

# Social worker: John McGroarty

## Registration number: SW124631

### Fitness to Practise

### Final Hearing

Dates of hearing: 20 October 2025 to 22 October 2025

Hearing venue: Remote hearing

Hearing outcome:  
Fitness to practise impaired, removal order

Interim order:  
Interim suspension order (18 months)

## Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Mr McGroarty did not attend and was not represented.
3. Social Work England was represented by Mr Carey of counsel instructed by Capsticks LLP.

Adjudicators	Role
Frank Appleyard	Chair
Julie Brown	Social worker adjudicator
Baljeet Basra	Lay adjudicator

Hearings team/Legal adviser	Role
Poppy Muffett	Hearings officer
Molly-Rose Brown	Hearings support officer
Scott McDonnell	Legal adviser

## Service of notice:

4. The panel of adjudicators (hereafter “the panel”) was informed by Mr Carey that notice of this hearing was sent to Mr McGroarty by email and next day delivery service to an email address and postal address provided by the social worker (namely their registered address as it appears on the Social Work England register).
5. Mr Carey also referred the panel to an email from Mr McGroarty dated 16 October 2025 that he had sent to Social Work England stating, *“I won’t be attending the Hearing and do not object to it continuing in my absence.”*
6. Mr Carey submitted that the notice of this hearing had been duly served.
7. The panel of adjudicators had careful regard to the documents contained in the final hearing service bundle as follows:
  - A copy of the notice of the final hearing dated 19 September and addressed to Mr McGroarty at his email and postal address, which he provided to Social Work England;
  - An extract from the Social Work England Register as of 14 October 2025 detailing Mr McGroarty’s registered email and postal address;
  - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 19 September 2025 the writer sent by email and next day delivery service to Mr McGroarty at the addresses referred to above: notice of hearing and related documents.
8. The panel accepted the advice of the legal adviser in relation to service of notice.

9. Having had regard to the Social Work England Fitness to Practise Rules 2019 (as amended) (the Rules) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Mr McGroarty in accordance with Rules 14, 15, 44 and 45.

### Proceeding in the absence of the social worker:

10. The panel heard submissions from Mr Carey on behalf of Social Work England. He submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Mr McGroarty and as such there was no guarantee that adjourning today's proceedings would secure his attendance. Mr Carey reminded the panel that Mr McGroarty had sent an email saying that he would not be attending the hearing
11. Mr Carey therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
12. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England's guidance 'Service of notices and proceeding in the absence of the social worker'.
13. The panel considered all of the information before it, together with the submissions made by Mr Carey on behalf of Social Work England. The panel noted that Mr McGroarty had been sent notice of today's hearing, and the panel was satisfied that he was aware of it taking account of his email of 16 October 2025.
14. The panel therefore concluded that Mr McGroarty had chosen voluntarily to absent himself. The panel had no reason to believe that an adjournment would result in his attendance. Having weighed the interests of Mr McGroarty in regard to his attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Mr McGroarty's absence.

### Preliminary matters:

15. 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 ( 3 pages), a statement of case (17 pages), witness statements (20 pages), exhibits (162 pages), a response from Mr McGroarty (4 pages) and a service and supplementary bundle (65 pages).
16. Mr Carey made an application for hearsay evidence to be admitted to the proceedings, namely the evidence of Jonathan Topham, solicitor at Capsticks.
17. The basis of the application was that Mr Topham was not to be called to give evidence and that, in any event, his evidence was relevant to the allegations before the panel. Mr

Carey submitted that it was fair and in the public interest to admit the evidence of Mr Topham to the proceedings.

