

Social Worker: Mohamed Sannoh

Registration Number: SW108377

Fitness to Practise: Final Hearing

Dates of hearing: 29 January 2024 – 7 February 2024; 12 August 2024 – 15 August 2024.

Hearing venue: Remote hearing

Hearing outcome: Removal Order

Interim order: 18 month Interim Suspension Order

Introduction and attendees

- 1 This was a hearing held under Part 5 of The Social Worker's Regulations 2018.
- 2 Mr Mohamed Sannoh attended the hearing; he was not represented.
- 3 Social Work England was represented by Mr Adam Kirke, of Counsel.

Adjudicators	Role
Debbie Hill	Chair (29/1/24 – 7/2/24)
Michael Branicki	Social Worker Adjudicator
John Brookes	Lay Adjudicator 29/1/24-7/2/24 and Chair 12/8/24 – 15/8/24

Wallis Crump	Hearings Officer
Khadija Rafiq	Hearings Support Officer
Lucia Whittle-Martin	Legal Adviser

Preliminary matters

- 4 There were no preliminary matters. However, at a Case Management Meeting, held prior to the hearing, a panel of Social Work England adjudicators decided the following could be admitted into evidence:
 - The hearsay evidence provided by the daughter of Service User 1 and recorded at Exhibits LO/7, PH/3 and PH/5
 - The hearsay evidence provided by the son of Service User 2 and recorded at Exhibits LO/7, PH/2 and PH/13
 - The hearsay evidence provided by Service User 4 and recorded at Exhibit LO/8.
- 5 The panel was informed that all four service users in the case were elderly and were under the care of the older adult social care team. Service User 3 passed away in the course of the events that underpin the Allegation, Service Users 1 and 2 subsequently passed away, and Service User 4 suffers from advanced Alzheimer's disease.

Allegation

In 2019-20, while working as a registered social worker for Essex County Council:

1. *You gave your manager(s) cause to believe you had completed visits that you had not completed, namely:*
 - i. *One or more visits to Service User 1 between 11 September 2019 and 31 December 2019;*

- ii. One or more visits to Service User 2 between 9 October 2019 and 1 November 2019; and*
 - iii. A visit to Service User 4 on 29 November 2019.*
 - 2. You misled your manager(s) in that you allowed your calendar to show your location incorrectly and/or you indicated you were working from home when you were not on:*
 - i. 6 August 2019;*
 - ii. 17 December 2019;*
 - iii. 30 December 2019; and*
 - iv. 31 December 2019.*
 - 3. You failed to safeguard Service User 3 in that, after being allocated the safeguarding concern, you:*
 - i. Failed to contact the care home where Service User 3 resided;*
 - ii. Did not contact Service User 3 and/or her family; and*
 - iii. Did not complete an investigation report.*
 - 4. You did not complete assessments and reviews in a timely manner or at all, namely:*
 - i. You were late in completing the assessment for Service User 1;*
 - ii. You were late completing the review for Service User 2;*
 - 5. You failed to keep accurate case notes about:*
 - i. Visit(s) to Service User 1 between 11 September 2019 and 31 December 2019;*
 - ii. Visit(s) to Service User 2 between 9 October 2019 and 1 November 2019;*
 - iii. Visit(s) to Service User 4 between 29 November 2019 and 17 December 2019; and*

iv. *Your involvement in the case of Service User 4 between 13 December 2019 and 18 December 2019.*

6. *Your actions at paragraphs 1 and/or 2 were dishonest.*

The matters outlined in paragraphs 1-6 amount to misconduct.

Your fitness to practise is impaired by reason of your misconduct.

Admissions

- 6 At the commencement of the hearing, Mr Sannoh entered formal Admissions to Particulars 5(i) and 5(ii), but denied the remainder of the Allegation.

Evidence called

- 7 Social Work England relied on the evidence and exhibits provided by:
- PH, Operational Team Manager at Essex County Council (“the Council”)
 - LO, Deputy Team Manager at the Council
 - JA, social worker at the Council
 - AJ, the niece of Service User 4.
- 8 The exhibits produced on behalf of Social Work England included: screenshots of Mr Sannoh’s work calendar; case notes recorded on the Council’s computerised system “Mosaic”, supervision records, the hearsay evidence referred to at Paragraph 4 of this decision, emails between Mr Sannoh and the Council, and documentation regarding a telephone call with the police and safeguarding issues in relation to Service User 3.
- 9 Mr Sannoh gave evidence and exhibited a bundle of documentation, which included: two sets of written responses to the Allegation; a supervision note; emails to and from the Council, a telephone bill which included 30 December 2019; a series of texts sent by him to LO attaching photos of himself in hospital and an employment contract from his time at the Council.

Background

- 10 On 28 January 2020 Social Work England received a referral regarding Mr Sannoh from his employer, the Council.
- 11 Mr Sannoh had commenced employment with the Council on 8 January 2018, as an adult social care social worker. In his role he was responsible for holding an active caseload of care act assessments, reviews and safeguarding and capacity assessments.
- 12 Mr Sannoh resigned on 13 January 2020 following a meeting with his employers, held on 10 January 2020, in which the concerns set out in this Allegation were put to him.

- 13 It is alleged by Social Work England that in the course of his employment with the Council, Mr Sannoh dishonestly misled management into believing that he was visiting service users when he was not; that he was working, either in the office or at home, when he was not; and that he failed to safeguard a service user following concerns raised by the police, failed to complete assessments and reviews in an appropriate time and failed to keep accurate case notes.

Legal Advice

- 14 The panel accepted the advice of the legal adviser regarding the burden and standard of proof; the need to consider each particular separately; the meaning of the terms “misled” and “dishonesty”; the approach to take to hearsay evidence and to an assessment of the credibility of witnesses; and the need to treat Mr Sannoh as a person of good character.

Finding and reasons on facts

Particular 1(i)

Social Work England’s case

- 15 Mr Sannoh was assigned Service User 1’s case on 9 September 2019. It was Social Work England’s case that he was tasked to set up a direct payment process for a care package and to complete a Care Act assessment.
- 16 The panel heard that assessment visits usually take about an hour, with a further 45 minute visit required on occasion to complete a direct payment mechanism. However, in the case of Service User 1 it was alleged that care had already been arranged and therefore the only outstanding issue related to the setting up of the direct payment mechanism.
- 17 Mr Sannoh’s work calendar showed 7 home appointments to Service User 1, between 11 September 2019 and 31 December 2019, each of 1.5 – 2 hours duration. There was a further entry indicating that he was completing the assessment.
- 18 The only case note recorded for this period was a telephone contact on 7 October 2019, to book a review for Friday 11 October 2019. No actual visits were recorded. There was a further entry suggesting that Mr Sannoh was completing the assessment on 11 October 2019. There was then a further 6 home visits scheduled later in the year. It was alleged by Social Work England that this did not accord with the entry made by Mr Sannoh on 11 October 2019 to the effect that the assessment was by then being completed.
- 19 In the meeting held on 10 January 2020 with LO and PH, Mr Sannoh claimed he had seen Service User 1 for a total of 7 hours.

Mr Sannoh’s case

- 20 Mr Sannoh produced an email sent to him by the daughter of Service User 1 on 15 September 2020, which stated:

“I did speak to (LO) around January 2020 and he asked me if you had visited my parents 7 or 8 times, and I told him it had been about 3 or 4 times as far as I am aware.

