-Nani and had not found any.
- [Service Manager A]'s evidence that, as Ms Doh-Nani's line manager up to August 2012, he could not recall having any discussions with her about conflicts of interest. [Service Manager A] also set out in details the steps which he would take if Ms Doh-Nani had disclosed a conflict to him. These included, referring her to the relevant provisions of the Code, reporting the conflict to the Assistant Director, considering whether Ms Doh-Nani could continue to act in matters affected by the conflict and seeking authorisation for that from the Assistant Director or Head of Service. Given that procedure, the panel considered that [Service Manager A] would have recalled any conflict reported to him by Ms Doh-Nani.
- Ms Doh-Nani did not maintain that she had reported the conflict to her manager.

136. In her written submissions of 19 July 2022, Ms Doh-Nani stated that [Benefits Officer A], a benefits officer at Merton, was aware that she owned Property 1 and he had named her in the Licence Agreement and on the application for housing benefit. The panel did not consider that any of this amounted to a declaration of her conflict of interest arising from her ownership of Property 1 for the following reasons:

- [Benefits Officer A] was junior to Ms Doh-Nani and not her manager and he did not have the seniority to act upon any disclosure she might have made regarding her ownership of Property 1.
- Naming Ms Doh-Nani as landlord or owner of Property 1 in the Licence Agreement was not effectual as a disclosure of the resulting conflict of interest for Ms Doh-Nani as its purpose was not to record, or alert colleagues to, conflicts of interest and it was highly unlikely that its contents would come to the attention of Ms Doh-Nani's managers.
- The same points apply to the application for housing benefit. In fact, that document was doubly ineffectual as a means of disclosing Ms Doh-Nani's conflict of interest to management at Merton as it was intended for consideration by officials in Croydon Council.

Panel's finding in respect of Allegation 5

137. In the circumstances, the panel found Allegation 5 proved.

Dishonesty in relation to Allegation 5

138. The panel next considered whether Ms Doh-Nani's failure to declare her ownership of Property 1 and the related conflict of interest which arose when Property 1 was used by Merton to house care leavers was dishonest.

139. For that purpose, the panel first considered Ms Doh-Nani's knowledge as to the facts. In that regard:

- As stated in relation to Allegation 2, the panel found that Ms Doh-Nani would have been aware of the Code and its provisions regarding disclosure of conflicts of interest. In her evidence at her Crown Court trial, she claimed not to know the details of the Code. However, given her assertion that she disclosed her involvement with UCC to her former manager, [Former Manager A], Ms Doh-Nani must, at a minimum, have been aware of the requirement to disclose conflicts of interest to her manager.
- The panel considered that Ms Doh-Nani would have been aware that disclosing her ownership of Property 1 to [Benefits Officer A], a benefits officer and junior to Ms Doh-Nani would not have satisfied this requirement.
- The panel also considered that Ms Doh-Nani would have been aware that, if she were to disclose that she was the landlord of Property 1, it would, as mentioned by [Service Manager A] in his evidence, have been unlikely that she would receive approval to use it as a placement for Merton care leavers.

140. Given that knowledge on the part of Ms Doh-Nani, the panel found that ordinary decent people would have thought that her failure to disclose her ownership of Property 1 was dishonest.

Allegation 6: You failed to adequately prevent and/ or stop acting when a conflict of interest arose between your work at London Borough of Merton and being landlord of Property 1, in that you ... were involved in approving/authorising one or more payments from London Borough of Merton in respect of rental payments for Property 1 – PROVED AND DISHONEST

Obligation to cease acting

141. The panel found that Ms Doh-Nani had an obligation to cease acting in matters which were affected by any conflict of interest she might have. This was required by section 7 of the Code which read, “Where an interest is declared the employee should take no further part in dealing with the matter in which an interest has been declared without specific clearance by their Director”.

Failure to cease acting by being involved in approving or authorising payments

142. The panel noted that, in her witness statement, [Investigator A] explained the process for payment of invoices as follows: “I cannot recall nor do I have evidence to confirm whether the Social Worker [Ms Doh-Nani] directly authorised payments for the use of Property 1, however by authorising the payment of the invoices and by receipting them, she thereby processed the request for payment. The Invoices supporting came from [Housing Options Manager A] and she sent an email to finance and then the Social Worker directed somebody to pay them,”
143. The panel considered the evidence of Ms Doh-Nani being involved in approving or authorising payments in respect of Property 1. This comprised:
- An internal email from Ms Doh-Nani dated 18 June 2012 in which she forwarded an email from [Benefits Officer A], which provided the address and bank account details for [Friend A] and requested payment of a deposit of £2,000 and “rent in advance” of £1,800. [Benefits Officer A] does not describe [Friend A] as the landlord or as the landlord’s agent.
 - An internal email from Ms Doh-Nani dated 3 July 2018 providing the address and bank account details for [Friend A] and requesting that [Friend A] be set up as a payee on Merton’s payment system. Significantly, this email describes [Friend A] as the landlord (rather than the landlord’s agent) throughout.
 - An entry on an electronic purchase order on Merton’s electronic payment system for the payment in respect of Property 1 for July 2012 which indicates that Ms Doh-Nani accepted the invoice for that payment on 13 August 2012.
 - An internal email from Ms Doh-Nani dated 5 September 2012, with the message “Please process” and forwarding an email from [PRIVATE] with an invoice for the payment in respect of Property 1 for the month commencing 28 August 2012.

144. The panel considered that the above evidenced sufficient involvement on the part of Ms Doh-Nani in the approving or authorising of payments from Merton in respect of Property 1 for it to find Allegation 6 proved.

Dishonesty in relation to Allegation 6

145. On the question of whether Ms Doh-Nani had acted dishonestly in approving or authorising payments from Merton in respect of Property 1, as described above, the panel first considered Ms Doh-Nani's knowledge as to the facts. In that regard, the panel considered that:
- Ms Doh-Nani would have been aware that she should not have continued to be involved in any aspect of arranging for payments to be made by Merton in respect of Property 1 without her disclosing her ownership of that property but she continued her involvement nevertheless.
 - Ms Doh-Nani would have been aware that, if she were to disclose that she was the landlord of Property 1, it was, as mentioned by [Service Manager A] in his evidence, unlikely that she would receive approval to use it as a placement for Merton care leavers.
 - Ms Doh-Nani would have been aware that her description of [Friend A] as the owner and landlord of Property 1 in her email of 3 July 2012 was incorrect and misleading.
146. In the circumstances, given Ms Doh-Nani's knowledge as to the facts as described above, the panel found that ordinary decent people would regard her involvement in authorising or approving payments from Merton for Property 1 as dishonest.

Allegation 7(i): Between 1 August 2012 and 30 October 2012, you abused your position as a social worker, in that you assisted in the making and/or processing of a social housing application that was ... made in respect of a family member, Person A, without you informing London Borough of Merton of your personal connection – PROVED AND DISHONEST

Merton's housing policy

147. The panel understood from the evidence of [Housing Options Manager A] and from the copy of Merton's 2012 housing policy which he produced that:
- There was, and still is, a shortage of social housing in Merton. Merton's housing policy was therefore designed to give priority to those categories of people whom Merton had a statutory obligation to house.
 - The housing was also designed to ensure that only people who were already living in Merton benefited from the social housing in Merton. To this end, to be eligible for social housing in Merton, applicants had, among other requirements, to have

been continuously resident in Merton for a least a year prior to their application and prior to the date on which any social housing was offered to them (although there were exceptions for groups such as members of the armed forces and looked after children in Merton, who might be posted, or placed, outside the Borough). One of those categories was children in care and care leavers, for whom Merton had a quota. Even if an individual were placed on the quota list, they could still wait around two years before being offered a property.

- In practice, the housing team at Merton would rely on the social services team to determine whether Merton had a statutory obligation to house a particular service user and would place on the care leavers quota list any individual nominated by Ms Doh-Nani's team once the housing team had made other checks, in particular whether the individual had the right to reside in the United Kingdom.

