

Social worker: Paul Brown

Registration number: SW21216

Fitness to Practise

Final Hearing

Dates of hearing: 06 October 2025 to 10 October 2025

Hearing venue: Remote hearing

Hearing outcome: Suspension order (6 months)

Interim Order: Interim suspension order (18 months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Mr Brown attended and was represented by Mr Walker of What Rights.
3. Social Work England was represented by Ms Adeyemi of counsel instructed by Capsticks LLP.

Adjudicators	Role
Lesley White	Chair
Jasmine Nembhard-Francis	Social worker adjudicator
Alison Lyon	Lay adjudicator

Hearings team/Legal adviser	Role
Titlee Pandey	Hearings officer
Lauryn Green	Hearings support officer
Scott McDonnell	Legal adviser

Preliminary matters:

4. The Chair of the adjudication panel (hereafter “the panel”) confirmed that the panel was in receipt of a bundle of documents provided for the hearing, which was composed of a timetable (5 pages), a statement of case (10 pages), witness statements (33 pages), exhibits (160 pages), a response from Mr Brown (112 pages) and a service and supplementary bundle (13 pages).

Allegations:

5. *Whilst registered as a social worker between 2018 and 2020 you behaved in ways that would bring into question your suitability to work as a social worker, in that:*
 1. *You became involved in an intimate relationship with the following colleagues you had managerial responsibility for:*
 - a) *GW*
 - b) *RM*
 2. *You denied having an intimate relationship with RM when directly challenged by your line manager.*
 3. *You asked GW and/or RM not to disclose the relationships stating they may lose their jobs if they did.*
 4. *You behaved in an emotionally and/or physically abusive way towards RM whilst in an intimate relationship with her.*

5. *You breached Covid -19 regulations on or around March and November 2020 by visiting RM, a person you did not live with, in her home.*

6. *Your conduct as described in allegations 2 and 3 was dishonest.*

The matters outlined in allegations 1 - 6 amount to the statutory ground of misconduct.

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

Admissions:

6. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the ‘Rules’) states:

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

7. Following the reading of the allegations the panel Chair asked Mr Brown whether he admitted any of the allegations.
8. Mr Walker, on behalf of Mr Brown informed the panel that Mr Brown admitted allegations 1, 2 and 5 and admitted allegation 6 regarding dishonesty in respect of allegation 2.
9. The panel therefore found allegations 1,2,5, and 6 in respect of allegation 2 proved by way of Mr Brown’s admissions.
10. The panel noted that Mr Brown denied allegations 3, 4 and 6 in respect of allegation 3.
11. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Summary of evidence

12. Ms Adeyemi referred the panel to the background contained within the statement of case.
13. She informed the panel that on 11 November 2020, Social Work England received a referral from Lancashire County Council (“the Council”) regarding Mr Brown with concerns arising out of his conduct whilst employed by the Council as a Team Manager.
14. The concerns related to Mr Brown’s involvement in intimate relationships with two colleagues he had management responsibility for. Mr Brown was employed as a Team Manager in the Assessment and Duty Team at the Council, joining as an agency worker in May 2018 before moving to a permanent post in January 2019.
15. Mr Brown had management oversight of three assessment and safeguarding teams which focused on the completion of Child & Family Assessments, Child Protection enquiries and the management of Child in Need cases. Ms Adeyemi informed the panel that overall Mr Brown managed approximately 21 members of staff and in November 2020 senior managers within the Council were made aware of an allegation that Mr

Brown had been in a relationship with two individuals whose teams he managed. These individuals were GW and RM.

16. Due to the concerns relating to this alleged conduct Mr Brown was suspended from his role on 9 November 2020. A local internal HR investigation into the concerns was undertaken and an investigation report was completed by Laura Chadwick, a Senior Manager in the Family Safeguarding Team for Children's Services at the Council. The outcome of the disciplinary hearing was that Mr Brown was given a first written warning in January 2021. He resigned from his role at the Council in the same month.
17. Ms Adeyemi submitted that there were parallels in the circumstances surrounding each relationship in that both GW and RM were new to the team, they were each early in their careers and were both single parents.
18. Ms Adeyemi informed the panel that GW and RM had each alleged that Mr Brown had told them not to tell anyone about the relationship with him and that they would lose their job if they did share this information. Ms Adeyemi informed the panel that Mr Brown denied saying this. Ms Adeyemi submitted that as a senior member of staff Mr Brown would have been fully aware that neither GW or RM would lose their jobs and it was the position of Social Work England that he wished to keep matters secret.
19. Ms Adeyemi submitted that Mr Brown had sought to distort matters and he had also denied the relationships when questioned by his line manager.
20. Ms Adeyemi submitted that Mr Brown had abused his position and taken advantage of the power dynamic between them.
21. Ms Adeyemi told the panel that in order to see RM in March and November 2020 during the pandemic he had breached rules in place about leaving the house and seeing others in their home.

Application by Social Work England

22. Ms Adeyemi made an application for hearsay evidence to be admitted to the proceedings, namely the evidence of RM.
23. The basis of the application was that RM was not available to give evidence and that her evidence was relevant to the allegations before the panel. Ms Adeyemi submitted that it was fair and in the public interest to admit the evidence of RM to the proceedings.
24. Ms Adeyemi referred the panel to the principles described in *Thorneycroft v NMC [2014] EWHC 1565 (Admin)*.
25. Ms Adeyemi submitted that when deciding on the application the panel should consider various matters including whether the evidence of RM was sole and decisive in respect of allegations 3 and 4 and also the nature and extent of the allegations. Ms Adeyemi submitted that another issue that the panel should consider was whether there was a good reason for RM's non-attendance and whether Social Work England had taken reasonable steps to ensure her attendance.

26. Ms Adeyemi reminded the panel that Mr Brown had already made admissions to certain allegations, but not with regard to allegations 3 and 4.
27. Ms Adeyemi invited the panel to look closely at the evidence provided by RM and consider whether there was any reason to fabricate it. Ms Adeyemi submitted that there were no reasons for fabrication.
28. Ms Adeyemi referred the panel to the statement of RM dated 12 July 2022, which had been signed and included a declaration of truth, namely “*this statement is true to the best of my knowledge and belief.*” Ms Adeyemi submitted that, in light of this, due regard should be given to the statement.
29. With regard to the issue of Social Work England being able to provide a good reason for RM’s failure to attend Ms Adeyemi accepted that the regulator could not do so, but could show the steps taken today to ensure attendance, to a degree.
30. Ms Adeyemi submitted that it would be fair to admit the evidence of RM to the hearing.
31. Mr Walker opposed the application. He submitted that when considering the relevant principles set out in *Thorneycroft* when deciding whether hearsay evidence should be admitted, all of them indicated that it should not in the current case.
32. Mr Walker submitted that RM had every reason to fabricate her evidence. This was because the evidence in the hearing bundle demonstrated that Mr Brown had, at one point, been seeing RM and GW at the same time. As such there had been “a cross-over of relationships”.
33. Mr Walker submitted that it would be natural for RM to be upset and angry, giving a clear reason to fabricate her evidence.
34. Mr Walker reminded the panel that allegation 4 was a very serious allegation as it related to alleged abuse by Mr Brown against RM.
35. Mr Walker submitted that Social Work England had failed to show that RM had a good reason for non-attendance. RM had a duty to attend but had failed to do so.
36. Mr Walker reminded the panel that steps had been taken to ensure attendance “to a degree”. He submitted that this was insufficient. In summary he submitted that it would not be fair to admit the hearsay evidence of RM to the proceedings.
37. The legal adviser reminded the panel of the principles surrounding hearsay evidence and the criteria that should be addressed when considering whether to grant such an application.