18. Mr Carey submitted that the evidence of Mr Topham was production evidence in that he provided copies of emails held by Social Work England.
19. Mr Carey referred the panel to the principles described in *Thorneycroft v NMC* [2014] EWHC 1565 (Admin).
20. Mr Carey submitted that when deciding on the application the panel should consider various matters including whether the evidence of Mr Topham was sole and decisive in respect of the allegations and also the nature and extent of the allegations.
21. Mr Carey invited the panel to look closely at the evidence provided by Mr Topham and consider whether there was any reason to fabricate it. Mr Carey submitted that there were no reasons for fabrication.
22. With regard to the issue of Social Work England being able to provide a good reason for Mr Topham's failure to attend Mr Carey accepted that the regulator could not do so, but had chosen not to call the witness as he only produced documents and was not the author of them.
23. Mr Carey submitted that it would be fair to admit the evidence of Mr Topham to the hearing
24. 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.
25. The panel considered the submissions and the advice of the legal adviser.
26. The panel decided that it would grant the application for the hearsay evidence of Mr Topham to be admitted to these proceedings. The evidence was relevant and Mr Topham merely exhibited evidence. There would be no benefit in him being cross-examined. The panel decided that it would be fair to admit the evidence, which was not sole and decisive.

### Allegations:

*Whilst registered as a social worker;*

*(1) Between 30 November 2021 and 14 February 2022, and whilst subject to an Interim Suspension Order imposed on your registration on 30 November 2021, you:*

*(a) failed to notify the professional organisations as set out in Schedule A of your Interim Suspension Order in a timely manner and/or at all:*

*Schedule A*

*i. Advanced Child Care Assessments Limited; and/or*

*ii. Southampton and Fareham Legal Services Partnership.*

*(b) Continued to work as an Independent Social Worker, in respect of one or more of the Service Users at Schedule B, by:*

*accepting instructions to produce an Independent Comprehensive Risk and Parenting Assessment; and/or*

*carrying out one or more visits for an Independent Comprehensive Risk and Parenting Assessment; and/or*

*submitting an Independent Comprehensive Risk and Parenting Assessment Report.*

*Schedule B*

*Person A; and/or*

*Person B; and/or*

*Person C*

*(2) Your actions outlined in paragraph 1 were dishonest.*

*The matters at paragraphs 1 and 2 above amount to the statutory ground of misconduct.*

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

### Background and summary of evidence:

27. No witnesses were called by Social Work England.
28. Mr Carey provided the background to the case and directed the panel to the statements and evidence that Social Work England relied upon, which were contained in the bundles provided to the panel.

### Background:

29. Mr Carey informed the panel that Mr McGroarty joined Social Work England's register in December 2018. He has since practised social work in England and Scotland (regulated under the Scottish Social Services Council ("SSSC")).
30. On 15 February 2022, Social Work England received a referral from Advanced Child Care Assessment Limited ("The Agency") regarding John P McGroarty.
31. In July-August 2021, while substantively employed by Angus Council (Scotland) as a social worker, Mr McGroarty successfully applied to the Agency to be on their panel of Independent Social Workers ("ISW") with a view to working on a self-employed basis in England.
32. On 8 October 2021, Mr McGroarty self-referred to Social Work England. In his self-referral, he stated that he gave an undertaking to SSSC that he would not have

unsupervised contact with children under the age of 16. Mr McGroarty ceased to work for Angus Council in October 2021.

33. On 30 November 2021, a panel of Social Work England Adjudicators imposed an interim suspension order (“ISO”) of 18 months duration on Mr McGroarty. An electronic copy of the order was sent to the Social Worker’s email address the same day. The decision included the sentence “this interim order will prevent Mr McGroarty from working as a social worker”. This was followed by a letter from a Social Work England case officer to the social worker, dated 6 December 2021, commenting on the effect of the ISO.
34. On or around 20-21 December 2021, Mr McGroarty accepted instructions from the Agency to complete three separate parenting assessment reports for Southampton and Fareham Legal Services Partnership. He went on to carry out numerous visits pursuant to those instructions before submitting three parenting assessment reports on 18-20 January 2022.
35. On 14 February 2022, Charlene Brennan, Advanced Social Work Practitioner at Wirral Council contacted Mr McGroarty to request he attend a court hearing in relation to one of his other reports. Mr McGroarty emailed to say, “I’m not sure how this will play out, but I am no longer a practicing [sic] social worker”. This prompted the Agency to check Social Work England’s register and discover the existence of the ISO. The Agency’s Debbie Pedder informed Social Work England of the situation on 15 February 2022.