Person A and Ms Doh-Nani

148. In relation to Allegation 7(i), the panel found that Person A was a member of Ms Doh-Nani's family in that she was her [relative]. The panel came to this conclusion on the basis of the birth certificates for Person A and Ms Doh-Nani which indicated that they [relationship] and the marriage certificate for Ms Doh-Nani in which she uses the same surname as Person A. Moreover, Ms Doh-Nani confirmed that Person A was her [relative] at the Crown Court trial.
149. The panel also found that Person A made an application for social housing. This was evidenced by the application form in the hearing bundle. The name of the applicant on that application differed from Person A's name on her birth certificate but corresponded to the new name adopted by Person A in January 2012, as evidenced by the Deed of Change of Name dated 21 January 2012 produced by Ms Doh-Nani. In addition, the date of birth of the applicant as given on the application form corresponded to that of Person A as given on her birth certificate.

Person A's application for social housing

150. The panel noted that the date on the application form was 2 December 2008, which was outside the period covered by Allegation 7, namely 1 August to 31 October 2012. However, this was explained by a post-it note which accompanied the form. The note, which was unsigned, was addressed to "[name]", who, from related email correspondence, appeared to the panel to be [Housing Colleague A], a member of staff in Merton's housing team. The note read "*Please would you add this application to our care leaving quota. This application was found in the move and was authorised by [PRIVATE] about five years ago. I shall contact y[oung] person for passport or birth certificate and forward to you. Please give this priority on the list. Sorry for inconvenience caused. Please send all CBL [choice based letting] stuff to me until I obtain up to date email info.*"

151. The application form was undated but the hearing bundle contained an email from Ms Doh-Nani to [Assistant Team Manager A] dated 31 August 2012 which related to the application. The panel therefore inferred that the form had been submitted to the housing team on, or shortly before, that date.

Ms Doh-Nani's assistance to Person A's housing application

152. The documents before the panel revealed the following chain of communications concerning Person A's housing application:

- On 31 August 2012, Ms Doh-Nani sent an email to [Housing Colleague A] attaching a copy of Person A's passport and containing the message, *"Please find attached passport id for [Person A]. Please could this be added to her application. This was an agreement set in [PRIVATE] days so please could she be given highest priority on the list. Please could you forward the bidding information to myself and to [Person A] on her email address as she is currently NFA. Please see email address below. Many thanks."* (The panel considered that it was probably to this email that Ms Doh-Nani was referring in her written submission of 19 July 2022, when she stated *"I have always maintained that I did agree an email to prioritise an application of a family member, Person A ..."*)
- On 10 September 2012, [Housing Colleague A] sent an email to a member of Ms Doh-Nani's team, referring to Person A's application and asking, *"Can you please confirm that you still want her placed on the quota, where she is now living and what income she has?"*
- That team member forwarded the email to [Assistant Team Manager A], an assistant manager in Ms Doh-Nani's team, within half an hour of having received it. In her evidence to the panel, [Assistant Team Manager A] stated that she had no previous knowledge of Person A's application and therefore, on receipt of [Housing Colleague A]'s email, she telephoned Ms Doh-Nani, who instructed her to email the housing team to confirm that the applicant should be placed on the housing list and [Assistant Team Manager A] did so within half an hour of having received the forwarded email. When [Housing Colleague A] received the response, she forwarded it to her line manager, [Housing Options Manager A], who appeared to have raised the query initially.
- On 11 September 2012, the following note was made on the housing team's electronic record of Person A's application: *"This form was received by us on 24/08/12 - however. it was found by the 16+ team when they moved offices and should have been sent to us 5 years ago! They have asked for this lady to be placed top of their quota."*
- On 12 September 2012, [Housing Options Manager A] replied to both [Housing Colleague A] and [Assistant Team Manager A] in response to the email chain

which had been forwarded to him. His reply read, *“This is an unusual case. It’s my understanding that this case is [PRIVATE] and lives outside the borough. Do you still owe her a duty and is she still living in accommodation provided by 16+?”* In his evidence to the panel, [Housing Options Manager A] said that he did not recall receiving a reply to those queries. He also explained that his purpose in raising the query had been to create an audit trail to show that Ms Doh-Nani’s team had confirmed that the apparently four year-old application should be processed and placed on the care leavers quota.

- A little later on 12 September 2012, [Assistant Team Manager A] sent an email to Ms Doh-Nani and [Assistant Team Manager A] confirming that Person A’s application had been registered with a note stating that she should have been on the list for the last five years. [Assistant Team Manager A] also confirmed that she had *“put her on the top of your spreadsheet”*. In his oral evidence, [Housing Options Manager A] confirmed that this meant the list of applicants in the care-leavers quota. Ms Doh-Nani replied on the same day, saying *“She is currently sofa surfing of NFA [No fixed abode]. Please contact [Assistant Team Manager A], or I [sic] in relation to this case. I shall obtain a mobile number for her and forward to you.”*
- Seven days later, on 16 September 2012, a copy of the electronic record of the application showed that a property had been offered to Person A. There was no record of that offer being rejected. In his evidence, [Housing Options Manager A] stated that this most likely meant that she had accepted that offer as, if she had rejected it, her rejection would appear on the record.

153. In the light of the above communications and the evidence of [Housing Options Manager A] and [Assistant Team Manager A], the panel found that Ms Doh-Nani had assisted in the making or processing of Person A’s housing application. The reason for that finding was not simply that Ms Doh-Nani had provided a copy of Person A’s passport to the housing team. The most valuable assistance was her email of 31 August 2012, requesting that Person A’s application be given “the highest priority” on the care leavers quota, coupled with her instruction to [Assistant Team Manager A] to confirm to the housing team that Person A’s application should be processed. When the housing team received Person A’s application, it was, on its face, four years old and the team manager, [Housing Options Manager A], was concerned that her circumstances could well have changed since the form was completed. In particular, Person A was, in September 2012, [PRIVATE] and, according to [Housing Options Manager A], past the age when Merton would normally have been responsible for housing her. These matters caused [Housing Options Manager A] to query whether Person A’s application should be processed. Although Ms Doh-Nani had said that [Ex-Colleague B] had provided the application to the housing team, there is no evidence of any member of her team having any familiarity with the application other than Ms Doh-Nani herself. Moreover, as a team manager with years of experience, Ms Doh-Nani’s instructions to the housing

team were acted upon once [Assistant Team Manager A], also on Ms Doh-Nani's instruction, had confirmed them. The panel considered that Ms Doh-Nani would have known that this would be the case. On the basis of [Housing Options Manager A]'s evidence, the panel also considered that she would have known that the housing team would accept her decision regarding the inclusion of Person A's application in the care leaver's quota and regarding the priority to be given to it. In the circumstances, the panel concluded that Ms Doh-Nani's assistance was crucial to Person A's housing application being placed on the care leavers quota list and being given the highest priority on that list.

Ms Doh-Nani's failure to disclose her connection with Person A

154. Although the application form used by Person A only required applicants to disclose any connection with a member of the housing team or a Merton councillor, both [Housing Options Manager A] and [Service Manager A] were very clear in their evidence that any Merton employee who was related to an applicant for social housing, should declare that relationship to their manager immediately. They explained that the reason for the high level of competition for social housing was due to its short supply and the public outcry which would arise if there was any sign that any applicant may have been given preference because of their relationship to a Merton employee. In the circumstances, the panel was satisfied that Ms Doh-Nani was under an obligation to disclose her connection with Person A to the housing team when she became involved with the processing of Person A's housing application and that she would have been aware of that obligation.
155. The panel also concluded that Ms Doh-Nani had failed to disclose her connection with Person A. The reasons for this conclusion were as follows:
 - [Housing Options Manager A], in his evidence, had confirmed that no such disclosure had been made to him and that he was not aware of such a disclosure being made to the housing team. Similarly, Ms Doh-Nani's line manager, [Service Manager A], stated that Ms Doh-Nani had not made any disclosure to him and he was not aware of her making such disclosure to anyone else.
 - Both [Housing Options Manager A] and [Service Manager A] indicated that a declaration of a connection with an applicant for social housing would be a significant matter. The panel would therefore have expected that, if Ms Doh-Nani had declared her connection with Person A, there would be some reference to that declaration or that connection in the documents before it. However, the email correspondence concerning the application which had been provided to the panel did not contain or refer to such a disclosure or otherwise indicate or imply that one had been made.
 - In her written submissions and written statement, Ms Doh-Nani did not dispute that she had not disclosed her connection with Person A.