I confirmed that I’d had a couple of telephone conversations with you regarding setting up the direct payment, and that you also liaised with Sally who is the manager at my parents housing, to assist my dad in setting up his bank account for the direct payment”.

- 21 Mr Sannoh claimed he did undertake the visits recorded in his calendar. He said that he visited a minimum of 6 times.
- 22 He claimed that he was responsible not only for setting up the direct payment and completing the assessment, but also for undertaking a review of Service User 1.
- 23 He said that Service User 1 was hard of hearing and had dementia, and therefore it was difficult to speak directly to them on the phone, meaning that he had to make numerous visits.
- 24 He said that some of the visits had been required in order to meet the existing care providers. He said that Service User 1 lived in semi-secure accommodation and therefore it was necessary to ensure that the housing manager was present to gain access.
- 25 He said that two of the visits related to dropping off the direct payment form and then collecting it.
- 26 He said that there were times when an appointment was cancelled. He said that when this happened he failed to remove the visit from the calendar but this had not been intentional.
- 27 He agreed that he did not note his actions in the case records. He agreed that the only entry in the case records related to a telephone call made by him to the daughter.
- 28 He made the point, as he did throughout his evidence, that he was relatively new to his role and yet received little or no supervision from the Council.

Panel decision

- 29 In his witness statement, LO stated:

“Mr Sannoh indicated in his diary that he had visited Service User 1 9 times between October 2019 and December 2019. However Service User 1’s daughter did not believe that the visits occurred as she would have been informed by her mother that Mr Sannoh had attended”.

- 30 LO was asked about this in cross-examination, in light of the email that Service User 1’s daughter had sent to Mr Sannoh on 15 September 2020, stating that Mr Sannoh visited

“about 3 or 4 times”. LO clarified that when he spoke to Service User 1’s daughter, he asked whether Mr Sannoh had visited 9 times, as it was LO’s belief that there were 9 entries in the calendar. He said that she replied that Mr Sannoh did not visit 9 times, and this is what he had meant to convey in his witness statement. He clarified that she did not suggest that Mr Sannoh had made no visits whatsoever.

- 31 The panel accepted the evidence provided by the daughter of Service User 1 to the effect that Mr Sannoh had made 3 to 4 visits but gave it less weight than to witnesses who had been called to give evidence,
- 32 However the panel did not accept that Mr Sannoh had made the minimum of 6 visits he claimed.
- 33 In his evidence, Mr Sannoh claimed that he was responsible not only for undertaking an assessment and for setting up the direct payment process, but also for undertaking a review. However, PH confirmed that care was already in place and therefore Mr Sannoh’s only role was to discuss the direct payment rather than discuss the services that Service User 1 might require. PH explained that it may have been appropriate to conduct a contact check after the care act assessment, to check that everything was in order, but this would not necessarily require a visit and could be done over the phone and documented on a case note.
- 34 The panel took account of the entries made by Mr Sannoh in the calendar, showing that between 11 September 2019 and 31 December 2019 there were 7 in-person visits of 1.5 or 2 hour duration scheduled for Service User 1, together with one entry indicating that Mr Sannoh was completing the assessment.
- 35 The only case note recorded for this period was on 7 October 2019, to book a review for Friday 11 October 2019. There were no records of any actual visits.
- 36 Mr Sannoh’s calendar showed that he was completing the assessment on 11 October 2019, yet there were a further 6 domiciliary visits scheduled after this date. In the panel’s view this did not make sense.
- 37 One of those visits had been entered on 31 December 2019. That was New Year’s Eve and the panel had heard from JA that staff were told not to book visits on that day as there would be a skeleton staff working and this date and time may be difficult for service users. JA said that Mr Sannoh left the office around 2pm that day saying that he was going on his lunch break. She was unaware that he was supposedly going on a visit until she checked his diary. Mr Sannoh later told JA that he had been dropping off some paperwork. In evidence, Mr Sannoh explained that he had been dropping the direct payment paperwork for Service User 1 off to the housing officer. In evidence PH said this would be inappropriate at this time for the reasons given. Further, there were no case records indicating any contact with the housing officer before this visit regarding consent to share personal information. Indeed there were no case records of this visit at all. Furthermore, just a couple of days later, on 2 January 2020, Service User 1’s daughter contacted LO chasing up the direct payment issue. The panel concluded from

all of this that it was highly unlikely that the 31 December 2019 visit had taken place. At the very least, the panel concluded that if a visit was made it was extremely brief, taking the form of handing over the relevant paperwork, and did not occupy the 1.5 – 2 hours entered by Sannoh in his calendar, regardless of travel time.

- 38 As an employee of the council, Mr Sannoh was subject to the Lone Working Policy which states:

Appropriate and reasonable arrangements for recording staff movements / whereabouts outside of the office environment must be established, (e.g. utilising an accessible electronic diary schedule).

Points recorded should include:

- *Date of visit*
- *Site / visit address*
- *Contact phone numbers**
- *Purpose of visit*
- *Expected time of return to office or home*
- *Name of person meeting*
- *Travel time between appointments*

- 39 PH clarified that any cancelled events should have been removed from Mr Sannoh's calendar. The panel concluded that Mr Sannoh would have been aware of the importance of keeping his calendar up to date. This was a simple requirement that should have been obvious to any social worker, regardless of whether it had or had not been mentioned by PH in the course of team meetings, which she suggested had occurred.
- 40 The panel concluded that the assertion made by Mr Sannoh in the calendar regarding Service User 1 to the effect that he had visited on 7 occasions was misleading, because in reality he had visited a maximum of 3 to 4 times. The panel concluded that the remaining 3 to 4 entries in the calendar related to visits that had never taken place, but gave Mr Sannoh's managers cause to believe that they had in fact taken place.
- 41 On that basis the panel found Particular 1(i) proved.

Particular 1(ii)

Social Work England's case

- 42 Mr Sannoh was allocated to Service User 2 on 23 September 2019 to conduct the annual review of care.
- 43 There were 4 entries recorded in Mr Sannoh's calendar between 9 October 2019 and 1 November 2019, each of 2 hours in duration.

- 44 There was only one case note made by Mr Sannoh, dated 7 October 2019, which stated he had spoken to Service User 2's son and had made an appointment for 9 October 2019.
- 45 LO said that it was Service User 2's son's belief that although Mr Sannoh did attend on 9 October 2019, he did not come on 4 occasions.
- 46 The review was not completed until 3 January 2020.

Mr Sannoh's case

- 47 In relation to Particular 1(ii) Mr Sannoh accepted that he had only made one visit to Service User 2's home. He said that it had been a straightforward visit. He said that on entering the house everything appeared to be in place, the home was tidy and there were no specific needs. Mr Sannoh said that an earlier visit had been scheduled, which had to be cancelled because a relative was not available, but Mr Sannoh failed to remove that appointment from the calendar.

Panel decision

- 48 It was not disputed that there were four 2-hour appointments recorded in Mr Sannoh's calendar in relation to Service User 2, between 9 October 2019 and 1 November 2019.
- 49 There was only one relevant case note, dated 7 October 2019, in which Mr Sannoh recorded speaking to Service User 2's son and making an appointment for 9 October 2019. There were no further case notes. There was no case note recording any visit on 9 October 2019.
- 50 In cross-examination, Mr Sannoh admitted that he only made one visit.
- 51 This was supported by the hearsay evidence provided by the son of Service User 2, who told LO that Mr Sannoh did attend on one occasion, 9 October 2019, but did not believe that he attended on 4 occasions.
- 52 The calendar entries clearly suggested 4 visits. Mr Sannoh suggested that one visit had been cancelled. If this was true he could have, but did not, remove the entry from the calendar. In any event, that left two entries unaccounted for.
- 53 The panel concluded that the entries made by Mr Sannoh in the calendar gave managers cause to believe that 4 visits had taken place, when the reality was that there had been only one.
- 54 On that basis the panel found Particular 1(ii) proved.