Panel’s decision

38. The panel considered the submissions and the advice of the legal adviser.
39. The panel decided that it would not grant the application for the hearsay evidence of RM to be admitted to these proceedings.

40. The panel accepted that the evidence of RM was relevant to allegations 3 and 4.
41. However, the panel decided that it would not be fair to admit the hearsay evidence. The evidence of RM was the sole and decisive evidence in respect of her, regarding allegation 3 i.e. that Mr Brown asked RM not to disclose their relationship. It was also the sole and decisive evidence in respect of allegation 4 that he behaved in an abusive way towards her. The panel also took account of the fact that RM's evidence was not accepted or agreed by Mr Brown.
42. The panel observed that if RM's evidence was admitted there would be no opportunity to ask questions of her regarding the allegations, nor for the panel to assess her credibility.
43. The panel accepted that in light of the circumstances of Mr Brown seeing GW and RM at the same time there could be a reason for RM to fabricate her evidence and make a false allegation against Mr Brown. There would be no opportunity to test her evidence if the hearsay evidence was admitted.
44. The panel observed that both allegations were very serious and decided that it would be unfair to admit the hearsay evidence of RM to the proceedings. Her evidence was sole and decisive regarding allegation 4 and also allegation 3 where it related to her. The hearsay evidence would not be admitted.

Social Work England:

45. Ms Higham was called to give evidence. Ms Higham confirmed that she was a Senior Manager employed by the Council and was Mr Brown's line manager from October 2018 until he left his job in January 2021.
46. Ms Higham confirmed that she had provided a statement dated 14 July 2022 for the purpose of these proceedings and she adopted the statement as her evidence.
47. Within that statement Ms Higham confirmed that Mr Brown managed approximately 21 members of staff including social workers RM and GW.
48. It was her evidence that on 17 March 2020, having heard rumours that Mr Brown may have been involved in a relationship with RM, she spoke to him in person to ask him directly if he was in a relationship with RM.
49. In response Mr Brown "*categorically*" denied the relationship and said it was untrue. Ms Highman recalled asking Mr Brown a second time on 19 March 2020, whether he was in a relationship with RM and he again denied the existence of a relationship.
50. It was Ms Higham's evidence that she did not become aware of Mr Brown's relationship with GW until 8 November 2020 when she received a text from Ms Leather, a Practice Manager in his team. She said that RM had reported being with GW over the weekend. They had started talking about relationships and had become aware that both had been

in a relationship with Mr Brown at the same time. One of them had contacted Ms Leather and reported that they had both been in relationships with Mr Brown.

51. Within her statement Ms Higham confirmed that Mr Brown was suspended from work on 9 November 2020. When Mr Brown was suspended he did not deny having a sexual relationship with either GW or RM. He confirmed that he had been a relationship with them both. He denied that there was any crossover time between the two relationships. He said that his relationship with GW ended before his relationship with RM began.
52. The panel asked a number of questions. Ms Higham confirmed that all staff members would have been aware of the Code of Conduct regarding declaring personal relationships and the requirement to inform a line manager of this. Ms Higham stated that the Code of Conduct would have formed part of a staff member's induction.
53. Ms Higham informed the panel that as a line manager Mr Brown would have shared this information with his team members. The requirement to disclose a personal relationship was known, accepted and enforced.
54. Ms Higham shared that it was not unusual for a line manager to be in a relationship with a colleague in the same department. If they were in the same team new line management arrangements would be made as it was not acceptable for partners to have line management responsibility for each other.
55. Ms Higham confirmed that it was commonplace for a team member to be in a relationship with a fellow team member. This needed to be disclosed and if necessary a new line manager would be allocated.
56. If it was the case that a line manager was in a relationship with one of their social worker staff then that would need to be referred up the chain to their line manager or the head of service.
57. Ms Higham confirmed that it would not be a "*big issue*" if one staff member was in a relationship with another staff member. It may be that one of them would have to move roles.
58. If a social worker was in a relationship with their line manager either one of them would have to move. It depended on service need.
59. Ms Higham confirmed that she completed supervision with Mr Brown once a month. When she became aware that Mr Brown may be seeing one of his team she followed this up, but found that the information came from a third party and was hearsay.
60. The panel referred Ms Higham to a conversation with Mr Brown when he had mentioned that someone "*fancied*" him. Ms Higham did not think that this was a serious conversation, but only found out that matters were more serious later.
61. The panel referred Ms Higham to the allegations and asked her what she thought of them. Ms Higham said that she was disappointed that Mr Brown had not been honest with her regarding his relationships with RM and GW. Ms Higham said it was not the

culture of the work place to behave this way and she felt “*blindsided*” when it became clear what had been going on.

62. Ms Higham was asked by the panel if there was a reason why Mr Brown could not tell her about the relationships. Ms Higham replied that there wasn’t. She didn’t understand why he hadn’t told her or been transparent.
63. Ms Adeyemi then asked some questions of Ms Higham. Ms Higham confirmed that it was commonplace to disclose a relationship with a fellow team member. There were no safety issues. It was accepted that staff would have relationships with each other. The service would adapt and a new line manager would be found if need be.
64. Mr Walker asked questions of Ms Higham. He referred her to the Code of Conduct and asked at what point should a staff member disclose a relationship with a colleague. Ms Higham said that disclosure should be made when an intimate relationship was established, when matters had gone beyond friendship. Ms Higham said that this would be if a couple were dating, having sex or were intimate.
65. Mr Walker asked Ms Higham if she would have expected Mr Brown to have disclosed the relationships with RM and GW. Ms Higham replied, “Yes”. She confirmed that she knew of two relationships in the office.
66. GW then gave oral evidence answering questions put by Ms Adeyemi. GW confirmed that she started working for the Council as a social worker in her Assisted Year of Employment (“ASYE”) on 4 December 2017. Her ASYE was completed in 2019. GW informed the panel that she now works for Lancashire South Cumbria Trust (NHS) in child and adolescent mental health.
67. GW confirmed that she had provided a statement for the purpose of these proceedings dated 3 August 2022 and adopted the contents as her evidence.
68. Within the statement GW confirmed that Mr Brown was her Team Manager and in May 2018 the pair started messaging flirtatiously over Skype Messages, which was on the work network. This then progressed to messages being exchanged on GW and Mr Brown’s personal mobile phones and a relationship began. GW stated that the relationship was “*on and off*” and ended in December 2019.
69. GW confirmed that at the beginning of their relationship Mr Brown would tell her regularly not to disclose the relationship. He would say that it was important that the pair did not tell anyone as it was frowned upon.
70. GW recalled that at the same time there were two other social workers at work who were in a relationship. It was her evidence that Mr Brown would say that they were lucky to keep their jobs. GW did not think that keeping their relationship a secret made much sense. However, it was her position that Mr Brown had more power than she did and was in a more senior position at work. GW recalled that Mr Brown would regularly tell her that she would potentially lose her job if she said anything about their relationship.