Abuse of position

156. The panel considered that, by assisting Person A's application, without disclosing to the housing team that Person A was her [relative], Ms Doh-Nani abused her position as a team manager within Merton's children's services. In particular, she had abused the influence which came from holding that position.

Panel's finding in relation to Allegation 7(i)

157. Given the conclusions of the panel regarding Person A's application for social housing and Ms Doh-Nani's involvement in it, the panel found Allegation 7(i) proved.

Dishonesty in relation to Allegation 7(i)

158. The panel also considered whether Ms Doh-Nani's conduct as alleged in Allegation 7(i) was dishonest.
159. For that purpose, the panel first considered Ms Doh-Nani's state of mind at the time when Person A's application for social housing was submitted to Merton's housing team. In that regard, the panel considered that, in line with the evidence of both [Housing Options Manager A] and [Service Manager A], given her seniority and her length of service with Merton, and given the sensitivity surrounding the allocation of limited housing stock, Ms Doh-Nani would have been well aware of the requirement to declare her relationship to Person A when requesting that she be placed on the care leavers' quota list. However, she failed to do so.
160. The panel also considered that Ms Doh-Nani would have known that, as explained by [Service Manager A], if she were to declare her connection with Person A, Person A's application for social housing would be subject to independent scrutiny. This would, in turn, have led to its being discovered that Person A was not in fact a care leaver and therefore not entitled to be placed on the care leavers quota list.
161. The panel found that, given Ms Doh-Nani's knowledge as to the facts, as described above, ordinary decent people would consider that, by assisting in the processing of Person A's social housing application without disclosing her connection with Person A, Ms Doh-Nani had acted dishonestly.

Allegation 7(ii): Between 1 August 2012 and 30 October 2012, you abused your position as a social worker, in that you assisted in the making and/or processing of a social housing application that was ... made in respect of your family member, Person A, who was not entitled to said housing – PROVED AND DISHONEST

162. The panel understood from Person A's application for social housing that she had made it on the basis that she was in the care of Merton and, as at the date of the application, was about to leave that care. However, the panel concluded that Person A had not been in care as she claimed on the form for the following reasons:
- As evidence of her being in care, Person A's application gave three addresses in Merton where she had lived with carers, along with an address where she said that

she was living on the date of the application. [Investigator B] informed the panel that he had visited those addresses and spoken to the occupiers. None of the three occupiers had any knowledge of Person A and denied that anyone with either of her names had been in their care at their home. All four occupiers did, however, recognise Ms Doh-Nani (by her alternative name of Barbara [PRIVATE] as she would seek to place children with them. Three of the occupiers provided statements. Although those statements were documentary hearsay, they were consistent and there was no apparent reason why the three occupiers would fabricate their evidence.

- An email dated 29 January 2014 from the then Head of Service at Merton state that, although there were two entries for Person A on Merton's "Carefirst" system (dating to 1986 and 1996 respectively), there was no record of Person A having been a looked after child in Merton. This was consistent with the initial response to [Assistant Team Manager A] by the employee in the 16 Plus team to whom she sent an email on 10 September 2012 about Person A's housing application. That employee responded by asking for Person A's date of birth as the 16 Plus team were "*struggling to find her on our system*".
- In her written submissions, Ms Doh-Nani, referring to Person A and another (unnamed) individual stated "*... both individuals I believed were entitled to accommodation as they applications completed [sic]*". However, she did not specifically say that she believed Person A had been a care leaver.

163. The panel understood from [Housing Options Manager A]'s evidence and Merton's housing policy that, as Person A had not been a care leaver at Merton, she would not have been entitled to receive priority on the housing list by being placed in the care leavers quota.

164. Moreover, as Person A had been living outside Merton at the time of her application and in 2012, the panel also understood from [Housing Options Manager A]'s evidence and Merton's housing policy that, as she was not a care leaver and did not appear to fall into any other category which would afford her priority under Merton's housing policy, she would not be entitled to social housing in Merton.

Abuse of position

165. The panel considered that, by assisting Person A's application when Person A was not entitled to social housing or to be placed on the care leavers quota list, Ms Doh-Nani abused her position as a team manager within Merton's children's services. In particular, she had abused the influence which came from holding that position.

Panel's finding in respect of Allegation 7(ii)

166. In the circumstances, the panel found Allegation 7(ii) proved.

Dishonesty in relation to Allegation 7(ii)

167. The panel also considered whether Ms Doh-Nani's conduct as alleged in Allegation 7(ii) was dishonest.
168. For that purpose, the panel first considered Ms Doh-Nani's state of mind at the time when Person A's application for social housing was submitted to Merton's housing team. In that regard, at her Crown Court trial, Ms Doh-Nani denied having seen the application form or being present when it was said to have been found in her team's office. In both her evidence at the Crown Court and her written submissions to Social Work England, Ms Doh-Nani stated that, at that time, she was at home on sick leave following an incident outside work, which was reported in an extract from a newspaper which accompanied her written submissions in July 2022. Indeed, the panel noted that, although the content of the post-it note on the application reflected that of Ms Doh-Nani's email to [Housing Colleague A] of 31 August 2012, that note was unsigned and there was no evidence of Ms Doh-Nani having sent the application to either [Assistant Team Manager A] or [Housing Colleague A].
169. Similarly, in her evidence at the Crown Court, Ms Doh-Nani denied having provided the addresses on the application form to Person A, who would not herself have known of those addresses. Ms Doh-Nani said that, as the addresses were used by Merton to house looked after children, they could equally well have been provided by a member of her 16 Plus team. In that regard, in her written submissions of July 2022, Ms Doh-Nani stated that [Ex-Colleague B] had provided the application to the housing team. She also pointed out that he had witnessed the change of name certificate.
170. However, even if Ms Doh-Nani had not been aware of the contents of the application, she would, as Person A's [relative] and as manager of a team responsible for care leavers in Merton, have known that Person A had not been in care at Merton and was not a care leaver. Nevertheless, in her email of 31 August 2012, she asked the housing team to put Person A on the care leavers quota list and confirmed that request via [Assistant Team Manager A] on 10 September 2012. As an explanation for this, Ms Doh-Nani, in her evidence to the Crown Court said that Person A's form had been found along with others which dated to the time when [PRIVATE] had managed the 16 Plus team and, as they should have been placed on the quota list earlier, she asked for them to be given priority. In the case of Person A's application, Ms Doh-Nani told the Crown Court that there could have been a reciprocal arrangement with another Borough to house Person A. Similarly, in her written submissions, Ms Doh-Nani stated that she believed that Person A was "entitled to accommodation" but without giving any reasons. Nor did she explain what was meant by "the agreement set in [PRIVATE] days" which was mentioned in her email of 31 August 2012.

171. On Ms Doh-Nani's version of events, she had been informed that old housing applications had been found and that the applicants should have been placed on the housing quota and she asked for this to be done without considering the contents of the applications or asking about the applicants' current circumstances and accommodation. Moreover, she was aware that one of the applicants was her [relative] (as she forwarded a copy of her passport to the housing team) and that her [relative] has never been a looked after child in Merton yet she does not question the basis on which her [relative]'s application has been made or previously approved.
172. In the circumstances, the panel considered that, even if Ms Doh-Nani had not been aware of the contents of Person A's application and, in particular, that it detailed addresses where she had not lived, Ms Doh-Nani had nevertheless shown a reckless disregard for the contents of the application and for the grounds on which Person A was said to be entitled to social housing and to be placed on the care leaver's quota list. In line with the decision in *Bultitude v Law Society [2004] EWHC Civ 1853*, the panel considered that this negated an honest belief that Person A had any such entitlement.
173. Accordingly, the panel found that, in the absence of an honest belief that Person A was entitled to be placed on the care leavers' quota list, ordinary decent people would regard Ms Doh-Nani's assistance of Person A's housing application as dishonest.