Particular 1(iii)

Social Work England's case

- 55 Mr Sannoh was allocated Service User 4's case on 18 November 2019 to complete an annual review of care.

- 56 Two appointments were recorded on Mr Sannoh's calendar, between 29 November 2019 and 17 December 2019, both of 2 hours duration.
- 57 There was only one case note made by Mr Sannoh, dated 19 November 2019, in which Mr Sannoh recorded calling Service User 4's niece to book a visit on 29 November 2019.
- 58 A case note on 2 January 2020 suggested that the review was complete.
- 59 LO gave evidence that Service User 4 told him that Mr Sannoh had visited no more than once.
- 60 Service User 4's niece, AJ, gave evidence that Mr Sannoh attended on one occasion. She said he cancelled visits on two occasions, on 8 November 2019 and 29 November 2019, which caused her considerable frustration, and that he eventually visited on 12 December 2019. She said that those dates had come from her wall calendar, which she had retained.

Mr Sannoh's case

- 61 Mr Sannoh agreed that this was a simple case requiring only one visit. He said that the visit he booked was cancelled and rescheduled. He said that he was certain that he only cancelled once. He agreed that the calendar entries, which suggested that more than one visit had taken place, were misleading.

Panel decision

- 62 It was agreed that Mr Sannoh was allocated the case on 18 November 2019 to complete an annual review of care and that this was a simple case requiring no more than one visit.
- 63 It was not disputed that two 2-hour appointments were recorded by Mr Sannoh in his calendar for 29 November 2019 and 17 December 2019.
- 64 There was a single case note, entered on 19 November 2019, where Mr Sannoh documents calling AJ to book a visit for 29 November 2019. The next case note is dated 2 January 2020 which states the review was completed.
- 65 Mr Sannoh claimed that he visited only once and cancelled a visit only once.
- 66 The panel found Service User 4's niece, AJ, to be a reliable and credible witness. She confirmed in evidence that Mr Sannoh cancelled two arranged visits and then visited once for 2-3 weeks later. This was supported by the hearsay evidence provided by LO that Service User 4 told him Mr Sannoh had visited only once.
- 67 The calendar entries suggested that there had been two visits. This was clearly wrong. Mr Sannoh could have, but did not, remove any entries that related to visits that were later cancelled. The panel concluded that the entries made by Mr Sannoh in the calendar gave managers cause to believe that two visits had taken place, when the reality was that there had been only one.
- 68 On that basis the panel found Particular 1(iii) proved.

Particular 2

Social Work England's case

- 69 It was alleged that on four dates, namely 6 August 2019, 17 December 2019, 30 December 2019 and 31 December 2019, Mr Sannoh's calendar was misleading, in that it indicated that he was working, when he was not.
- 70 On 6 August 2019, Mr Sannoh's calendar stated that he was in the office. It was alleged that his Skype suggested he was offline, his work phone was off and there was no answer on his personal mobile phone. LO said that he looked for Mr Sannoh on that day but could not find him.
- 71 On 17 December 2019, PH attempted to call Mr Sannoh having just received the news of the death of Service User 3, but Mr Sannoh did not respond. Council IT records showed that Mr Sannoh was logged on for under half an hour, between 9:28am – 10:02am, and not thereafter during the working day.
- 72 On 30 December 2019, Mr Sannoh's calendar recorded that he was working from home. It was alleged that LO tried to email him and received no reply. Council IT records showed that Mr Sannoh was only online that day between 10.11am – 10.49am. He was then only online after working hours, between 8.42pm until 2.19am and then intermittently until 5.11am.
- 73 On 31 December 2019, it was alleged that Mr Sannoh left the office around 2pm. His calendar stated he was visiting Service User 1 but the case notes did not. Council IT records showed that he logged in from 9.15am until 2.06pm and not again thereafter.

Ms Sannoh's case

- 74 Mr Sannoh maintained that any failure to be online was a result of technical issues with the Council's Mosaic system. He claimed that Mosaic had technical issues several times a week. He claimed that he had been working on the days particularised. He said that his case notes entries should be ignored because they were incomplete. He said that on the occasions when he could not be found in the office he was in fact there. He claimed that on 30 December he had returned from abroad the night before and discovered first thing in the morning that he had a problem with one of his tyres. He provided a phone bill to show that he had phoned the office at 10.25am on 30 December 2019.

Panel decision

- 75 PH accepted that there were intermittent problems with the Mosaic system. LO stated that he did not recall there being any issues with Mosaic on the relevant dates and that Mr Sannoh did not inform him at any stage that there had been an issue with his IT system. He made the point that whether or not Mr Sannoh was online had nothing to do with whether or not Mosaic was working at the time.

6 August 2019

- 76 Mr Sannoh's calendar for 6 August 2019 recorded "Ely House", indicating that he was due to be in the office completing case write ups.
- 77 LO said that he had wanted to speak to Mr Sannoh about one of his cases that day but could not locate him. LO said that Skype showed that Mr Sannoh was offline and that his work phone was off, despite the fact that it was the practice of the organisation that social workers should always be available on their work mobiles during working hours. LO said that having searched both the main office and the B5 satellite room, he tried to call Mr Sannoh, left him a voicemail and sent him an e-mail. He said that on the following day Mr Sannoh told him that he had been in room B5.
- 78 PH confirmed room B5 was a hot desk room based in the main office and that this was a room where her team would ordinarily sit.
- 79 JA said that for the first two weeks after she joined the team she had not met Mr Sannoh as he was never in the office.
- 80 Mr Sannoh provided inconsistent evidence. Initially he said he never received a phone call from LO that day. He then changed his evidence to say that he received a missed phone call from LO but had no duty to phone back. He then changed his evidence again to say that he answered the call to LO and told him that he had been in room B5 that day. He then said that after he told LO he was in room B5, he decided to move his car before moving location to sit in the main office, without telling LO that he had done so. He concluded by saying that there was a level of contact from LO but he could not recall the method of contact.
- 81 At 17:12 on 6 August 2019, LO sent Mr Sannoh an email. He did not receive a reply. Records showed that the email sent by LO was marked as delivered at 17:12 but only read at 11:00 the next day, suggesting that Mr Sannoh was not online at that time as he claimed that day.
- 82 The panel did not accept that the lack of communication on Mr Sannoh's part was due to failings with the Mosaic system. The Mosaic system did not prevent Mr Sannoh from maintaining contact online and by phone. The panel accepted that the IT records proved that Mr Sannoh was not online that day at times when he should have been. The IT evidence, together with the witness evidence provided by LO, PH and JA led the panel to conclude that the entries made by Mr Sannoh in the calendar were misleading in that they suggested that he was working in the office that day whereas he was not.
- 83 On that basis the panel found Particular 2(i) proved.

17 December 2019

- 84 Mr Sannoh's calendar for this date suggested that he had two visits outside of the office at 11:00 – 13:00 and 14:00 – 16:00.