71. GW confirmed that keeping the relationship a secret made her worry, as she thought that if she was caught or found out she could lose her job. GW stated that on reflection she thought Mr Brown may have been using her vulnerabilities of being recently divorced to make sure she kept the relationship a secret.
72. GW confirmed that she had a good working relationship with Mr Brown. She said that he was a supportive manager.
73. With regard to her personal circumstances at the time GW said that she had recently separated from her husband, had four children and was a single mum.
74. GW confirmed said that Mr Brown had more power as he was senior to her. He encouraged GW to keep the relationship a secret. GW said that the impact on her was that she was worried she would lose her job and therefore did keep the relationship secret. However, GW did tell a few “trusted friends”. GW thought it didn’t make much sense to keep matters secret, but did not check the Council policy on relationships with co-workers.
75. GW told the panel that she was quite vulnerable when she started seeing Mr Brown. She was pleased that someone was interested in her and enjoyed their time together.
76. Ms Adeyemi asked GW about the “overlap” between Mr Brown seeing her and RM. She was asked if she’d embellished her account to get revenge or because she was upset. GW denied this. She said she hadn’t made things up.
77. GW confirmed that after the relationship ended she and Mr Brown continued working together.
78. Mr Walker then asked a number of questions of GW. GW confirmed that she had seen other men and there was a point when she and Mr Brown had got back together. Mr Walker questioned why GW had done this if she was concerned about her job. GW said she enjoyed the attention of Mr Brown and accepted that she could have stayed away.
79. During the relationship GW confirmed that she did disclose the relationship privately to her mother and a trusted colleague. Subsequently, once the relationship had ended she privately told other colleagues who she believed she could trust.
80. GW acknowledged that two couples in the service were in relationships with each other.
81. GW denied the suggestion by Mr Walker that Mr Brown had not told her to keep the relationship secret. GW said that he had told her and also sent texts telling her to do so. GW denied the suggestion that she and Mr Brown didn’t talk about work when they were in a relationship.
82. **[PRIVATE]**
83. GW denied being emotional, hurt or vengeful about what had happened with Mr Brown. She denied airing her own grievances.

84. Mr Walker suggested to GW that she had ample opportunity to leave the relationship with Mr Brown. He reminded GW that she had disclosed the relationship with others. GW was clear that Mr Brown had told her not to disclose the relationship to others.
85. **[PRIVATE]**
86. The panel then asked GW some questions. GW confirmed that others in her team were in relationships with each other, but not with a line manager.
87. GW was asked if during her induction had she been provided with the Code of Conduct relating to conducting a relationship with a co-worker. GW said that she had had “a rocky start” when she joined the Council due to staff shortages and staff turnover. She had had several line managers in short succession.
88. GW described her relationship with Mr Brown as being fun, she enjoyed it and was happy. The panel asked GW that when Mr Brown said don’t tell anyone about the relationship who did he mean? GW responded “anyone”. He did not mention line managers.
89. GW said that personal relationships within the team were considered to be normal and had always been known about. Some relationships were with fellow social workers, some weren’t and some weren’t in the same team.

Submission of no case to answer

90. At the conclusion of Social Work England’s case presented by Ms Adeyemi, Mr Walker made a submission of no case to answer with regard to allegation 3 where it related to RM and to allegation 4.
91. Mr Walker reminded the panel that the burden of proof was on Social Work England to prove the facts. He submitted that there was no purpose in continuing with allegation 3 where it related to RM and allegation 4.
92. Mr Walker submitted that there was no real prospect of Social Work England proving these allegations. He referred the panel to *Tutin v GMC (2009) EWHC 553* where the High Court considered how a fitness to practice panel had exercised its judgment on a half time submission. Mr Walker also referred the panel to the case of *R v Galbraith [1981] 1 WLR 1039*.
93. Mr Walker submitted that the panel should first consider if there was any evidence at all to prove the allegations. He submitted that if there wasn’t then the panel should dismiss the allegations.
94. Mr Walker then suggested that if there was some evidence, but it was tenuous, vague or weak the panel should decide if could properly find the allegation proved. If it couldn’t then the allegation should be dismissed.
95. Mr Walker submitted that without the evidence of RM (which had not been permitted to be adduced as hearsay evidence) the evidence that was left was tenuous at its highest

and the case regarding allegation 3, where it related to RM, and allegation 4 could not be allowed to continue. That tenuous evidence was provided in statements of other witnesses and was itself hearsay evidence.

96. Mr Walker submitted that the only evidence that Social Work England could rely upon was inadmissible hearsay evidence and as such it would not be possible for the panel to find these two allegations proved.
97. Mr Walker submitted that there was no useful purpose in continuing with the two charges and the panel should find that there was no case to answer in respect of allegation 3, where it related to RM and allegation 4.
98. Ms Adeyemi made no submissions in response.
99. The panel heard and accepted advice from the legal adviser. The panel was referred to the test in criminal proceedings set out in *R v Galbraith [1981] 1 WLR 1039* described by Lord Lane CJ:

“If there is no evidence that the crime alleged has been committed by the defendant, there is no difficulty - the judge will stop the case. The difficulty arises where there is some evidence but it is of a tenuous character, for example, because of inherent weakness or vagueness or because it is inconsistent with other evidence.

Where the judge concludes that the prosecution evidence, taken at its highest, is such that a jury properly directed could not properly convict on it, it is his duty, on a submission being made, to stop the case.

Where however the prosecution evidence is such that its strength or weakness depends on the view to be taken of a witnesses reliability, or other matters which are generally speaking within the province of the jury and where on one possible view of the facts there is evidence on which the jury could properly come to the conclusion that the defendant is guilty, then the judge should allow the matter to be tried by the jury.”

100. The legal advisor advised on the application of these principles in a regulatory setting and the current case.

Panel’s decision

101. The panel retired to consider the application. The panel having considered the submissions, the material before it and the legal advice, decided that there was no case to answer and dismissed the case relating to allegation 3 where it related to RM and to allegation 4.
102. The panel decided with regard to both allegations that while there was some evidence in support of the allegations, it was so weak and tenuous that it could not be relied upon and the panel would not be properly able to find these two allegations proved.