Allegation 8: Your conduct at paragraphs 1, 2, 3, 4, 5, 6 and/ or 7 was dishonest

174. As stated above, the panel found Allegation 8 (dishonesty) proved in relation to Allegations 2, 3(i), 3(ii), 3(iii), 5, 6, 7(i) and 7(ii).
175. The written submissions made by Ms Doh-Nani in July 2022 were accompanied by 10 character references as well as certificates for the awards which she had received, one of which certified her selection as a finalist for the social worker of the year award. The panel also noted that, in his oral evidence, [Service Manager A] had stated that Ms Doh-Nani was an experienced social worker and well respected by her team.
176. The panel noted from the character references that:
- Most dated from November 2019 and the latest dated from June 2022.
 - Seven references were from friends or family members; two were from individuals who worked in the teams managed by Ms Doh-Nani at Merton; one was from a person for whom Ms Doh-Nani had been the allocated social worker. There were no references from Ms Doh-Nani's peers or managers at Merton.
 - The referees had known Ms Doh-Nani for between three and twenty-five years.
 - The references described Ms Doh-Nani as honest and trustworthy; understanding, caring and supportive; thoughtful, kind and compassionate; dedicated, dependable and enthusiastic; and having a good work ethic and excellent organisational and people management skills.

- Only two references referred to the court case against Ms Doh-Nani. None of the referees mentioned the present regulatory proceedings or gave any indication that they were aware of the actual allegations against the Ms Doh-Nani.

177. In arriving at its decisions regarding dishonesty in relation to each of the Allegations, the panel took account of those character references, the awards which Ms Doh-Nani had received and [Service Manager A]’ favourable remarks. However, it considered that this character evidence was far outweighed by the documentary and witness evidence in support of the Allegations.

Finding and reasons on grounds:

Submissions on grounds on behalf of Social Work England

178. Ms Sharpe opened her submissions on misconduct by referring the panel to the description of misconduct given in *Roylance v General Medical Council (No 2) [2000] 1 AC 311* and also to the professional standards set out in the Statement of Case as being applicable in the present instance. Those standards were as follows:

179. Ms Sharpe informed the panel that, to the extent that the events to which the Allegations relate occurred before 1 August 2012, the *General Social Care Council Standards (2010)* were applicable to Ms Doh-Nani’s conduct. Ms Sharpe submitted that, of those standards, the following were applicable in the present instance:

Standard 2.1 and 2.6 of the General Social Care Council Standards (2010) which read, “As a social care worker, you must strive to establish and maintain the trust and confidence of service users and carers. This includes:

2.1 – Being honest and trustworthy

2.6 – Declaring issues that might create conflicts of interest and making sure that they do not influence your judgement or practice.”

Standard 5.8 of the General Social Care Council Standards (2010) which reads, “As a social care worker, you must uphold public trust and confidence in social care services. In particular you must not:

5.8 - Behave in a way, in work or outside of work, which would call into question your suitability to work in social care services.”

Standards 2.5 and 3.1 of HCPC Standards of Proficiency (2012), which read: “Registrant social workers must:

2.5 – be able to manage competing or conflicting interests

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

Standard 13 of the HCPC Professional Standards 2012, which reads

“You must behave with honesty and integrity and make sure that your behaviour does not damage the public’s confidence in you or your profession.”

You must justify the trust that other people place in you by acting with honesty and integrity at all times. You must not get involved in any behaviour or activity which is likely to damage the public’s confidence in you or your profession.

180. Ms Sharpe added that the panel should also consider any other relevant rules with which Ms Doh-Nani was obliged to comply, such as Merton’s Code of Conduct and its housing policy.
181. Ms Sharpe submitted that it was long established that that conduct must be serious in order to amount to misconduct and that, in the present instance, the seriousness of Ms Doh-Nani’s conduct was elevated by dishonesty.
182. Ms Sharpe added that, even without dishonesty, Ms Doh-Nani’s conduct was still serious enough to constitute misconduct). In that regard:
- Ms Sharpe referred the panel to the evidence of [Service Manager A], who had explained that, as an officer of the council and a team manager entrusted with responsibility for public funds with limited oversight, she was expected to act with transparency.
 - Ms Sharpe submitted that Ms Doh-Nani had authorised payments from which she and her family benefitted significantly, receiving the bulk of the payments made by UUC.
 - Ms Sharpe also submitted that Ms Doh-Nani had used her position to enable her [relative] to obtain social housing to which she was not entitled whilst individuals with a need and an entitlement to social housing had to wait for up to two years to be offered a property.
183. Ms Sharpe also pointed out that Ms Doh-Nani had adopted sophisticated means to conceal her ownership of Property 1 and her involvement with UCC.
184. In conclusion, Ms Sharpe invited the panel to find that all of the proven allegations against Ms Doh-Nani amounted to misconduct.

Legal Advice on Grounds

185. The panel heard and accepted the Legal Adviser’s advice on misconduct. The panel understood from that advice that:
- Whether facts proved or admitted amount to misconduct is a matter of judgment for the panel rather than a matter of proof. [*Council for the Regulation of Health Care Professionals v GMC and Biswas* [2006] EWHC 464].
 - Misconduct is, in essence, a serious departure from the standards of conduct expected of social workers as professionals and what would be proper in the

circumstances of the case. [*Roylance v General Medical Council (No.2) [2000] 1AC*]

- Whether a breach of professional rules should be treated as professional misconduct depended on whether it would be regarded as serious and reprehensible by competent and responsible [registrants] and on the degree of culpability. [*Solicitors Regulatory Authority v Day & ors [2018] EWHC 2726 (Admin)*].
- There is a high threshold of gravity for misconduct. Behaviour which is trivial, inconsequential, a mere temporary lapse or something otherwise excusable or forgivable does not constitute misconduct. [*Khan v Bar Standards Board [2018] EWHC 2184(Admin)*]
- The courts have taken a very strict line in relation to findings of dishonesty and repeatedly recognised that, for all professional men and women, a finding of dishonesty lies at the top end of the spectrum of gravity of misconduct. [*Tait v Royal College of Veterinary Surgeons [2003] UKPC 34*].

186. The Legal Adviser also informed the panel that, on 1 August 2012, the HCPC took over the role of regulator of social workers in England from the General Social Care Council (the “**GSCC**”). He therefore advised the panel that Ms Doh-Nani’s conduct prior to that date was governed by the GSCC’s standards, whilst her conduct on or after that date was governed by the standards published by the HCPC.

Panel’s decision on Grounds

Allegations 1, 2 and 3: Ms Doh-Nani’s involvement with UCC

Applicable standards

187. In relation to Allegations 1, 2 and 3, the panel first considered which of the GSCC and HCPC standards were engaged by Ms Doh-Nani’s conduct in relation to UCC.
188. In that regard, the panel considered that Ms Doh-Nani’s conduct in relation to UCC engaged all of the standards cited in the Statement of Case as Allegations 1 to 3, on their face, clearly engaged those standards relating to declaring and managing conflicts of interest and making sure that they do not influence one’s judgement or practice. However, her deliberate failure to declare her involvement with UCC and her continuing to act in transactions involving UCC, as well as promoting it, also engaged those standards relating to integrity, trustworthiness and not undermining public confidence.
189. The panel also found that the requirement to promote the interests of service users in the introductory wording to the GSCC standards and standard 2.2 of the HCPC Standards of Proficiency was also engaged as the panel considered that, for the

reasons given below, in promoting the interests of UCC, Ms Doh-Nani was putting her own interests above those of service users.

190. In addition, Ms Doh-Nani had been bound by the requirements of Merton's Code of Conduct (the **"Code"**), of which those relating to declaring and managing conflicts of interest and doing work outside duties at Merton were relevant.
191. As the panel had found that Ms Doh-Nani had acted dishonestly in failing to declare her involvement with UCC and in not ceasing to act in relation to UCC despite the resulting conflict of interest, the requirements of honesty in the GSCC and HCPC standards and in the Code were also engaged.