- 85 Council IT records showed that Mr Sannoh was logged onto the system between 9:28am and 10:02am but not for the rest of the day.
- 86 On that day PH said she attempted to call Mr Sannoh, having received news of the death of Service User 3 at around 16.27, but that he did not answer. Mr Sannoh denied ever missing a call from her.
- 87 Mr Sannoh's calendar suggested that he was unavailable between 11:00am and 4pm, excluding lunch break. However he was offline for the remaining hours, between 10:02 – 11:00, and 16:00 – 17:30.
- 88 PH said that if Mr Sannoh had been on a visit in the afternoon he should have returned to the office and stayed there until 17:30, and that if he had wished to work from home instead he should have asked for permission, which he did not do.
- 89 Mr Sannoh denied the allegation, claiming that he had been working that day.
- 90 The panel found PH to be a credible reliable witness. Further, as a matter of common sense it seemed likely that she would try to make contact with Mr Sannoh by telephone when an urgent matter such as this had come in late in the day on a Friday. The panel concluded that it was more likely than not that PH telephoned Mr Sannoh at around 16:30 having received the urgent safeguarding email regarding Service User 3 at 16.27. The panel was satisfied that Mr Sannoh's failure to respond proved that he was not working at that time.
- 91 The panel concluded that the entries made by Mr Sannoh in the calendar were misleading in that they suggested that he was working throughout the day on 17 December 2019, whereas he was not.
- 92 On that basis the panel found Particular 2(ii) proved.

30 December 2019

- 93 On 30 December 2019 Mr Sannoh's calendar showed him working from home.
- 94 At 11:30, LO emailed Mr Sannoh asking him to update his calendar and to indicate which case or cases he was working on. There was no response. Mr Sannoh claimed in evidence that he saw the email but decided not to reply as there was no need. He said he was working all day from home.
- 95 However the IT records showed that Mr Sannoh was logged into the system between 10.11 a.m. and 10.49 a.m. and then offline until 8.42 p.m.
- 96 In evidence Mr Sannoh claimed that he had returned from holiday the night before and discovered that there was a problem with his tyres and he was therefore unable to attend the office.

- 97 He claimed that he had attempted to call PH at around 9am. In her evidence, PH confirmed that she was on annual leave that day and therefore Mr Sannoh should have tried someone else in her absence.
- 98 Mr Sannoh relied on a telephone record which indicated that he had called the Council's office at 10:25. Mr Sannoh claimed that the delay between 09:00 – 10:25 was taken up with attempting to arrange alternative transport. Mr Sannoh agreed that he did not send any emails to the office in that time.
- 99 Mr Sannoh contended that LO was not his line manager and that LO would not have been the appropriate person to contact. However, included in the documentation provided by Mr Sannoh for the hearing were text messages sent by him in August 2019 to LO regarding his inability to attend the office due to being in hospital. When cross-examined about this he told the panel that by 30 December 2019 he had deleted LO's telephone number from his contact list. However the screenshot was provided by Mr Sannoh to Capsticks on behalf of Social Work England on 24 September 2020, and as at that date LO's mobile phone number was in full view. It followed that Mr Sannoh must have had LO's mobile in his contact list in the intervening period, which included 30 December 2019.
- 100 The panel concluded from this that Mr Sannoh regarded LO as an appropriate person to contact if unable to attend the office for any reason and yet he chose not to do so on this occasion.
- 101 On 9 January 2020, JA sent an email to PH stating that on 30 December 2019:
- Mo did not turn up to work at 9am. It got to about 10:30am and (LO) called on his mobile and left a voicemail. I then saw that Mo was online and Lynced him and asked him to call (LO). Mo advised that his car had broken down and that he was working from home. Mo left for lunch and was then offline for 6 hours and did not return that day. Mo was unreachable via his mobile.*
- 102 Mr Sannoh claimed that JA's evidence was wrong and that he was online that day.
- 103 The panel concluded from the IT records and the witness evidence, including the evidence provided by Mr Sannoh, that Mr Sannoh was not available for work on 30 December 2019 from 9am to 10.11am or from 10.49am to the end of his working day. The panel concluded that his calendar entry was misleading in that regard.
- 104 On that basis the panel found Particular 2(iii) proved.

31 December 2019

- 105 PH said that social workers were encouraged not to book visits on New Year's Eve.
- 106 Regardless of this, Mr Sannoh's calendar showed a visit arranged for Service User 1 at 15:00.

- 107 JA said that Mr Sannoh left the office around 14:00 stating that he was going on his lunch. This was supported by the Council IT records which show Mr Sannoh logged in from 9.15 a.m. until 2.06 p.m. but not thereafter.
- 108 LO said that if a social worker leaves the office for a visit, the social worker should inform the rest of the team so that the team know their whereabouts. PH explained that this is partly to protect the social worker's own safety. However, JA said that she was unaware that Mr Sannoh had gone on a visit until she checked his diary. Mr Sannoh later told JA that he had been dropping off some paperwork. JA said that this was concerning as dropping off paperwork did not constitute an emergency visit at a time when there was only a skeleton staff available at the Council
- 109 In evidence, Mr Sannoh said this visit was to drop paperwork off to the housing officer for Service User 1. PH said that this would have been inappropriate. There were no case records indicating any sort of prior contact with the housing officer to outline a consent to share personal information.
- 110 Two days later, Service User 1's daughter contacted LO to chase up the direct payment issue.
- 111 The panel concluded from this evidence that the visit suggested by Mr Sannoh either did not take place, or if it did it occupied a very brief period of time, as long as it took to drop off a paper form, and that Mr Sannoh had not been working from 2.06pm to the end of his working day, contrary to what was suggested by his calendar. The panel concluded that his calendar entry was misleading in that regard.
- 112 On that basis the panel found Particular 2(iv) proved.
- 113 In conclusion the panel found the entirety of Particular 2 proved

Particular 3

Social Work England's case

- 114 On 12 December 2019, a safeguarding enquiry was received by the Council from the police regarding SU3, who resided in a care home, "Sweyne". Service User 3 had suffered a suspected fractured collar bone following an unwitnessed fall. This was the second injury to have occurred of a similar nature. The injury met the threshold for a s42 enquiry.
- 115 It was alleged that Mr Sannoh was allocated the case on 13 December 2019, by email and then copied into the Mosaic system.
- 116 No case notes were recorded by Mr Sannoh on the file, nor did he make contact with anyone involved in Service User 3's care.
- 117 It was alleged that he should have drafted a case note to cover that he had been allocated the safeguarding concern and that contact was going to be established, but that he did not.

- 118 It was alleged that initial contact should have been made within 24 hours and that as the case was allocated on a Friday, this would have been by Monday 16 December 2019. However this did not occur.
- 119 On 17 December 2019, Service User 3 passed away. The police treated this death as sudden and therefore liaised with the Council. Again, Mr Sannoh made no progress on the case.
- 120 On 18 December 2019, the file was reallocated to another social worker due to Mr Sannoh going on leave.

Mr Sannoh's case

- 121 Mr Sannoh denied Particular 3 stating that the case was never his. He stated that the email was only sent at the end of the day on Friday 13 December 2019. In his earlier submissions he suggested that he was on leave from Tuesday 17 December 2019, although he later accepted that he was not on leave until Wednesday 18 December 2019 when proof was produced by the Council to that effect. When giving evidence at the hearing Mr Sannoh said that the email sent to him by PH on 13 December 2019 was ambiguous and did not assign the case to him. He said he believed that the safeguard had been allocated to JA. Mr Sannoh claimed that he believed that the email had only been sent to him because he had previously been involved with Sweyne care home.