The Social Worker:

103. Mr Walker called Ms Martin to give character evidence regarding Mr Brown.
104. Ms Martin confirmed that she had known Mr Brown since 2018 and they had worked together for three years in a professional capacity, having both been employed by the Council. While at the Council Ms Martin was employed as a Social Worker and Mr Brown was her Team Manager. Ms Martin stated that Mr Brown was a very approachable manager who was very supportive of his staff. He provided a high level of support to Ms Martin during their time working together.
105. Ms Martin described Mr Brown as being professional in his work and maintained appropriate boundaries within work. He had an excellent work ethic and has always provided appropriate advice and guidance and has high quality, evidence based and rationalised decision-making skills. Ms Martin described Mr Brown as being a private person who does not share his personal life with others.
106. Ms Martin recalled a telephone conversation with GW when GW told her that she had been seeing Mr Brown. Ms Martin said she was surprised. Ms Martin did not know about the Council Code of Conduct regarding personal relationships at work.
107. **[PRIVATE]**
108. Ms Martin confirmed that she was aware that there were two couples in the office who worked together.
109. Ms Adeyemi then asked some questions. Ms Martin confirmed that she had moved to work on the island of St Helena before Mr Brown moved there for work. GW had spoken to Ms Martin in confidence.
110. **[PRIVATE]** With regard to the relationship between GW and Mr Brown, Ms Martin did not know what conversations the pair had had regarding keeping their relationship private. She recalled that GW had been positive about Mr Brown after the relationship ended. GW had enjoyed it, was not rude about Mr Brown or bitter.
111. The panel then asked some questions of Ms Martin. She said she was surprised about the relationship between Mr Brown and GW and noted a difference in the status in that he was her line manager. She said that people having relationships in the same team had not been an issue in the past. She confirmed that she had remained in touch with Mr. Brown and had contacted him whilst he was on suspension to tell him that she would give him a reference. She felt able to do this because she was no longer working at the council. She said that she had moved to work at St Helena early in 2021 and had contacted Mr Brown when her team manager told her she was leaving, leaving a vacancy which she believed Mr Brown could fill. When asked about her relationship with Mr Brown she said he was very private man, kept himself to himself and she did not see him outside work.

112. Ms Martin was asked if she was surprised when GW told her that she had been in a relationship with Mr Brown. She confirmed that she was. Ms Martin could understand GW not wishing to tell anyone about the relationship with Mr Brown because the culture in the workplace was toxic and there was a lot of gossip.
113. Ms Martin confirmed that she left the Council in December 2020. She had reached out to Mr Brown checking in on him as she was aware of allegations made regarding GW and RM.
114. Ms Martin said that matters did not really sit right. The narrative after a few months was different from what she was aware of in terms of the relationship between GW and Mr Brown. Ms Martin confirmed that she had not kept in touch with GW as the friendship had come to an end.
115. Ms Martin was asked further questions by Ms Adeyemi about the narrative being different to what she thought had happened. Ms Martin said that GW had been positive about her relationship with Mr Brown and then the narrative had changed whereby Mr Brown had been cast in a poor light.
116. Mr Walker then called Mr Brown to give evidence. Mr. Brown confirmed that he had ultimately admitted the relationships with GW and RM and he had breached COVID restrictions. He also accepted that he had denied the relationships to his line-manager and he had been dishonest. These admissions had been formally made at the beginning of the hearing.
117. Mr Brown did not admit to asking GW to keep their relationship secret and that she would lose her job if it was found out. He said this was not true. Mr Brown confirmed again that he had been involved with GW and RM and he accepted he had not disclosed the relationships to management.
118. Mr. Brown denied knowing the contents of the Council's Code of Conduct regarding personal relationships in the workplace.
119. He confirmed that he had provided a reflective statement in an essay and he had taken the allegations very seriously. He had reflected on his conduct.
120. Mr Brown was asked by Mr Walker why he denied the relationships to his line manager. He said that he had panicked and had been embarrassed. He said it was easier to deny the relationships. Mr Brown said he did not know how to describe the relationships as they were casual and not serious. He saw each woman when they were free. They would meet up and have sex.
121. Mr. Brown said it was difficult to say why he had denied the relationships. He said he should have been open about them and he was not proud of his role. Mr Brown told the panel he should have known better. He wanted to run away. Mr Brown said it was a snap decision to deny the relationships to his line manager. He should have admitted them, but he was trying to protect himself. With regard to the Code of Conduct

regarding professional personal relationships at work Mr. Brown said he should have disclosed the relationships. He said he had not read the Code of Conduct.

122. Mr Brown said he should not have got into a relationship with GW and RM. He should have told his line manager. It was the proper thing to do.
123. Mr Brown reflected that his behaviour was in contrast to his professional approach in that he was a strong advocate for being open and transparent at work, but he had not been in his personal life. He told the panel that he had been on a professional boundaries course, but was worried about speaking up and he had been in the wrong.
124. With regard to any training that Mr Brown had undertaken he said that he had done minimal professional training before working at the Council due to being an agency worker. He had not completed professional boundary training before the relationships with GW and RM.
125. Mr Brown was asked about his employment at the Council. He said he had joined the Council in May of 2018 as an agency worker, then became a full-time employee and was given a management role in January 2019. He said he did not have an induction when he joined the Council.
126. Mr. Brown informed the panel that this was in contrast to the office at St Helena where had moved to after the Council where he had a three-week induction. At St Helena he performed the role of team manager of a social work team. He joined in May and after quarantine he started work in June. Mr Brown's contract ended in June 2025, but left in March due to personal circumstances.
127. Mr Brown confirmed that a previous manager, Tracy, had also gone to St Helena. He said that she had contacted him about the position. He reflected that St Helena had a history of recruiting staff from the Council. Mr Brown said that when he was on St Helena he was very professional. He lived his life as a hermit as there were very limited opportunities to socialise in the few bars and restaurants and everyone knew everyone's business.
128. **[PRIVATE]**
129. Mr. Brown told the panel that life at St Helena was like living in a goldfish bowl and he had to be very careful. He said it was easy for someone to have their reputation damaged outside of work in light of the nature of living on the island, which had fewer than 4000 residents.
130. Mr. Walker asked Mr. Brown what he would tell his younger self. Mr Brown responded saying he would tell his younger self not to have relationships with others at work and that it would be foolish. Mr Walker asked Mr Brown about his circumstances of leaving the Council. Mr Brown confirmed that following an internal investigation regarding his relationships with GW and RM he was given a six month first written warning for breach of the codes of practice regarding personal relationships at work.

131. He told the panel that he had already planned to leave the Council and he had not left due to the disciplinary matter.
132. It was Mr Brown's position that he did not put pressure on GW to not disclose their relationship. He said he had never done this. Mr Brown said that neither he or GW wanted to disclose their relationship.
133. He said that it did not make sense to tell GW not to disclose their relationship when others at work were in relationships. Mr Brown told the panel that GW was seeing other men. The language that he had allegedly used had never been said. It was his position that neither he or GW wanted themselves to be the subject of gossip in the office.
134. Mr. Brown told the panel he had not put any pressure on GW with regard to revealing the relationship. Mr Brown described the relationship further and said it may be that he and GW would not see each other for months.
135. Mr. Brown told the panel that he had not told GW there would be repercussions if their relationship was found out about. Mr Brown said GW was a private person and did not want to be gossiped about.
136. Mr Brown was then asked questions by Ms Adeyemi.
137. Mr. Brown confirmed that he had been qualified for 15 years at the time of the allegations and in 2019 Mr Brown had been a team manager. He held a senior role and he had 21 staff working for him. Mr Brown performed a quality assurance role and he made decisions regarding his team. Mr Brown described his role and responsibilities. He said he did not know the contents of codes of conduct generally.
138. Mr. Brown told the panel that as team manager he had not completed inductions with social workers which would have been the role of the practice manager. Mr Brown confirmed that others in the office were in personal relationships and did not lose their jobs because of this. Mr Brown said he had a good professional relationship with his line-manager and he accepted that he was line manager for GW and RM. Mr Brown accepted and agreed that GW and RM were newly qualified and Mr Brown was senior to both women. Mr Brown did not accept that he could influence the careers of GW and RM.
139. Mr Brown accepted that he had lied to his line manager on two occasions. He said that he had lied because he was embarrassed, did not want to be gossiped about and be seen in a negative light.
140. Mr Brown denied that the relationships had overlapped. He had kept quiet because he was embarrassed.
141. Mr Brown denied telling GW not to disclose their relationship. He denied being self-serving. Mr Brown said that the relationship had "fizzled out". It did not end on bad terms. He said that GW had made it up about him saying she would lose her job.
142. The panel then asked questions of Mr Brown.