Breaches of applicable standards

192. The panel found that all of the applicable professional standards and rules of the Code had been breached by Ms Doh-Nani's conduct in relation to UCC, as described in Allegations 1, 2 and 3. The reasons for that finding were as follows:
 - Ms Doh-Nani breached the GSCC and HCPC standards relating to conflicts of interest and the provisions of the Code on that subject by failing to declare her involvement with UCC and by, in the course of her duties at Merton, promoting UCC and continuing to act in matters relating to UCC (including, in particular, approving payments to UCC).
 - For the same reasons, Ms Doh-Nani breached the GSCC and HCPC standards relating to integrity and trustworthiness. As a professional, a public servant and a team manager, Ms Doh-Nani was trusted to discharge her duties with integrity. By ignoring Merton's internal rules and her regulators' standards with regard to declaring and managing conflicts of interest, and by putting her own interests in continuing to receive payments from UCC before her responsibilities to her employer and her profession, she failed to act with integrity and abused that trust.
 - Ms Doh-Nani's conduct breached the requirement to promote the interests of service users in the GSCC and HCPC standards in that by promoting the interests of UCC, Ms Doh-Nani was putting her own interests in continuing to receive payments from UCC above those of service users. In this regard, the panel considered that, by promoting UCC amongst colleagues, and in particular members of her own team, she risked those colleagues giving a preference to using UCC over other service providers, who, in the circumstances of a particular case, might be more appropriate to the service user's needs.
 - Ms Doh-Nani's conduct in dishonestly failing to declare her involvement with UCC and to subsequently cease acting in matters concerning UCC also breached the requirements of honesty in the GSCC and HCPC standards and in the Code.

- In the circumstances, Ms Doh-Nani's conduct in relation to her involvement with UCC was likely to damage the public's confidence in her and in the social work profession in breach of standard 13 of the HCPC's Professional Standards.

Seriousness of breaches

193. The panel considered that all of the above breaches of the applicable professional standards and applicable rules of the Code were serious for the following reasons:

- Ms Doh-Nani's conduct was neither accidental nor trivial but was a flagrant breach of professional standards and her employer's code of conduct which had persisted for a significant period of time, bearing in mind that UCC was incorporated in July 2011 and she was receiving payments from UCC until September 2012. During that time, she had the opportunity to regularise her position by making a full disclosure of her involvement with UCC to her manager but she failed to do so.
- Ms Doh-Nani was an experienced social worker, who was a manager of a sizeable team and responsible for approving its budgetary expenditure and for championing the interests of care leavers and looked after children.
- Ms Doh-Nani received, via a personal account and a children's savings account, over £50,000 as a result of not disclosing her connection with UCC and not ceasing to approve payments from Merton to UCC despite her conflict of interest.
- Ms Doh-Nani's conduct was dishonest for the reasons given in the panel's findings of fact. This accentuated her misconduct in failing to declare and manage her conflict of interest with regard to UCC.
- The panel considered that, given the above, fellow professionals would find Ms Doh-Nani's conduct in relation to her involvement with UCC deplorable.

Finding of misconduct in relation to Allegations 1, 2 and 3

194. In the circumstances, the panel found Ms Doh-Nani's conduct as described in Allegations 1, 2 and 3 amounted to misconduct.

Allegations 4, 5 and 6: Ms Doh-Nani's use of Property 1

Applicable standards

195. As Allegations 4, 5 and 6 involved the same issues as those arising under Allegations 1, 2 and 3, the same professional standards and the same provisions of the Code were engaged.

Breaches of applicable standards

196. The panel found that all of the applicable professional standards and the applicable rules of the Code had been breached by Ms Doh-Nani's conduct in relation to Property 1, as described in Allegations 4, 5 and 6. The reasons for that finding were as follows:
- Ms Doh-Nani breached the GSCC and HCPC standards relating to conflicts of interest and the provisions of the Code on that subject by failing to declare her ownership of Property 1 and by, in the course of her duties at Merton between 27 June and 31 October 2012, continuing to act in matters relating to Property 1 by being involved in the approval of payments in respect of it.
 - As in the case of her involvement with UCC, Ms Doh-Nani breached the GSCC and HCPC standards relating to integrity and trustworthiness. As a professional, a public servant and a team manager Ms Doh-Nani was trusted to discharge her duties with integrity. By ignoring Merton's internal rules and her regulators' standards regarding declaring and managing conflicts of interest and by putting her own interests in continuing to receive payments from Property 1 before her responsibilities to her employer and her profession, she failed to act with integrity and abused that trust.
 - Ms Doh-Nani's conduct breached the requirement to promote the interests of service users in the GSCC and HCPC standards in that, as mentioned by [Service Manager A] in his oral evidence, the use by an employee of their own domestic premises to house care leavers was inappropriate as it carried too many risks.
 - Ms Doh-Nani's conduct in dishonestly failing to declare her ownership of Property 1 and to subsequently cease her involvement in the approval of payments in respect of it also breached the requirements of honesty in the GSCC and HCPC standards and in the Code.
 - In the circumstances, Ms Doh-Nani's conduct in relation to her ownership of Property 1 was likely to damage the public's confidence in her and in the social work profession in breach of standard 13 of the HCPC's Professional Standards

Seriousness of breaches

197. The panel considered that all of the above breaches of the applicable standards were serious for the following reasons:
- Ms Doh-Nani's conduct was neither accidental nor trivial but had persisted for at least three months as Merton made payments for housing care leavers in Property 1 during July, August and September 2012. During that time, she had the opportunity to regularise her position by making a full disclosure of her ownership of Property 1 to her manager but she failed to do so.

- Ms Doh-Nani was an experienced social worker and the manager of the team which was responsible for, among other things, the placement of care-leaver and she used the knowledge gained from that position to receive the benefit of payments amounting to £5,400 as a result of not disclosing her ownership of Property 1.
- Ms Doh-Nani's conduct was dishonest for the reasons given in the panel's findings of fact. This aggravated her misconduct in failing to declare and manage her conflict of interest with regard to Property 1.
- The panel considered that, given the above, fellow professionals would find Ms Doh-Nani's conduct in relation to her ownership of Property 1 deplorable

Finding of misconduct in relation to Allegations 4, 5 and 6

198. In the circumstances, the panel found that Ms Doh-Nani's conduct as described in Allegations 4, 5 and 6 amounted to misconduct.

Allegation 7: Assisting Person A's application for social housing

Applicable standards

199. As Allegation 7 related to the period 1 August to 30 October 2012, Ms Doh-Nani's conduct was governed by the HCPC standards as well as the provisions of the Code. Ms Doh-Nani had a duty under standard 2.5 of the HCPC Standards of Proficiency to manage conflicting interests and under standard 13 of the HCPC Professional Standards to behave with honesty and integrity and make sure that her behaviour did not damage the public's confidence in her or the social work profession. Similarly, under the Code Ms Doh-Nani had a duty to declare her relationship to Person A at the time she assisted her application for social housing and to be open and honest. The requirement in standard 2.2 of the HCPC Standards of Proficiency to promote the interests of service users was also engaged given that Person A was in competition for social housing with genuine care leavers on the quota list.

Breaches of applicable standards

200. The panel found that all of the applicable HCPC standards and provisions of the Code had been breached by Ms Doh-Nani's conduct in relation to Person A's social housing application, as described in Allegation 7. The reasons for that finding were as follows:
- By failing to declare her relationship to Person A, Ms Doh-Nani had breached her duty to declare conflicts of interest under the Code and her duty to manage such conflicts under standard 2.5 of the HCPC Standards of Proficiency.
 - By that failure to declare and by assisting an application for social housing where she knew that the applicant was not entitled to such housing or was reckless as to whether that was the case, Ms Doh-Nani breached her duty of honesty and

openness under the Code and her duty under standard 13 of the HCPC Professional Standards to behave with honesty and integrity.

- By having her [relative] [Person A] placed at the top of the care-leavers' quota list when she knew that her [relative] [Person A] had no entitlement to be on that list or to be housed by Merton, Ms Doh-Nani breached her duty under standard 2.2 of the HCPC Standards of Proficiency to promote the interests of service users. She also breached her duty under standard 13 of the HCPC Professional Standards to make sure that her behaviour did not damage the public's confidence in her or the social work profession.