Panel decision

- 122 PH said that Mr Sannoh was allocated the case of Service User 3 at 12.11 on Friday 13 December 2019 by means of an email sent by her to him saying:
- "I have assigned this safeguard to you as you are next on the list. This is another safeguard for Sweyne with similar incident, so may be worth liaising with (JA) as she has that safeguard. You may be able to discuss together."*
- 123 In his written responses to this Particular, prior to the hearing, Mr Sannoh claimed that the email was only sent at the end of the day on Friday 13 December 2019 and that he left on annual leave from the Tuesday 17 December 2019. However this was disproved by the email itself, which was timed at 12.11 on 13 December 2019, and by Mr Sannoh's leave records, which showed that he was not on leave until Wednesday 18 December 2019 and therefore capable of dealing with the matter earlier in the week.
- 124 In considering the defence put forward by Mr Sannoh in evidence, namely that the email was ambiguous, the panel concluded that the content of the email was straightforward and totally unambiguous; it was clearly allocating the case to Mr Sannoh, and not JA. The panel concluded that Mr Sannoh as a professional social worker must have realised that was the case. In reaching that conclusion the panel took account of the fact that JA was not copied into the email. The panel also took account of the fact that Mr Sannoh did not reply to PH to seek any clarification.

- 125 It was accepted by Mr Sannoh that he had not contacted the care home where Service User 3 resided, nor did he contact Service User 3 and/or her family and nor did he complete an investigation report.
- 126 The Panel concluded that Mr Sannoh was allocated the case and knew it. His subsequent lack of action, particularised in Particulars 3(i), 3(ii), and 3(iii), amounted to clear failings on his part.
- 127 On that basis the panel found the entirety of Particular 3 proved.

Particular 4

Social Work England's case

- 128 It was accepted that the target time in which to complete written assessments and reviews was 28 days.
- 129 It was alleged that Mr Sannoh was assigned the case of Service User 1 on 9 September 2019. Mr Sannoh's calendar showed that he was completing an assessment on 11 October 2019. However PH only received the assessment to "complete the assurance" on 7 January 2020. It was alleged that this was not a difficult case and the assessment should have been completed within a week.
- 130 It was alleged that Mr Sannoh was allocated the case of Service User 2 on 23 September 2019, but the documentation suggested that he did not make contact with Service User 2's son until 7 October 2019, when he made an appointment for 9 October 2019. The paperwork for the review was not completed until 3 January 2020.
- 131 It was alleged that Mr Sannoh's had a manageable caseload. PH said that no social worker in her team had over 15 cases, whereas in other teams caseloads were significantly higher. PH said that Mr Sannoh never raised any issues about his caseload in supervision with her.

Mr Sannoh's case

- 132 In his earlier written submissions, Mr Sannoh suggested that the few cases that he did not complete was due to the adult and/or their family being difficult to reach or that the adult in question was hospitalised.
- 133 In his later submissions he suggested that he had cases on his caseload that were only there pending transfer to the appropriate team. He further claimed that he never had a case management supervision with his line manager.
- 134 In evidence he suggested that he had a heavy work load and was often allocated urgent cases at short notice which would have affected his ability to complete his own work on time.

Panel decision

- 135 The panel accepted the evidence of PH that she had provided Mr Sannoh with some supervision, although it was not as frequent as PH would have hoped, as she was on her own for a long period without a deputy. The panel took account of two supervision records that were produced by her, dated 20 May 2019 and 6 September 2019.
- 136 The panel also took account of the fact that Mr Sannoh undertook the Assessed and Supported Year of Employment (“ASYE”) at the commencement of his employment which, as Mr Sannoh agreed in cross-examination, would have included training in reviews, capacity assessments, safeguarding and case recording.
- 137 In relation to Service User 1, Mr Sannoh was assigned the case on 9 September 2019. He agreed in cross-examination that he did not undertake any work on it until 7 October 2019. This was documented in the Adults Information Gathering. On 11 October 2019 Mr Sannoh’s calendar suggested he was undertaking a review. The end date of the assessment was marked as 6 January 2020. PH did not receive the assessment to complete the assurance until 7 January 2020.
- 138 In evidence, Mr Sannoh contended that he completed the work for SU1 a long time prior to 6 January 2020. However, this was contrary to his earlier contention that he conducted a visit on 31 December 2019.
- 139 Mr Sannoh also contended, for the first time, that the Adult Information Gathering Form completion date showed the date of quality assurance, rather than completion. However the panel did not accept this, concluding that the words “End Date of Assessment” spoke for themselves.
- 140 The panel concluded that Mr Sannoh was late in completing the assessment for Service User 1, which was not a difficult case.
- 141 On that basis the panel found Particular 4(i) proved.
- 142 In relation to Service User 2, Mr Sannoh was allocated the case on 23 September 2019. The first entry on the case notes suggested a telephone call with Service User 2’s son on 7 October 2019. Mr Sannoh agreed in cross-examination that he did not undertake any work between those dates.
- 143 The case notes suggest that a visit then took place on 9 October 2019. The Adults Information Gathering Form suggests that the assessment began on this date and ended on 3 January 2020. On this occasion the panel was also provided with Mr Sannoh’s electronic signature confirming the start and end date.
- 144 The assessment for Service User 2 was clearly late.
- 145 On that basis the panel found Particular 4(ii) proved.
- 146 In conclusion, the panel found the entirety of Particular 4 proved.

Particular 5

Social Work England's case

- 147 It was alleged that Mr Sannoh failed to keep accurate case notes in relation to Service Users 1, 2 and 4, as detailed earlier in this determination.

Mr Sannoh's case

- 148 Mr Sannoh admitted Particular 5(i) and 5(ii) at the outset of the hearing. In evidence he accepted in cross-examination that the case records for Service User 4 were also inaccurate.

Panel decision

- 149 The panel accepted Mr Sannoh's admissions, supported by the paucity of case notes, and found the entirety of Particular 5 proved.

Particular 6 in relation to Particulars 1 and 2

- 150 In considering Particular 6 in relation to Particulars 1 and 2, the panel approached its consideration of dishonesty on the basis of the judgement in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67 and in particular the following passage:

"When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest."

- 151 PH drew the panel's attention to the fact that the misleading entries in Mr Sannoh's diary tended to be most prevalent between 2.30pm and 3pm, which suggested to her that Mr Sannoh could have been leaving early to collect his children from school. Mr Sannoh accepted that he lived in London, which was an hour's drive from work; it followed that the misleading entries that he made fell at times that would fit with his school run. Mr Sannoh denied the need for any assistance with child care; he told the panel that he paid for a child minder to collect his children from school.
- 152 Whether or not the motive for Mr Sannoh's behaviour was in part a desire to attend the school run, the panel had already concluded that the calendar entries relating to Particulars 1 and 2 were both incorrect and misleading. The panel accepted that mistakes are sometimes made. However the number of misleading entries in the calendar were too numerous to be explained away by reason of mistake or carelessness. Further, had the entries been made in error or due to genuine

cancellations, Mr Sannoh could have removed them in retrospect, having realised his error or having registered the cancellation. This did not happen. Not only did he not remove the calendar entries, he also failed to mention any mistaken entry or cancelled visit to his manager either at the time or later in the course of supervision.