143. Mr. Brown agreed it was incumbent on him to complete inductions with the staff he line managed. He could not provide a clear answer about ensuring inductions had been completed.
144. The panel asked Mr Brown about supervision. He said it was for others to bring matters to his attention. Mr Brown was asked about his previous relationships and whether he had had one in the workplace. He told the panel that he had met his ex-wife at work and that relationship had not been a secret.
145. Mr. Brown was asked why he had not been open about GW and RM. He said it was due to the nature of the relationships, which were casual and that was why he had not disclosed matters.
146. Mr Brown was asked why he had not told his line manager about the relationships two days later when he was asked about them again. Mr Brown said he knew it was not a good idea to lie. He had reflected and felt bad for lying. Mr Brown said he found himself “in a hole”. He didn’t know what to do. He was embarrassed.
147. Mr Brown said he had let down others, namely GW and RM. He said he could not recall if the relationships had overlapped.
148. **[PRIVATE]**
149. Mr Brown was re-examined by Ms Adeyemi. He said that his relationship with GW had ended after he had been to a function with GW and her family. It was put to him that GW had given evidence that the relationship had continued post the family function which he denied. He recalled that he kept in touch with GW after the function via text and phone. Ms Adeyemi submitted that this meant he was still in a personal relationship with her when he was seeing RM.

Closing submissions by Ms Adeyemi on behalf of Social Work England

150. Ms Adeyemi submitted that the evidence showed it was clear that Mr Brown told GW not to reveal their relationship. GW had been clear and consistent. Mr Brown had conceded that GW showed no malice towards him.
151. Ms Adeyemi submitted that the contrast in evidence between GW and Mr Brown was stark. Mr Brown had several reasons to tell GW not to reveal the relationship. He was embarrassed and concerned about his reputation. The motivation for lying to his line manager was that Mr Brown was seeing GW and RM at the same time.
152. Ms Adeyemi reminded the panel of GW’s evidence when the witness had observed that Mr Brown had “played” her. It was convenient for Mr Brown to scare both women.
153. Ms Adeyemi submitted that the character evidence of Ms Martin did not add much. She was not present when conversations took place between GW and Mr Brown.
154. Ms Adeyemi submitted that the allegations had been proved.

Closing submissions by Mr Walker on behalf of Mr Brown

155. Mr Walker reminded the panel that Mr Brown had made admissions to some of the allegations. He told the panel it was one word against another regarding the remaining allegations.
156. Mr. Walker said that Mr. Brown was a man of good character, who was more likely to tell the truth. He had accepted when he had lied.
157. Mr Walker submitted that Mr Brown's account should be given greater weight. He had been consistent, saying the relationships were "on and off."
158. Mr Walker asked the panel to consider that if Mr Brown had told GW to keep quiet and she would lose her job, why had she returned to the relationship? That would jeopardise her career. Mr Walker submitted that Mr Brown had not said this to GW.
159. Mr Walker submitted that GW had a motive to lie about this matter as she was upset about the suggested cross over in relationships by Mr Brown with GW and RM. GW was vengeful and had a motive not to reveal the relationship herself as she did not want to be the subject of gossip.
160. Mr Walker submitted that neither Mr Brown nor GW wanted to disclose their relationship, and this was by mutual agreement. Mr Walker submitted that the allegations had not been proved.

Legal Advice

161. The panel heard and accepted the advice of the legal adviser who referred them to the Social Work England Fitness to Practise Rules 2019, Rule 32 (c) (i) (a), which requires the panel to determine any disputed facts at the outset of the hearing. The panel heard and accepted detailed advice from the legal adviser in respect of the approach to take in determining findings of facts and the burden and standard of proof. The panel heard advice on the issues of credibility and reliability.
162. The panel heard and accepted advice on the two stage test to be applied when considering an allegation of dishonesty in accordance with *Ivey v Genting Casinos (UK) LTD t/a Crockfords [2017] UKSC 67*, namely "*what was the [defendant's] actual state of knowledge or belief as to the facts; and was his conduct dishonest by the standards of ordinary decent people?*"
163. The panel was advised that it could only consider allegation 6 (relating to allegation 3 and GW) if it found allegation 3 concerning GW proved. If it did not, then it could not consider that dishonesty allegation.
164. The panel retired to reach its decision on facts.

Finding and reasons on facts:

165. In the circumstances, having considered all the written and oral evidence and on the balance of probabilities the panel made the following findings:

3. You asked GW not to disclose the relationship stating they may lose their job if they did.

Proved

166. The panel noted that GW had been consistent in her evidence. They found her to be an honest and credible witness with no reason to lie. They did not believe that she was vengeful. She had been honest with the panel during the hearing when the sensitive matter with another manager had been put to her and which she clearly found to be very embarrassing. The panel decided that GW had no motive to lie and had been truthful with the panel.
167. The panel decided that Mr Brown did have a reason to tell GW not to reveal their relationship. He was embarrassed about it and recognised the power imbalance between him and GW. He had lied on at least two occasions to his line manager and maintained the lie until the relationship was disclosed to Ms Leather despite having considerable time to reflect. He did not want to be seen in a bad light if it was discovered that he had two intimate relationships with junior staff in his team for whom he had line management responsibility.
168. The panel decided that it was more likely than not that Mr Brown told GW not to tell others they were seeing each other and to have said she would lose her job if she did. This was because he was more senior to GW and RM, they were both in the same office and on one assessment of the evidence he was seeing them at the same time. The panel found from the evidence that there was a period when he was in a relationship with RM and GW at the same time giving him reason to tell GW not to reveal the relationship he had with her.
169. Mr Brown knew he should have disclosed the relationships, but he did not. His motivation for telling GW not to disclose the relationship was that he was more concerned about his reputation. The panel decided that if Mr Brown was prepared to lie to his line manager about the relationship, he was certainly able to lie about what he had said to GW.

6. Your conduct as described in allegation 3 was dishonest.

Proved

170. The panel decided that Mr Brown knew that GW would not lose her job if their relationship had been made public and as such he had been dishonest in stating this to her. The panel took account of the two-stage test in *Ivey v Genting* in coming to this conclusion.

171. The panel was of the view that Mr Brown had manipulated GW by telling her to keep the relationship quiet with the threat that she would be dismissed from her job which was particularly concerning because GW was a single parent who relied on stable employment. The panel found that in light of Mr Brown's knowledge that she would not lose her job his conduct was dishonest by the standards of ordinary decent people.