Seriousness of breaches

201. The panel considered that all of the above breaches of the applicable standards and of the applicable provisions of the Code were serious for the following reasons:

- Not only was Ms Doh-Nani in a position of responsibility as a manager but she was also the manager of the team which was responsible for care leavers but she used her position and influence to further the interests of a family member and, in so doing, placed that family member's interests over those of the care leavers for whom she was responsible.
- It appeared that, as a result of Ms Doh-Nani requiring [Person A] to be placed at the top of the care-leavers' quota list, [Person A] obtained social housing in Merton even though she was not entitled to it whilst genuine applicants on the quota list had to wait for up to two years to be offered a property. The panel considered that fellow social workers would find this reprehensible. It was also a very serious abuse of Ms Doh-Nani's position as a social work manager in a local authority and a very serious breach of the public's trust in her, both of which could seriously damage the public's trust in the social work profession.
- Ms Doh-Nani had instructed a team member subordinate to her to assist with the processing of the application and [Service Manager A] was clear in his oral evidence that he should have been made aware of such an unusual application. Ms Doh-Nani therefore compromised her colleagues' and their ability to undertake their duties effectively by not declaring her conflict of interest.
- Ms Doh-Nani's conduct in relation to Person A's social housing application was aggravated by its being dishonest for the reasons given in the panel's findings of fact.

Finding of misconduct in relation to Allegations 4, 5 and 6

202. In the circumstances, the panel found Ms Doh-Nani's conduct as described in Allegation 7 amounted to misconduct.

Finding and reasons on current impairment:

Social Work England's submissions on impairment

203. Ms Sharpe opened her submissions on impairment by submitting that Ms Doh-Nani's misconduct cannot be said to be an isolated incident, or accidental, as it had spanned a significant period of time, during which she had had numerous opportunities to regularise her position by disclosing her conflicts of interest.
204. Referring to the case of *Cohen v General Medical Council [2008] EWHC 581 (Admin)*, Ms Sharpe submitted that attitudinal failings such as dishonesty were difficult to remedy. She added that, in any event, there was no evidence of insight or remediation and the risk of Ms Doh-Nani's misconduct being repeated was therefore high. She also submitted that Ms Doh-Nani's misconduct met all four of the tests for impairment in *Council for Health and Regulatory Excellence v Nursing and Midwifery Council and Grant [2011] EWHC 927 (Admin)*.
205. Whilst acknowledging that Ms Doh-Nani was fully entitled to deny the allegations against her, she could nevertheless have recognised the seriousness of those allegations and the potential effects of the alleged conduct on service users, her colleagues and the perception of social workers. Similarly, Ms Sharpe submitted that, although Ms Doh-Nani had been subject to an interim suspension order since 16 July 2019, she could nevertheless have engaged in reflection on the significance of the allegations and undertaken training in subjects pertinent to them, but she had failed to do so, either after the interim suspension order was made or whilst she was still free to practise between 2014 and 2019.
206. Finally, Ms Sharpe submitted that Ms Doh-Nani's fitness to practise was impaired in terms of the need to maintain public confidence and professional standards given that she had been in a position of responsibility and her misconduct had involved a serious and sustained breach of her professional duties and an abuse of her position, in each case aggravated by dishonesty.

Legal Advice on Impairment

207. The panel heard and accepted the advice of the Legal Adviser on impairment. That advice included reference to Social Work England's Impairment and Sanctions Guidance as well as the following points:
 - The existence of impairment is a matter for the panel's own independent judgment or assessment and, in considering whether Ms Doh-Nani's fitness to practise was impaired, the panel should take account of Social Work England's Impairment and Sanctions Guidance.
 - According to the Impairment and Sanctions Guidance, a social worker is fit to practise when they have the skills, knowledge, character and health to practise their profession safely and effectively without restriction. If a panel decides that a

social worker's fitness to practise is impaired, this means that it has serious concerns about the social worker's ability to practise safely, effectively, or professionally.

- As stated in *Meadow v General Medical Council [2006] EWCA Civ 1390*, the purpose of fitness to practise proceedings is not to punish the practitioner for past misdoings but to protect the public against the acts and omissions of those who are not fit to practise. The court in *Cohen v General Medical Council [2008] EWHC 581 (Admin)* said that there must always be situations in which a panel can properly conclude that the act of misconduct was an isolated error on the part of a practitioner and that the chance of its being repeated in the future is so remote that their fitness to practise has not been impaired.
- Protection of the public, as defined in s.37 of the Children and Social Work Act 2017, comprises protecting, promoting and maintaining the health, safety and well-being of the public, promoting and maintaining public confidence in social workers and promoting and maintaining proper professional standards for social workers. The panel should consider whether a finding of impairment is required for any or all of those three purposes.
- The test for impairment, as set out by the court in *Council for Health and Regulatory Excellence v Nursing and Midwifery Council and Grant [2011] EWHC 927 (Admin)*, is whether the panel's finding of misconduct in respect of Ms Doh-Nani indicated that her fitness to practise is impaired in the sense that she had in the past and/or was liable in the future (a) to put service users at unwarranted risk of harm; (b) to bring the social work profession into disrepute; (c) to breach one of the fundamental tenets of that profession; and/or (d) to act dishonestly.
- As stated in *Cohen v General Medical Council [2008] EWHC 581 (Admin)*, at the impairment stage the tribunal should take account of evidence and submissions that the conduct (a) is easily remediable, (b) has already been remedied and (c) is highly unlikely to be repeated.
- When assessing the personal component of impairment, the panel should consider the extent to which the social worker's conduct gave rise to harm or a risk of harm and the likelihood of that conduct being repeated. Assessment of the risk of repetition involves consideration of (i) the social worker's previous history and their conduct since the concerns about their conduct arose and (iii) the extent to which they have developed insight into their misconduct and (iii) the extent to which they have taken steps to remedy any failings on their part which led to that misconduct.
- A finding of personal impairment is usually not needed if (a) the social worker has understood the causes of, and learnt from, any mistakes or misjudgements; and (b) there is no risk of repetition. However, the panel should also consider whether a finding of impairment is required in order to maintain public confidence and proper professional standards (the so-called public component of impairment). Depending on the circumstances, a finding of impairment on these grounds can be

necessary even where the social worker poses no current risk to the public. This will often be the case in cases involving dishonesty. Cases where dishonesty has not led to a finding of impairment have related to single incidents with mitigating factors, involving otherwise competent practitioners, who have demonstrated full insight and remediation.

- When considering the testimonials submitted by Ms Doh-Nani, the panel should assess the content of each testimonial on the light of their knowledge of any relationship between author and social worker and on the basis of (i) the relevance of the content to the specific findings in the case; (ii) the extent to which the author's views are consistent with other available evidence; (iii) the length of time for which the author has known the social worker; and the extent to which the testimonial offers a current view of the social worker's fitness to practise. In addition, the panel should give little weight to testimonials from persons not aware of the fitness to practise proceedings or the actions behind them.

Panel's decision on Impairment

208. Having found that Ms Doh-Nani's conduct, as described in the Allegations, amounted to misconduct, the panel then considered whether her fitness to practise was currently impaired by reason of that misconduct.
209. The panel first considered whether Ms Doh-Nani's fitness to practise was currently impaired in terms of the need to protect the health, safety and well-being of the public. For that purpose, the panel considered, firstly, whether Ms Doh-Nani's misconduct had caused any harm to the health, safety and well-being of the public or given rise to a risk of such harm being caused; and, secondly, whether her misconduct was likely to be repeated.
210. With regard to the first of those matters:
 - The panel considered that, given the shortage of social housing in Merton. Ms Doh-Nani's conduct in enabling Person A to be given top priority for social housing by being wrongfully placed at the head of the care leavers' quota list would have adversely affected the well-being of the genuine care leavers on that list who, as a result, were forced to wait longer to be offered a property. As [Housing Options Manager A] said, "Every single property counts".
 - Ms Doh-Nani's conduct in using her own domestic property to house one or more care-leavers placed those care leavers at risk for the reasons outlined by [Service Manager A] in his oral evidence, which included the risk of the safety of the property not being adequately assessed.
 - As mentioned in the panel's findings on misconduct, by promoting UCC amongst colleagues, and in particular members of her own team, Ms Doh-Nani risked those colleagues giving a preference to using UCC over other service providers,

who, in the circumstances of a particular case, might be more appropriate to the service user's needs.

- The panel therefore concluded that Ms Doh-Nani's misconduct had posed a risk to the health, safety or well-being of the public, in particular service users, and had actually adversely affected the well-being of certain members of the public.

211. The panel then considered whether there was a risk of Ms Doh-Nani's misconduct being repeated. In doing so, the panel considered Ms Doh-Nani's previous history and her conduct since the events to which the Allegations relate and the extent to which she had developed insight into, and remedied, her misconduct.