- 153 The panel had concluded, in relation to Particular 1, that Mr Sannoh had made misleading entries in the calendar regarding visits that he did not in fact make. The panel had also concluded, in relation to Particular 2, that he had made misleading entries in the calendar to suggest that he was working, either from home or in the office, when the reality was that he was not working. In the absence of any other plausible explanation, the panel concluded from this, on the balance of probability, that Mr Sannoh was deliberately making entries that were not true in his calendar in the knowledge that his managers would be misled into believing that he was completing visits and working at the office and at home, when he was not. The panel concluded that an ordinary decent person would regard this as dishonest.
- 154 The panel's view was reinforced by Mr Sannoh's approach to giving evidence. He frequently changed his evidence. He went off on tangents, and whilst the panel made full allowance for the fact that he was unrepresented, the panel concluded that he was attempting to distract the panel from the truth. His attempts to provide innocent reasons for his perceived absence, for example, led to lengthy and convoluted explanations that made no sense. For example, his story regarding Particular 2(i), 6 August 2019, set out earlier in this decision, where he attempted to persuade the panel to believe that his perceived absence from the office was because he moved from one venue to another, namely room B5 to the main office, for no good reason, whilst re-parking his car in between venues, again for no apparent reason. And in relation to Particular 3, where Mr Sannoh misquoted the content of PH's email dated 13 December 2019, despite having had sight of it in the hearing documentation for over a year. The panel concluded that this was a deliberate attempt on his part to mislead the panel. In his evidence Mr Sannoh often gave multiple different accounts of the same incident, was insistent and repetitive and the panel concluded that he was deliberately adopting this approach in the hope of confusing the panel and thereby avoid detection. The panel concluded that he was lacking in credibility.
- 155 The panel also concluded that in the course of his evidence Mr Sannoh told lies that were not a necessary part of his defence. For example, in relation to Particular 2(iii) he told the panel that by 30 December 2019 he had deleted LO's telephone number from his contact list, meaning that he was unable to contact LO to inform him of the fact that his car had a flat tyre and that he was unable to attend work. This was palpably untrue as proved by Mr Sannoh's own documentation. As part of his defence bundle he produced a screenshot of a text message chain between himself and LO in August 2019, in an attempt to discredit LO by showing photos of himself in hospital to explain his absence from work on a date that did not form part of the Allegation. He sent this to Capsticks, solicitors representing Social Work England, on 24 September 2020, and as at that date LO's mobile phone number was in full view. It followed that he must have

had LO's mobile in his contact list in the intervening period, which included 30 December 2019.

- 156 The panel accepted that Mr Sannoh may not have intended to deceive his employers from the outset. The panel concluded that it was possible that Mr Sannoh's chaotic approach to work may have led to genuine errors in his early days of employment. However the panel concluded that the number of misleading entries on the calendar could not be put down to continued error. The panel was satisfied that for the larger part of the time period relating to Particulars 1 and 2, Mr Sannoh had been acting dishonestly, by deliberately misleading his managers into believing that he had completed visits that he had not completed, and by deliberately misleading his managers into believing that he was working when he was not.
- 157 Accordingly the panel found Particular 6 proved both in relation to Particular 1 and Particular 2.
- 158 The panel then adjourned the hearing.

Resumed hearing

- 159 On 12 August 2024 the hearing resumed.
- 160 Ms Hill, who had chaired the fact finding stage of proceedings, was unable to attend the resumed hearing, due to unforeseen circumstances that were beyond her control. Therefore, Social Work England exercised its discretion under Rule 12(4) of the Social Work England Appointment Rules 2019 (as amended) ("the Appointment Rules") to appoint one of the other panel members, Mr Brookes, to act as Chair for the remainder of the proceedings.
- 161 Rules 11 and 12 of the Appointment Rules provide as follows:

11 (1) Membership of a panel of advisers must be composed of those on the list established in accordance with rule 3(2).

11 (2) An adviser shall only be appointed to a panel if they can, as a minimum, demonstrate:

- (a) a commitment to the seven "Nolan Principles" for public life; and
- (b) an ability to meet the requirements of the regulator's competency framework

12 (1) The regulator must identify on the list maintained under rule 3 advisers who are eligible to act as Chairs of panels of advisers.

12 (2) An adviser shall only be appointed as a Chair if, as a minimum, they:

- (a) meet the criteria in rule 11(2); and
- (b) can demonstrate an ability to:
 - (i) facilitate constructive and productive panel discussions, enabling all panellists to contribute to decision making and managing disagreements between panellists;
 - (ii) run hearings effectively and efficiently;

(iii) take responsibility for the preparation and clarity of the panel's reasoning

12 (3) The regulator must, having regard to the different purposes for which panels of advisers can be established, appoint a Chair in respect of proceedings, from the persons identified in accordance with (1).

12 (4) If the person selected under rule 12(1) is unavailable for the whole or part of the proceedings or becomes ineligible to act as Chair during the course of any proceedings, then the regulator may appoint another panel member, present at the start of the proceedings, to act as Chair for the whole or part of the proceedings”.

162 Both Mr Kirke and Mr Sannoh confirmed that they were content for the hearing to continue with two panellists, not three, and for Mr Brookes to take the role of Chair.

163 The panel accepted the advice of the legal adviser.

164 The panel agreed with Social Work England that it was appropriate for the hearing to proceed with only two panellists, with Mr Brookes acting as Chair. The panel was mindful that the hearing had already been adjourned once, and it was neither in Mr Sannoh's interest, nor the public interest, for there to be a second adjournment. The panel also took account of the fact that Mr Brookes acts as a chair for another leading healthcare regulator and is capable of fulfilling the requirements of a Chair demanded by Rules 11 and 12 of the Appointment Rules.

165 In those circumstances the hearing proceeded with two panellists, with Mr Brookes taking the role of Chair.

Decision on grounds and current impairment

GROUNDS

166 Mr Kirke submitted that Mr Sannoh's behaviour had breached HCPC Standards of Proficiency 2017 6.1, 9.1 and 10.1, HCPC Standards of Conduct, Performance and Ethics 2016 10.1 and 10.2, the Social Work England Professional Standards 2.1 and 3.11.

167 Mr Kirke submitted that Mr Sannoh's behaviour had been wide ranging and stretched over a considerable period of time. He submitted that his behaviour had been a serious falling short of the required standards and that it amounted to misconduct.

168 Mr Sannoh submitted that his behaviour “whether deliberate or unconscious” was “not up to scratch”. He said that he had not intended to mislead. He said that he agreed that his conduct amounted to misconduct.

169 The panel accepted the advice of the legal adviser, who referred to the cases of *Roylance v GMC [2000] 1 AC 311* and *Nandi v GMC [2004] EWHC 2317 (Admin)*, regarding the meaning of the word misconduct. She also took the panel to the case of *Schodlok v GMC [2015] EWCA Civ 769*, which suggested that a small number of

allegations for misconduct, that individually are held not to be misconduct, should normally not be regarded cumulatively as misconduct, but that a large number of such findings may be capable of amounting to misconduct on a cumulative basis if they are of the same or similar conduct. She advised that a breach of the relevant standards did not necessarily equate to misconduct, and that in order to qualify as misconduct, a falling short needs to amount to a serious departure from the professional standards of care and conduct that could properly be expected of a social worker performing the role they were employed to perform at the time.