Submissions on grounds – Social Work England:

172. Ms Adeyemi reminded the panel that whether the facts found proved amount to misconduct in this instance was a matter of judgement for the adjudicators, rather than a matter of proof. Misconduct was defined by Lord Clyde in the case of *Roylance v General Medical Council (No 2)* as “a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.” Lord Clyde went on to say that “[t]he standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a [. . .] practitioner in the particular circumstances.” *Lack of competence can be equated with deficient professional performance, which “connotes a standard of professional performance which is unacceptably low and which (save in exceptional circumstances) has been demonstrated by reference to a fair sample of the [social worker’s] work”.*
173. Ms Adeyemi referred the panel to the relevant standards of professional conduct that applied at the time of the concerns, to assist the adjudicators in determining whether Mr Brown's conduct fell short of what was expected.
174. Ms Adeyemi submitted that the conduct found proved put Mr Brown in breach of the following HCPC Standards of Conduct, Performance and Ethics / Proficiency and Social Work England's Professional Standards, in particular:

HCPC Standards of Conduct, Performance and Ethics (2016)

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

9.4 You must declare issues that might create conflicts of interest and make sure that they do not influence your judgement.

Social Work England Standards

As a Social Worker I will:

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

As a Social Worker I will not:

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

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

6.6 Declare to the appropriate authority anything that might affect my ability to do my job competently

- 175. Ms Adeyemi submitted that all aspects of Mr Brown's conduct, which had been proved, represented significant departures from what would have been proper in the circumstances.
- 176. Ms Adeyemi submitted that Mr Brown had fallen far short of the conduct expected of him and these were serious matters.
- 177. Ms Adeyemi reminded the panel that Mr Brown had been dishonest on several occasions and he had potentially compromised his objectivity, decision making and the quality of care delivered to vulnerable children, who were his client base.
- 178. Ms Adeyemi asked the panel to consider the power imbalance between him and GW and RM, the conflict of interest in continuing the relationships, the dishonesty and the abuse of power noting his senior role. Ms Adeyemi submitted that all of these factors meant that misconduct was proved.

Submissions on current impairment – Social Work England:

- 179. Ms Adeyemi then addressed the panel on current impairment.
- 180. She reminded the panel that whether the facts found proved resulted in impaired fitness to practise is ultimately a matter of judgement for the adjudicators.
- 181. Ms Adeyemi referred the panel to the principles described in *Cohen v General Medical Council [2008] EWHC 581 (Admin)* and *Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council, Paula Grant [2011] EWHC 927 (Admin)*.
- 182. Ms Adeyemi submitted that while Mr Brown had accepted some wrongdoing and had expressed remorse, he had not commented on the impact his behaviour may have had on GW and RM.
- 183. Ms Adeyemi suggested to the panel that Mr Brown should be commended for his continued engagement and providing reflection on his behaviour. The panel should also consider the positive character references that had been provided by him.
- 184. With regard to negative aspects Ms Adeyemi submitted that Mr Brown was currently impaired due to demonstrating a lack of insight and not understanding the problems caused by his behaviour. She submitted that the written responses provided by Mr Brown focused on himself and he demonstrated limited empathy.
- 185. Ms Adeyemi submitted that Mr Brown did not appear to fully recognise that as a manager, by conducting personal relationships with junior colleagues which he failed to disclose, and continuing to manage those individuals, he acted in a way that could compromise his objectivity as an effective manager. This in turn could have had an impact on the safety of service users.

186. Ms Adeyemi reminded the panel that Mr Brown initially denied having a relationship with RM and in his responses to Social Work England's Case Examiners he indicated that he felt no regulatory intervention was required. This was because his behaviour involved colleagues rather than service users. Mr Brown had also asserted that his dishonesty was of such a low level that no regulatory action was required. This was captured in his response to the Case Examiners.
187. Ms Adeyemi submitted that Mr Brown's conduct towards GW and RM represented a pattern of behaviour, which may be indicative of a risk of repetition in that Mr Brown breached professional boundaries with two colleagues who were both more junior than him, and for whom he had line management responsibility. There was also evidence that through repeated dishonesty, he sought to prevent GW from revealing the relationship. The allegations of dishonesty found proved, were serious and such behaviour is difficult to remediate.
188. Ms Adeyemi submitted that a finding of impairment was in the public interest. This was because Mr Brown's conduct together with the risk of repetition put service users at risk. His dishonest behaviour could undermine public confidence in the profession. Ms Adeyemi submitted that a finding of impairment was needed to promote and maintain proper professional standards for social workers in England. Ms Adeyemi concluded by submitting that Mr Brown's fitness to practise is currently impaired by reason of misconduct.

Submissions on grounds – Mr Walker on behalf of Mr Brown:

189. Mr Walker reminded the panel that Mr Brown had made admissions to several allegations at the beginning of the hearing.
190. With regard to allegation 1a and 1b, Mr Walker submitted that there was no issue within the organisation if Mr Brown conducted an intimate relationship with a colleague as alleged in allegation 1 and therefore could not amount to misconduct. There were other people in the organisation who were in personal relationships.
191. With regard to allegation 2 Mr Walker reminded the panel that Mr Brown had admitted this allegation. His conduct had fallen below the standards expected of him. Mr Brown regretted his actions and Mr Walker conceded that this would amount to misconduct. As for allegation 3 Mr Walker accepted, based on the panel's finding, that Mr Brown's conduct had fallen below the standards expected of him.
192. Mr Walker then turned to allegation 5, which Mr Brown had admitted. Mr Walker submitted that whilst Mr Brown's actions had been undesirable they did not amount to serious misconduct and were not deplorable.
193. Mr Walker reminded the panel that others in Mr Brown's office had also breached the COVID regulations. He submitted that Mr Brown had clearly demonstrated insight regarding this matter as well as remorse and remediation. Mr Walker submitted that Mr Brown's actions did not amount to misconduct.

Submissions on impairment – Mr Walker on behalf of Mr Brown:

194. Mr Walker addressed the panel regarding Mr Brown's dishonesty, which he submitted was remediable. Mr Walker suggested that the panel should look at Mr Brown's fitness to practise today, as it was several years since the events leading to these proceedings.
195. Mr Walker accepted that dishonesty was difficult to remediate, but said that sufficient time had passed for Mr Brown to demonstrate that he had remedied it. Mr Brown had received positive feedback regarding his work on St Helena and he had "made things right".
196. Mr Walker submitted that Mr Brown was remorseful for his actions. He had taken steps to remediate, he had reflected on his conduct and undertaken training regarding personal boundaries. Mr Walker reminded the panel that Mr Brown had made admissions, which demonstrated an understanding of what he had done.
197. With regard to allegation 3, Mr Walker accepted that there was a power imbalance. He submitted that there was no risk of repetition as Mr Brown understood that what he had done was wrong. Mr Brown had learnt from his mistakes, he had remediated and received positive performance appraisals. Mr Walker submitted that there were no longer any concerns about Mr Brown.
198. Mr Walker submitted that 5 years had passed since Mr Brown had left the Council. There had been no repetition of the conduct reported to Social Work England and as such Mr Brown's practice was not currently impaired.
199. With regard to the public component that the panel was required to consider, Mr Walker submitted that a finding of impairment was not necessary to maintain public confidence or to maintain proper standards. Mr Walker submitted that Mr Brown had shown full remediation over the past 5 years and there was no need to find impairment. The panel would be in a position to issue a warning if a finding of impairment were not made which would satisfy the public interest.
200. Mr Walker referred to the positive character references that had been provided to the panel.