212. With regard to Ms Doh-Nani's past history and conduct since she left Merton:

- Ms Doh-Nani had no criminal convictions or any previous regulatory findings against her.
- Although she appeared to have worked as a social worker since leaving Merton until being made subject to an interim suspension order in July 2019, there was no evidence of her misconduct having been repeated.
- In addition, Ms Doh-Nani had produced documents evidencing previous social work achievements, which included being a finalist for social worker of the year, as well as a commendation for her intervening during a knife attack. She also produced a number of favourable character references.

213. With regard to Ms Doh-Nani's insight into her misconduct, the panel could see no evidence that Ms Doh-Nani had reflected on, or developed any insight into, her misconduct, its causes or its potential effects. In coming to this conclusion, the panel recognised that Ms Doh-Nani had consistently maintained that she had not engaged in the misconduct alleged against her. However, the panel considered that she could have maintained that position whilst, at the same time, acknowledging the seriousness of the allegations against her and how the alleged conduct could affect service users, her colleagues, managers and employer and the social work profession.

214. The panel considered that remedying Ms Doh-Nani's proven misconduct could be difficult given that it had been prolonged and had involved behavioural issues such as dishonesty, lack of integrity and a propensity to abuse her position. In the event, there was no evidence before the panel of her having taken any steps to do so. Again, the panel considered that, whilst maintaining that she had not engaged in the alleged misconduct, she could nevertheless have undertaken refresher training in the areas to which the Allegations related, in particular managing conflicts of interest, professional ethics and propriety.

215. Given the lack of any evidence of insight or remediation and given that Ms Doh-Nani's misconduct had persisted over a period of several months and involved differing areas of her work, the panel concluded that there was a real risk of that misconduct being repeated, should she return to social work.

216. In arriving at that conclusion, the panel took account of Ms Doh-Nani's previous good record, of the comments made by [Service Manager A] about her being an experienced social worker who was respected by her team and of the evidence which she had produced to demonstrate not only her ability as a social worker but also her qualities as an individual. However, the panel considered that all of those positive factors were outweighed by the extent of her misconduct and her lack of insight and remediation. The panel also took account of the fact that her misconduct had not been repeated whilst she continued to work as a social worker after leaving Merton in early 2014 until she became subject to an interim suspension order in July 2019. However, the panel considered that this covered a period where she was under investigation by Merton and the HCPC and facing criminal proceedings, whereas, now that those criminal proceedings had ended in her acquittal, her behaviour was likely to be different.
217. Given the panel's conclusions regarding the risk which Ms Doh-Nani's misconduct posed to the health, safety and well-being of service users and given the risk of that misconduct being repeated, **the panel found that Ms Doh-Nani's fitness to practise was currently impaired in terms of the need to protect the health, safety and well-being of the public.**
218. With regard to the public component of impairment:
- The panel had found that Ms Doh-Nani had, over a number of months, acted dishonestly in failing to disclose her involvement with UCC and her ownership of Property 1 and in continuing to be involved with matters in her work at Merton relating to UCC and Property 1, in particular approving payments from which she would ultimately benefit. The panel had also found that Ms Doh-Nani had abused her position and acted dishonestly in assisting a family member to apply for, and secure, social housing to which she was not entitled to the detriment of genuine applicants. In the circumstances, the panel considered that informed and reasonable members of the public who were aware of the circumstances of the present case would be appalled at the nature and extent of her misconduct. **The panel therefore found that Ms Doh-Nani's fitness to practise was currently impaired in that such a finding was required in order to maintain public confidence in social workers in England.**
 - Similarly, given the nature and extent of Ms Doh-Nani's misconduct and that it involved an abuse of her position of responsibility and a significant lack of honesty and professional integrity, the panel considered that professional standards for social workers would be compromised, if a finding of impairment were not made against her. **The panel therefore found that Ms Doh-Nani's fitness to practise was currently impaired in that such a finding was required in order to maintain proper professional standards for social workers in England.**

Decision and reasons on sanction:

Submissions on Sanction

219. Ms Sharpe, of behalf of Social Work England, referred the panel to its options with regard to sanction under paragraphs 12(3) and 13(1) of the Social Workers Regulations 2018; Social Work England’s Guidance on Impairment and Sanction (the “**Guidance**”); Social Work England’s overarching objective of protection of the public; and the principles behind sanction, as set out in the Guidance.
220. Ms Sharpe also referred the panel to the guidance about abuse of trust or position in paragraph 154 of the Guidance (“*Any abuse of trust by a social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession*”) and to the guidance about dishonesty in paragraph 174 of the Guidance (“*Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal.*”)
221. Ms Sharpe submitted that, in the present case, Ms Doh-Nani’s lack of insight and her being an experienced and senior social worker were aggravating factors; whilst the evidence of her good character and lack of previous regulatory findings against her were mitigating factors.
222. Ms Sharpe then made submissions about each of the options open to the panel for disposal of the present case.
223. Ms Sharpe submitted that, in line with paragraph 94 of the Guidance, as taking no further action, giving advice or making a warning order would not restrict Ms Doh-Nani’s practice, they would not be appropriate in the present instance as there were no mitigating factors, which indicated that she could practise without restriction.
224. Referring the panel to paragraph 114 of the Guidance, Ms Sharpe then submitted that a conditions of practice order would not be appropriate because:
- Ms Doh-Nani had not demonstrated any insight into her misconduct.
 - Ms Doh-Nani’s dishonesty and her previous willingness to abuse her position were difficult to remedy and it was doubtful whether the risk which they posed could be adequately managed by conditions of practice.
 - It was not clear that Ms Doh-Nani would be willing and able to comply with any conditions which the panel might impose on her practice.
225. In relation to the possibility of making a suspension order, Ms Sharpe informed the panel that that paragraph 137 of the Guidance suggested that a suspension order might be appropriate where (i) the concerns about the social worker represent a serious breach of the professional standards; (ii) the social worker has demonstrated some insight; and (iii) there is evidence to suggest the social worker is willing and able to remedy their failings. She then submitted that, as, in Ms Doh-Nani’s case, the first of

those factors was present but not the other two, a suspension order would not be appropriate.

226. Ms Sharpe submitted that, in the circumstances, a removal order would be appropriate and proportionate, especially as the present case fell within three of the examples of when such an order would be appropriate, which were set out in paragraph 149 of the Guidance. These were cases involving dishonesty or abuse of position and cases where the social worker was unwilling or unable to remediate.
227. In the circumstances, Ms Sharpe invited the panel to make an order removing Ms Doh-Nani from Social Work England's Register.

Legal Advice on Sanction

228. The panel heard and accepted the advice of the Legal Adviser on sanction, in which he referred the panel to the section on sanction in the Guidance.

229. The Legal Adviser advised that:

- Pursuant to paragraphs 12(3) and 13 of Schedule 2 to the Social Worker's Regulations 2018, as the panel had found that Ms Doh-Nani's fitness to practise was impaired by reason of her misconduct, it could (a) take no further action; (b) give advice; (c) make a warning order; (d) make a conditions of practice order; (e) make a suspension order; or (f) make an order removing Ms Doh-Nani from the Register.
- A conditions of practice order or a suspension order could be of up to three years' duration.
- Pursuant to rule 48 of Social Work England's Fitness to Practise Rules, adjudicators, when giving advice or a warning, must specify that the advice or warning will stay on the social worker's entry in the Register for a period of one, three or five years.

230. The Legal Adviser mentioned the following points of principle:

- The purpose of sanction is not to punish the social worker but to protect the health, safety and well-being of the public and to maintain public confidence in social workers and proper professional standards.
- The sanction imposed should be proportionate in that it should be the minimum necessary for those purposes. It should also be consistent with the panel's decision on impairment.
- The consequences of a sanction for a social worker's personal circumstances should not usually affect the assessment of the appropriate and proportionate sanction.