170 The panel began by considering each finding of fact separately.

171 The panel concluded that that Mr Sannoh had breached the following:

HCPC Standards of Proficiency 2017:

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

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

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

HCPC Standards of Conduct, Performance and Ethics 2016

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

10.2 You must complete all records promptly and as soon as possible after providing care, treatment or other services.

Social Work England Professional Standards

2.1 Be open, honest, reliable and fair

3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.

172 The panel understood that a breach of the Standards did not equate to misconduct.

173 With regard to Particular 6 in relation to Particular 1, Mr Sannoh had dishonestly misled his employers into believing that he had conducted visits to service users when in reality he had not. Mr Sannoh's dishonesty had had the potential to harm service users.

His dishonest behaviour clearly fell far below the standards expected of a registered social worker in the circumstances. The panel concluded that it amounted to misconduct.

- 174 With regard to Particular 6 in relation to Particular 2, Mr Sannoh had dishonestly misled his employers into believing that he was working when in reality he was not. Again, the panel concluded that Mr Sannoh's dishonesty had had the potential to harm service users and fell far below the standards expected of a registered social worker in the circumstances. The panel concluded that it amounted to misconduct.
- 175 With regard to Particular 3, Mr Sannoh had failed to safeguard Service User 3. He had taken no action whatsoever in circumstances where there had been an unwitnessed fall in a care home, which could have led to serious complications. Mr Sannoh's inactivity had had the potential to harm service users, and was behaviour that clearly fell far below the standards expected of a registered social worker in the circumstances. The panel concluded that it amounted to misconduct.
- 176 With regard to Particular 4, Mr Sannoh had not completed assessments and reviews in a timely manner for Service Users 1 and 2. The panel concluded that Mr Sannoh's failures had had the potential to harm services users and fell far below the standards expected of a registered social worker in the circumstances. The panel concluded that his behaviour amounted to misconduct.
- 177 With regard to Particular 5, Mr Sannoh had failed to keep accurate notes in relation to Service Users 1 and 4. The panel concluded that Mr Sannoh's failures had had the potential to harm service users and fell far below the standards expected of a registered social worker in the circumstances. The panel concluded that his behaviour amounted to misconduct.
- 178 Accordingly, it was the judgement of the panel that Mr Sannoh's behaviour amounted to misconduct in relation to each Particular found proved.

IMPAIRMENT

- 179 Mr Sannoh provided the panel with some additional material for the impairment stage, including:
- A feedback form relating to his work as an ASYE in 2018
 - Emails confirming employment as a social worker with other councils following his departure from Essex County Council
 - Confirmation of completion of online training carried out in 2022 and 2023 in relation to 8 areas of practice, two of which were relevant to the allegation, namely Safeguarding
 - An Ackerman Pierce Recruitment Specialists Character Reference Request Form, dated 2 February 2021, completed by a named person, who stated: "I have known Mr Sannoh as a colleague and friend for over 10 years. During these

years I have known him to be someone of high integrity, honesty and good character”. It was not clear whether the person writing this reference was aware of the allegations against Mr Sannoh.

- 180 Mr Kirke submitted that Mr Sannoh’s behaviour could not be described as an isolated event, but rather a pattern of behaviour. He submitted that Mr Sannoh’s behaviour, in relation to each of the six findings of misconduct, had placed members of the public in danger of harm. He submitted that Mr Sannoh had provided no evidence of remorse or remediation, and had not developed insight into his dishonesty. He submitted that when giving evidence at the fact finding stage, Mr Sannoh had lied to the panel about deleting a number on his phone and had attacked the character of LO, when it had not been necessary to do this in presenting his defence.
- 181 Mr Kirke submitted that Mr Sannoh’s fitness to practise is currently impaired on the personal limb, and that a finding of impairment is required to protect members of the public.
- 182 Mr Kike submitted that Mr Sannoh’s fitness to practise is also currently impaired on the public interest limb and that a finding of impairment is required to promote confidence in the profession and maintain proper professional standards for social workers in England.
- 183 Mr Sannoh informed the panel that after his employment with Essex County Council, he worked for Richmond County Council in their safeguarding team until his contract ran out. He then worked briefly with Southwark County Council in their disability team. He was then employed by Richmond County Council in the Adult Complex Team for 5 – 6 months.
He explained that in 2021 an interim suspension order was imposed on him by Social Work England, requiring him to stop working as a social worker.
- 184 Mr Sannoh said that he realised he had “done some mistakes” but that he was willing to learn from them and that he “really wanted to work as a social worker”. He said that he did not want to put himself through “something like this again” as it was “emotionally and financially draining”.
- 185 Mr Sannoh submitted that he had not intended to mislead, and that his behaviour had been unconscious. He said that he was aware that honesty forms a key part of the code of conduct. He accepted that the matters found proved had the potential to undermine the trust the public have in the profession. He said that he had tried to reflect on this and took full responsibility for his actions and now had full insight. He said “ I know there were instances of dishonesty even though I did not intend to mislead, it was unconscious”.
- 186 The panel accepted the advice of the legal adviser, who advised on the meaning of impairment, by reference to the cases of *CHRE v (i) NMC (ii) Grant [2011] EWHC 927* and *Cohen v GMC [2008] EWHC 581*. She advised that if the panel concluded that Mr Sannoh was continuing to deny the allegation, this was his right and the panel should

not hold this against him, in accordance with the case of *Sayer v Genral Osteopathic Council* [2021] EWHC 370 . However the panel should look for evidence of insight. She took the panel to the cases of *Towuaghantse v GMC* [2021] EWHC 681 and *Haydar Al-Nageim v GMC* [2021] EWHC 877 on the issue of lies told by Mr Sannoh at the fact finding stage, advising that if the panel concluded that Mr Sannoh had put his regulator to proof, and nothing more than that, this would not be something that should be held against him, but if he had given dishonest evidence and had deliberately sought to mislead the panel, the panel would be entitled to regard this as relevant to the issue of insight and therefore current impairment.

- 187 The panel took account of Mr Sannoh’s previous good character and weighed this in his favour.
- 188 Mr Sannoh had said that he accepted that his behaviour amounted to misconduct, but the panel concluded, in light of the context in which he made that concession, summarised earlier in this decision, that he neither fully understood the meaning of misconduct nor accepted the seriousness of his actions.
- 189 The panel concluded that Mr Sannoh’s misconduct could not be said to amount to an isolated error on his part. To the contrary, the six particulars spanned over a number of months, and related to a wide range of failings and four different service users.
- 190 The panel concluded that Particulars 1 and 2 were difficult to remediate.
- 191 The panel concluded that Particulars 3, 4 and 5 were capable of remediation, but Mr Sannoh had done nothing by way of relevant remediation, other than two verified courses in Safeguarding. In particular he had done no training in record keeping, which would have been relatively easy to achieve.
- 192 Mr Sannoh had shown no remorse. He had made no reference whatsoever to the service users he had failed in the course of his misconduct, nor to the colleagues he had misled.
- 193 Mr Sannoh had demonstrated very limited insight into his misconduct. He had said that he accepted that the panel’s findings against him had the potential to undermine trust in the profession. However, other than this Mr Sannoh had not provided any reflection on, or insight into, the effect of the panel’s findings on the wider public interest. He had referred to his misconduct as a “mistake”, as “unconscious behaviour” rather than dishonest, and as being “not up to scratch”. The panel understood that he had the right to continue to defend himself and it would be wrong to penalise him for continuing to do so. However, the practical reality was that he had not provided the panel with any evidence of insight into his misconduct. He had shown very limited insight into what his failings were, or the importance of them, including the impact they had, or may have had, on service users.
- 194 It was very clear to the panel that Mr Sannoh’s misconduct was attitudinal in nature. He had demonstrated no understanding of the seriousness of his misconduct.