Legal Advice on grounds

201. The panel heard and accepted legal advice from the legal adviser. The panel was reminded of the overriding objective of Social Work England, which includes its duty to protect the public, promote and maintain public confidence in social workers in England and to promote and maintain proper professional standards for social workers in England.
202. The panel was referred to *R(on the application of Remedy UK Limited) v GMC [2010] EWHC 1245 (Admin)* and that misconduct is of two principal kinds. First it may involve sufficiently serious misconduct in the exercise of professional practice such that it can properly be described as misconduct going to fitness to practise. Secondly, it can

involve conduct of a morally culpable or otherwise disgraceful kind, which may, and often will occur, out-with the course of professional practice itself, but which brings disgrace upon the registrant and thereby prejudices the reputation of the profession.

Legal advice on impairment

203. The panel was referred to the personal and public elements of impairment and the cases of *Cohen v GMC [2008] EWHC 581 (Admin)* and *Yeong v GMC [2009] EWHC 1923 (Admin)* and *CHRE v NMC & Grant [2011] EWHC 927 (Admin)*.
204. With regard to the “private element” and the principles referred to in *Cohen v GMC [2008] EWHC 581 (Admin)* the panel should consider if the conduct is remediable, has the conduct been remediated and is there a likelihood of repetition?
205. With regard to the “public interest element” the panel must take into account that even where the misconduct is easily remediable, has been remedied and there is no risk of repetition a registrant’s fitness to practise may still be impaired, *Yeong v GMC [2009] EWHC 1923 (Admin)* & *CHRE v NMC & Grant [2011] EWHC 927 (Admin)*.
206. The panel was reminded that a social worker’s fitness to practise is impaired if they pose a risk to public safety, or if their conduct or performance undermines the confidence the public is entitled to place in all social workers in England. A social worker’s fitness to practise may also be impaired if their actions make it necessary to send a public message about the standards expected of social workers.
207. The panel should consider the limbs of public interest, which includes the protection of patients, colleagues and the wider public from the risk of harm, maintaining public confidence in the social work profession, protecting the reputation of the social work profession and declaring and upholding appropriate standards of conduct and competence among social workers.
208. The panel was referred to the four tests identified by Dame Janet Smith in her 5th Shipman Report and cited in *CHRE v (1) NMC and (2) Grant*. The panel was advised to consider whether:
 - a) The social worker has in the past and/or is liable in the future to place service users at unwarranted risk of harm.
 - b) The social worker has in the past brought and/or is liable in the future to bring the profession into disrepute.
 - c) The social worker has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession.
 - d) Has the social worker in the past acted dishonestly and/or is liable to act dishonestly in the future.
209. The panel was also advised that when considering the question of impairment, it should take account of Social Work England’s ‘Impairment and sanctions guidance’.

Findings and reasons on grounds

210. The panel considered each allegation in turn.
211. The panel carefully considered Mr Walkers submission that as charged allegations 1a and 1b could not amount to misconduct because being intimately involved with colleagues even with managerial responsibility was accepted in the organisation. Ms Higham had said to Mr Brown that it would be no issue. However the panel finds that acceptance of such relationships was predicated on disclosure as set out explicitly in the Code of Conduct so that different managerial arrangements could be made to avoid the real potential for either preferential treatment or disadvantage if the relationship broke down.
212. It was clear from the evidence that Mr Brown had no intention of disclosing the relationships. He lied to his manager when challenged and pressured GW into keeping the relationship secret. The panel finds that he only admitted his relationships when he had no other option. He exploited the fact that he had managerial responsibility for RM and GW. They were junior staff at the beginning of their careers, and he used the power imbalance between them to secretly continue the illicit relationships for up to eighteen months. Under all the circumstances the panel finds that allegations 1a and 1b amount to misconduct.
213. The panel then considered allegation 2, which Mr Brown had admitted. The panel decided that denying having an intimate relationship with RM when directly challenged by his line manager was a serious matter and was again in breach of the Council's Code of Conduct.
214. The panel considered allegation 3 concerning GW, which had been denied but found proved. The panel found that Mr Brown had knowingly given false information to GW to protect himself.
215. Mr Brown was a senior and experienced manager and when he told GW she would lose her job if she disclosed their relationship, she believed him. Mr Brown abused his position, and the panel had no doubt that this amounts to misconduct.
216. With regard to allegation 5, which Mr Brown admitted, the panel had been provided with no evidence of what COVID restrictions were in place at the time and what the exact breaches had been. The panel noted that 3 other members of staff in Mr Brown's office had breached COVID regulations. Whilst undesirable, the panel did not think that that Mr Brown's conduct was reprehensible. The panel concluded that his actions did not amount to misconduct.
217. With regard to allegation 6 the panel noted Mr Walker conceded that dishonesty amounted to misconduct.
218. The panel decided that Mr Brown's actions were in breach of the following HCPC Standards of Conduct, Performance and Ethics / Proficiency and Social Work England's Professional Standards.

HCPC Standards of Conduct, Performance and Ethics (2016)

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

9.4 You must declare issues that might create conflicts of interest and make sure that they do not influence your judgement.

Social Work England Standards

As a Social Worker I will:

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

As a Social Worker I will not:

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

6.6 Declare to the appropriate authority anything that might affect my ability to do my job competently

Findings and reasons on impairment

219. Having found misconduct proved with regard to all, but one allegation, the panel then went on to consider the issue of whether Mr Brown's practice is currently impaired.
220. The panel took account of Mr Brown's references and steps taken to demonstrate remediation. Mr Brown has produced a considerable number of character references dating from 2021 to 2023 relating to his work at St Helena. A significant number of the authors make no reference to being aware of the regulatory proceedings which had already started. Four exit interviews which were completed by Mr Brown were produced. There is no evidence in them to show that the individuals involved were aware of the regulatory proceedings or that they had given permission for them to be used for the hearing.
221. The panel took particular note of the reference from Rosalie Hall Brown dated 30 June 2023 who was Mr Brown's line manager from November 2022 until at least June 2023 when it was written. She was aware of the regulatory proceedings, and her reference is very positive. However, since July 2023, there has been no up to date reference from anyone line managing Mr Brown despite his having continued to work in St Helena until March this year. He has produced three references dated 2025 but they contain no evidence to show that the authors were aware of the regulatory proceedings and although positive in respect of his social work practice, there is no reference to his integrity. They seem more designed as references for future employment rather than for regulatory proceedings. Social Work England guidance is clear that testimonials should be up to date and little weight can be given to testimonials from persons not aware of the fitness to practise proceedings or the actions behind them. None of the referees

appear to have had any direct management of Mr Brown. In deciding whether Mr Brown's fitness to practise is currently impaired the panel is disadvantaged by not having any reference from a line manager for the almost two years from July 2023 to March 2025.