231. The Legal Adviser's advice on each of the measures available to the panel included the following points:

- Taking no further action is likely to be exceptional and would be in cases where the finding of impairment itself is enough to protect the public and the wider public interest.
- Advice and warnings do not directly restrict practice and are therefore not appropriate where there is a current risk to the public.
- Conditions of practice are most commonly applied in cases of lack of competence or ill health. They are less likely to be appropriate in cases of character, attitude or behavioural failings and may also not be appropriate in cases raising wider public interest issues.
- Conditions of practice may be appropriate if (i) the social worker has demonstrated insight; (ii) the failure or deficiency in their practice is remediable; (iii) appropriate, proportionate, achievable and workable conditions can be put in place; (iv) the panel is confident that the social worker can, and will, comply with the conditions and that their compliance can be monitored; and (v) the social worker does not pose a risk of harm to the public by being in restricted practice.
- Suspension is appropriate where no workable conditions can be formulated but where the case falls short of requiring removal from the Register.
- Suspension may be appropriate if the allegations found proved represent a serious breach of the professional standards but the social worker has demonstrated some insight and there is evidence to suggest they are willing and able to remedy their failings.
- Suspension is likely to be unsuitable where the social worker has not demonstrated any insight and remediation and there is limited evidence to suggest that they are willing, or able, to remedy their failings.
- A removal order must be made where the panel concludes that no other outcome would be enough to protect the health, safety and well-being of the public and maintain public confidence and professional standards. Cases in which a removal order may be appropriate include those which involve (i) abuses of position or trust; (ii) dishonesty, especially where persistent and/or concealed; (iii) a social worker who demonstrates a persistent lack of insight into the seriousness of their actions or their consequences; and (iv) a social worker who is unwilling and/or unable to remediate.

232. As the present case involved dishonesty, the Legal Adviser referred the panel to the following authorities (among others):

- *In cases of actual proven dishonesty, the balance ordinarily can be expected to fall down on the side of maintaining public confidence in the profession by a severe sanction against the practitioner concerned. Indeed, that sanction will often - and perfectly properly - be the sanction of erasure even in the case of a one-off instance*

of dishonest” [Nicholas-Pillai v General Medical Council [2009] EWHC 1048 (Admin)]

- *“Where proven dishonesty is combined with lack of insight (or is covered up) the authorities show that nothing short of erasure is likely to be appropriate.” [R (Farah) v GMC [2008] EWHC 731]*
- However, it is wrong to say that removal from register is the default position unless exception circumstances can be shown [*Hassan v General Optical Council [2013] EWHC 1887 (Admin)*] but *“... Erasure is not necessarily inevitable and necessary in every case where dishonest conduct ... has been substantiated. There are cases where ... a lesser sanction may suffice... It is likely that, for such a course to be taken, a panel would normally require compelling evidence of insight and a number of other factors upon which it could rely that the dishonesty in question appeared to be out of character or somewhat isolated in its duration or range ...” [Abbas v General Medical Council [2017] EWHC 51 (Admin)]*

Panel’s decision on Sanction

233. In determining the appropriate sanction, the panel first considered the aggravating and mitigating factors of the present case.

234. The panel identified the following aggravating factors:

- Ms Doh-Nani’s misconduct had occurred over a prolonged period and involved differing areas of her work and significant amounts of money.
- Ms Doh-Nani’s misconduct involved dishonesty coupled with attempts to conceal it.
- Ms Doh-Nani was in a senior position and entrusted with the management of her team’s budget.
- Ms Doh-Nani had involved members of her team in her arrangements regarding Property 1 and in conveying her instructions regarding Person A’s application for social housing.
- There appeared to be a complete lack of any insight or remediation on the part of Ms Doh-Nani.

235. The panel identified the following mitigating factors:

- From the material provided by Ms Doh-Nani and the evidence of [*Service Manager A*], Ms Doh-Nani was a long-serving, experienced and effective social worker, who was respected by her team.
- Ms Doh-Nani had no previous regulatory findings against her.
- Ms Doh-Nani had produced ten favourable and supportive character references. (However, as none of their authors indicated that they were aware of the present

regulatory proceedings and only two referred to the previous criminal proceedings, the panel, in accordance with paragraph 54 of the Guidance, could give little weight to them.)

236. The panel then considered each measure available to it in turn.
237. The panel did not consider that taking no further action, giving advice or making a warning order would be appropriate as it had found that Ms Doh-Nani represented a risk to the health, safety and well-being of service users and those measures would not restrict her practice. The panel also considered that, given the seriousness of Ms Doh-Nani's misconduct, those measures would not be sufficient to maintain public confidence or proper professional standards.
238. Having considered the factors which could make a conditions of practice order suitable (as set out in paragraph 114 of the Guidance), the panel concluded that such an order would, in the present case, be neither adequate nor appropriate for the following reasons:
- Given that Ms Doh-Nani's misconduct involved dishonesty, abuse of position and a lack of integrity which had continued for a period of several months, the panel considered that remedying her misconduct, and demonstrating that it had been remedied, would be difficult and could only be accomplished with effort and commitment.
 - However, Ms Doh-Nani had demonstrated no insight into her misconduct, its causes or its effects, nor had she shown any inclination to do so. The panel therefore did not consider that she would be willing or able to comply with any conditions of practice which it might impose.
 - As Ms Doh-Nani's misconduct involved attitudinal factors (namely, dishonesty, lack of integrity and abuse of position), the panel did not consider that it would be possible to formulate conditions which would be sufficiently stringent to address the risk of a repetition of those behaviours without the level of restriction and supervision being so great as to be unworkable or tantamount to a suspension.
 - In any event, the level of seriousness of Ms Doh-Nani's misconduct was such that a conditions of practice order would not be adequate to maintain public confidence or proper professional standards.
239. Similarly, having had regard to paragraphs 137 and 138 of the Guidance, the panel did not consider that a suspension order would be adequate or appropriate because, although Ms Doh-Nani's misconduct represented a serious breach of professional standards, she had demonstrated no insight and there was no evidence to suggest that she was willing and able to remedy her misconduct. In any event, given the strength of the aggravating factors listed above and that they far outweighed the mitigating factors, the panel considered Ms Doh-Nani's misconduct to be so serious that a suspension

order would not be adequate to maintain public confidence and proper professional standards.

240. The panel therefore determined that, in the circumstances of the present case, a removal order was the only measure which would be sufficient to protect the health, safety and well-being of the public and maintain public confidence and proper professional standards.
241. In arriving at the above determination:
- The panel noted that paragraph 149 of the Guidance listed among the cases in which a removal order may be appropriate those which involve (i) abuses of position or trust; (ii) dishonesty, especially where persistent and/or concealed; (iii) a social worker who demonstrates a persistent lack of insight into the seriousness of their actions or their consequences; and (iv) a social worker who is unwilling and/or unable to remediate, all of which were present in Ms Doh-Nani's case.
 - The panel understood from the Legal Adviser's advice that, although removal from the Register will often be the appropriate sanction in cases involving dishonesty, there are cases where a lesser sanction may suffice but taking such a course would normally require compelling evidence of insight and other factors which demonstrate that the dishonesty in question is out of character or isolated in its duration or range. However, the panel did not consider that there were any such factors in the present case.
242. **FINAL ORDER: that Ms Doh-Nani be removed from Social Work England's register of social workers.**

Interim order

243. Ms Sharpe, on behalf of Social Work England, made an application for an 18-month interim suspension order to cover the period during which Ms Doh-Nani may make an appeal against the removal order and the period required for any such appeal to be concluded.
244. The panel heard and accepted the advice of the Legal Adviser on its power to make an interim order under paragraph 11(1)(b) of Schedule 2 to the Social Workers Regulations 2018.
245. As the panel had decided that a removal order was necessary to protect the health, safety and well-being of the public and to maintain public confidence and proper professional standards, it likewise decided that an interim suspension order was necessary for the same reasons. To reach any other conclusion would be entirely inconsistent with the panel's substantive findings. It also decided that the interim

suspension order should run for a period of 18 months, as this should be sufficient to cover the making and conclusion of any appeal against the removal order.

246. **INTERIM ORDER: that Ms Doh-Nani be suspended from practising for a period of 18 months.**

Right of appeal:

247. Under Paragraph 16(1)(a) of Schedule 2 to the Social Workers Regulations 2018 (the “**Regulations**”), the social worker may appeal to the High Court against:
- 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.
248. Under paragraph 16(2) of Schedule 2 to 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.
249. 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.
250. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to practise Rules 2019 (as amended).

The Professional Standards Authority:

251. 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>.