- 195 When giving evidence at the fact finding stage, Mr Sannoh had lied to the panel and had sought to place blame on others. This reinforced the panel's view that Mr Sannoh had no insight into the importance of acting honestly, and in those circumstances it could not be said that it was highly unlikely that he would repeat his dishonesty if permitted to practise unrestricted.
- 196 The panel concluded that Mr Sannoh's dishonesty had posed a risk of harm to the public, in that he had misled other professionals and colleagues about his lack of delivery of social services. The panel concluded that Mr Sannoh's failure to safeguard Service User 3 had posed a clear risk of harm to that service user. The panel concluded that Mr Sannoh's failure to keep accurate records and complete assessments and reviews in a timely manner, had also put the safety of service users at risk of harm.
- 197 In those circumstances the panel concluded that there is a high risk that Mr Sannoh would repeat his conduct if permitted to practice unrestricted, thereby putting members of the public at risk of harm.
- 198 Accordingly, the panel concluded that Mr Sannoh's fitness to practise is currently impaired on public protection grounds.
- 199 The panel concluded that dishonesty goes to the heart of public confidence in the social work profession and that Mr Sannoh's dishonesty had breached a fundamental tenet of the profession and had brought the profession into disrepute.
- 200 The panel concluded that a finding of impairment was clearly required to protect confidence in social workers and their regulator, and to maintain professional standards for social workers.
- 201 Accordingly, the panel concluded that Mr Sannoh's fitness to practise is also currently impaired on public interest grounds.

Sanction:

- 202 Mr Kirke submitted that the appropriate sanction was a Removal Order.
- 203 Mr Kirke submitted that Mr Sannoh had breached multiple standards of practice. Mr Kirke submitted that despite Mr Sannoh's deliberate misconduct there had been no change in his attitude since the time of the allegation four years ago, and he had persisted in being dishonest by being misleading and untruthful when giving evidence to the panel. Mr Kirke submitted that Mr Sannoh presents a risk of harm to members of the public and that no lesser sanction would be adequate to protect the public interest.
- 204 Mr. Kirke took the panel to paragraphs 172 and 175 the Sanctions Guidance regarding the seriousness of dishonesty in professional practice.
- 205 Mr Sannoh submitted that not all the factors set out in paragraph 149 of the Sanctions Guidance indicating the suitability of a Removal Order were applicable to his case.

- 206 The legal adviser advised the panel to take account of the Sanctions Guidance published by Social Work England. She advised the panel to consider any aggravating and mitigating factors. She advised the panel to consider each available sanction in ascending order of severity. She advised the panel to apply the principle of proportionality by weighing the social worker's interests with the public interest. She advised the panel that the purpose of sanction is not to punish, but is to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and its regulator, and upholding proper standards of conduct and behaviour.
- 207 The panel considered Mr Sannoh's good character to be a mitigating factor.
- 208 The panel considered the following to be aggravating features of the case:
- the potential risk of harm to vulnerable service users, particularly regarding the safeguarding concern relating to Service User 3;
 - the period of time over which the misconduct had persisted, namely 11 September 2019 to 31 December 2019;
 - the number of actual and potential service users affected by Mr Sannoh's conduct;
 - Mr Sannoh's complete lack of remorse in respect of service users and colleagues and almost total lack of remediation;
 - Mr Sannoh's very limited insight;
 - Mr Sannoh's attempt to deflect blame onto others, both in his initial response to the allegation, when he accused his colleagues of harassment and discrimination, and during the final hearing itself, when he blamed LO and other colleagues;
 - Mr Sannoh's attempt to divert the panel from the truth by lying when giving evidence.

No Action; Advice; Warning

- 209 The panel concluded that to take no action, or to issue an advice or a warning, would be insufficient to protect the public and the wider public interest given the aggravating factors in the case.

Conditions of Practice Order

- 210 The panel concluded that conditions would be unworkable in light of the nature of the dishonesty that had been found proved.

Suspension Order

211 The panel concluded that a suspension order would be insufficient to protect the public and wider public interest in light of the seriousness of the misconduct, the lack of remediation and the minimal insight demonstrated by Mr Sannoh. The maximum period of suspension permitted was for three years. The panel decided that this was insufficient to protect the public and the wider public interest in light of the aggravating features of the case.

Removal Order

212 The panel understood that a Removal Order is the sanction of last resort where there is no other means of protecting the public and the wider public interest. However, it was the judgement of the panel that any lesser sanction would be insufficient in the circumstances of this case.

213 Mr Sannoh's misconduct had stretched over a period of three and a half months. He had dishonestly misled his employers into believing that he had conducted visits to three service users, when in reality he had not. On four occasions he had dishonestly misled his employers into believing that he was working, when in reality he was not. He had failed to safeguard Service User 3. He had failed to complete assessments and reviews in a timely manner for two service users. He had failed to keep accurate notes in relation to two service users. His behaviour had had the potential to harm service users.

214 Mr Sannoh had shown no remorse. He had made no reference to the effect of his actions on service users or colleagues. He had demonstrated very limited insight into his misconduct. He had provided minimal reflection on the effect of the panel's findings on the wider public interest.

215 The panel regarded the dishonesty in this case to be at the higher end of the scale of seriousness. The dishonesty had been repeated over a period of over three months, and was compounded by lies told to the panel during the hearing itself. The panel concluded that Mr Sannoh's dishonesty was attitudinal in nature.

216 Mr Sannoh had sought to place blame on others and the panel had concluded that this had lacked merit.

217 The panel concluded that Mr Sannoh had no real understanding of the serious responsibility that the role of a social worker entails, or of the importance of acting honestly in that role.

218 In all the circumstances the panel concluded that the only appropriate and proportionate sanction in the circumstances of Mr Sannoh's case was removal from the register.

219 Accordingly the sanction imposed by the panel is a Removal Order.

Interim Order:

- 244. Mr Kirke applied under Paragraph 11 of Schedule 2 of The Social Workers Regulations 2018 for an interim suspension order for a period of 18 months to protect the public and the wider public interest for the duration of the appeal period.
- 245. Ms Sannoh made no submissions on the point.
- 246. The legal adviser advised that the panel may make any interim order if satisfied that an order is necessary for the protection of the public or the wider public interest, or is in the best interests of the social worker. She advised the panel to act proportionately in reaching its decision.
- 247. For the reasons set out in its substantive decision, the panel was satisfied that there is a real risk that Mr Sannoh will repeat his behaviour if permitted to practise unrestricted, and that an interim order is necessary to protect the public.
- 248. The panel also concluded that an order is otherwise in the public interest, for the reasons set out in its substantive decision.
- 249. The panel concluded that an interim conditions of practice order would be unworkable in the circumstances of this case, for the same reasons as set out in its substantive decision.
- 250. Accordingly, the panel imposed an interim order of suspension for a period of 18 months. If there is no appeal against the final order, the interim order will expire at the conclusion of the appeal period in 28 days' time. If there is an appeal against the final order, the interim order will expire when the appeal is withdrawn or otherwise finally disposed of.

Right of Appeal:

- 251. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:
 - a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under Paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order.
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

252. Under Paragraph 16(2) of Schedule 2 of the regulations an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
253. 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.
254. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

Review of final orders:

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

The Professional Standards Authority:

257. 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>.