222. The panel noted that Mr Brown had undertaken courses in respect of professional boundaries and considered his reflective statement, best practice essay, and his oral evidence. His reflective statement largely refers to his own feelings and the effect the investigation has had on him. However, it makes very little reference to the effect the relationships had on RM and GW, his wider colleagues, and his potential judgement and objectivity. There is little reference to the effect his dishonesty would have on public confidence in the social work profession.
223. Mr Brown's best practice essay showed more understanding and insight into the effects of his behaviour. However, Mr Brown had also failed to demonstrate sufficient insight as demonstrated by his contention, during the early stages of these proceedings, that no disciplinary action was required. Taken together with his oral evidence in which the panel believes he sought to minimise the relationships and deflect responsibility for them, the panel finds that Mr Brown has not shown sufficient insight to provide assurance that his fitness to practise is not currently impaired.
224. The panel referred to the four tests identified by Dame Janet Smith in her 5th Shipman Report and cited in *CHRE v (1) NMC and (2) Grant*.
- a. *has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
 - b. *has in the past brought and/or is liable in the future to bring the social work profession into disrepute; and/or*
 - c. *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession; and/or*
 - d. *has in the past acted dishonestly and/or is liable to act dishonestly in the future.*
225. The panel decided that although Mr Brown had not directly put Service Users at risk of harm, he had placed others in his team in a compromising position which could in turn have damaged the functionality of his team. His professionalism was clearly compromised.
226. With regard to the allegations found proved the panel found that Mr Brown's actions breached fundamental tenets of the Social Work Profession.
227. The panel found that Mr Brown has in the past and/or may be liable in the future to bring the social work profession into disrepute. It also found that Mr Brown has in the past acted dishonestly and/or is liable to act dishonestly in the future.

228. The panel finds that that Mr Brown's practice is currently impaired on both private and public grounds.

Decision and reasons on sanction:

229. The panel heard submissions from Ms Adeyemi.

230. Ms Adeyemi reminded the panel of the purpose a sanction, which was not to punish Mr Brown, but to protect public safety, ensure public confidence and maintain standards. She submitted that a proportionate sanction was required.

231. Ms Adeyemi asked the panel to consider mitigating and aggravating factors when deciding upon any sanction.

232. Ms Adeyemi suggested that mitigating factors included Mr Brown engaging throughout, showing some remorse and making some admissions. There was no evidence of repetition of the conduct that had been found proved.

233. Ms Adeyemi submitted that aggravating factors included the emotional upset caused to GW by Mr Brown, putting the public at risk by putting himself and two staff members in a compromising position, lacking sufficient insight, causing reputational damage to the social work profession and being dishonest on more than one occasion.

234. Ms Adeyemi submitted that the most appropriate sanction in this case was a suspension order of six months. She submitted that any lesser sanction would not address the seriousness of Mr Brown's behaviour and no further action, advice or warning, or a warning order would be inadequate.

235. Ms Adeyemi also submitted that there were no workable conditions of practice noting that findings of dishonesty had been made, which were attitudinal in nature.

236. Ms Adeyemi submitted that a suspension order for a minimum of 6 months was proportionate and would meet the overriding objective of protecting the public.

237. In response Mr Walker submitted that there was a public interest in retaining a good and competent social worker. Mr Walker reminded the panel that there was no evidence of misconduct by Mr Brown since his employment with the Council terminated.

238. Mr Walker asked the panel to consider the positive references provided to the panel, which he submitted showed Mr Brown to be a good and competent social worker.

239. Mr Walker submitted that a short suspension order was appropriate in this case.

240. Mr Walker reminded the panel of mitigating factors including that Mr Brown had made early admissions to several allegations and he had fully engaged with the investigations over five years.

241. Mr Walker submitted that Mr Brown had apologised to GW and RM and had made efforts not to repeat his behaviour. He further submitted that although Mr Brown was an

experienced social worker at the time, he had only been in a managerial position for 12 months which was in his view a mitigating factor.

242. The panel heard and accepted the advice of the legal adviser with regard to sanction. The panel should consider that the imposition of a sanction is primarily to protect the public, not to punish Mr Brown, although a sanction may have a punitive effect.
243. The panel should consider what sanctions are available and refer to Social Work England's "Sanctions Guidance". The panel must start from the least restrictive sanction. Insight and remediation are important factors. The panel should also identify any aggravating and mitigating factors in the case when deliberating on sanction.
244. When considering the question of sanction, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
245. The panel applied the principle of proportionality by weighing Mr Brown's interests with the public interest and by considering each available sanction in ascending order of severity. The panel considered the mitigating and aggravating factors in determining what sanction, if any, to impose.
246. The panel identified the following mitigating factors.
 - Mr Brown had consistently engaged with the investigations of the Council and Social Work England.
 - Mr Brown had shown some remorse.
 - Mr Brown made early admissions to some of the allegations.
 - There was no evidence of repetition.
 - There were no previous adverse regulatory findings.
247. The panel identified several aggravating factors.
 - Mr Brown had caused GW considerable emotional distress.
 - Mr Brown not demonstrated full insight into his behaviour.
 - Mr Brown's conduct had caused reputational damage to the social work profession.
 - Mr Brown had been dishonest on more than one occasion.
 - Mr Brown had been involved in relationships causing conflict of interests.
 - His behaviour had been sustained over a prolonged period of time.

No action, warning or advice

248. The panel decided that none of these options were appropriate noting the seriousness of Mr Brown's misconduct and the requirement to protect the public, which would not be achieved by taking no action or giving Mr Brown a warning or advice.

Conditions of practice

249. The panel decided that in light of Mr Brown's demonstrated dishonesty it could not identify any workable conditions, which would be able to address the risk that Mr Brown posed to service users given his behaviour and attitude as demonstrated by his misconduct.

Suspension order

250. The panel then considered whether or not a suspension order would be appropriate. The panel was mindful of the objectives of Social Work England and the three elements of public protection, namely protecting the public from harm, maintaining public confidence, and declaring and upholding professional standards. The panel also considered the continuing risk posed by Mr Brown to service users.
251. The panel noted that Mr Brown had shown some insight, but there had been a serious breach of professional standards. The panel considered that Mr Brown would be able to further reflect and remedy his behaviour despite dishonesty being attitudinal.
252. The panel decided that a suspension order was appropriate in this case and that it should be for a period of 6 months to allow Mr Brown to reflect on his behaviour and demonstrate to any future panel that he had remedied his conduct.
253. The panel decided that any future panel, when this order is reviewed, would be assisted by Mr Brown:
- Providing a written reflective piece addressing his behaviour and the impact on others.
 - Undertaking training on the responsibilities of leadership and the values and standards required of management.
 - It would also assist if Mr Brown undertook training in respect of ethical behaviour in the workplace.
 - Provision of up to date character testimonials and employment references whether from paid or unpaid work.
 - Continued engagement with the regulatory process and attendance at any future hearings.

Interim order:

254. In light of its findings on sanction, the panel next considered an application by Ms Adeyemi for an interim suspension order to cover the appeal period before the final order becomes effective.
255. An interim order would be necessary in accordance with Schedule 2, paragraph 11 (b) of the Social Workers Regulations 2018 to cover the appeal period. Ms Adeyemi submitted that an interim order was necessary to protect the public in light of the findings made by the panel.
256. Mr Walker made no submissions in response.
257. The panel accepted the advice of the legal adviser with regard to the imposition of an interim order. The test is that it is necessary for the protection of the public and/or in the best interests of the social worker.
258. The panel considered whether to impose an interim order. It was mindful of its earlier findings and the risk of repetition and decided that it would be wholly incompatible with those earlier findings to permit Mr Brown to practise during the appeal period.
259. Accordingly, the panel concluded that an interim suspension order of 18 months is necessary for the protection of the public. When the appeal period expires this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order of suspension shall take effect when the appeal period expires.

Right of appeal:

260. 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.
261. 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.
262. 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.

263. 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:

264. 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

265. 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:

266. 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>.