### Summary of evidence:

36. Mr Carey informed the panel that Social Work England relied on a number of witnesses in support of its case.
37. These are:
  - Hannah Appleyard (Case Review Manager, Social Work England), who will exhibit evidence of the communication to and from the Social Worker both before and after the ISO was imposed on 30 November 2021; and
  - Debbie Pedder (Independent Social Worker, the Agency), who will give evidence on how and when the Social Worker became associated with the Agency, the circumstances of him carrying out work in December 2021 and January 2022, and the circumstances in which she became aware of the ISO; and
  - Jonathan Topham (Senior Solicitor, Capsticks LLP), who produces documents obtained from Social Work England’s registrations team.
38. Mr Carey referred the panel to evidence in the bundles, which showed that Mr McGroarty made a self-referral to Social Work England on 8 October 2021, in which he gave his email address as [PRIVATE].
39. In response to the self-referral, Social Work England corresponded with Mr McGroarty using the email address [PRIVATE] about the prospect of an interim order application

being made. Mr McGroarty responded to Social Work England using the same email address.

40. On 24 October 2021, Mr McGroarty emailed the investigator using email address [PRIVATE], requesting, if an interim order were to be imposed, that he be advised of the correct process so that he could seek legal advice.
41. Mr Carey directed the panel to further evidence showing that on 16 November 2021, Social Work England emailed Mr McGroarty using email address [PRIVATE] with a notice of hearing for the interim order application hearing listed for 30 November 2021. On the same day, Mr McGroarty responded to say he had been unable to access the encrypted email. He also stated that he wished for his name to be removed from the register, adding that he would not be paying his renewal fee. Mr McGroarty reiterated this position in a further email later the same day, after receiving the hearing papers in an unencrypted form.
42. Mr Carey informed the panel that Social Work England imposed an interim suspension order (ISO) on 30 November 2021, with Mr McGroarty neither present nor represented as shown in the bundle.
43. Mr McGroarty used the email address [PRIVATE] to correspond with Social Work England in October–November 2021 and May 2022 as shown in exhibits provided to the panel.
44. Thereafter Social Work England sent Mr McGroarty a copy of the decision (and an accompanying letter) by email on 30 November 2021. This communication stated that the ISO was effective from 30 November 2021 and that this meant he was “unable to practice as a social worker until the order ends”. Mr McGroarty was also informed of the right to appeal, as well as who an appeal should be addressed to and when by.
45. On 6 December 2021, Louise Mumba (of Social Work England) emailed Mr McGroarty using email address [PRIVATE], attached to which was a letter introducing herself as the social worker’s case officer. This letter contained the following statement:

*“As of 30 November 2021 you are not able to call yourself a social worker whilst the interim suspension order is in place. This means you are not able to practise or refer to yourself, whether directly or by implication, as practising or as being able to practise social work whilst you are suspended. Under the Social Workers Regulations 2018, it is an offence to call yourself a social worker or practise as a social worker whilst suspended. A person found guilty of an offence under these regulations is liable on summary conviction to a fine. If Social Work England receive any evidence that you have breached the above requirements, we will conduct a further investigation. This may lead to further concerns being alleged.”*
46. Mr Carey submitted that all reasonable steps had been taken to advise Mr McGroarty of the imposition of the ISO on 30 November 2021. As such Mr McGroarty knew, or ought reasonably to have known, that he was subject to an ISO on or shortly after 30 November 2021.

47. Mr Carey informed the panel that Mr McGroarty submits that he sent a letter to Social Work England on an unknown date, requesting that he be allowed to continue to practice under conditions (placed on an interim conditions of practice order). Upon receipt of an email from Social Work England asking him to renew his registration, he took this to mean that his request had been agreed.
48. Mr Carey referred the panel to an email, dated 9 October 2025, in which Social Work England's registrations team confirmed that emails relating to registration renewal are sent through a mixture of automated and semi-manual emails or messages on a social worker's online account. This was produced by Mr Topham in the bundle of evidence.
49. It was confirmed that the emails/messages are generated based on what actions have, or have not, been taken by a social worker as part of their registration renewal process. Further, the registration team have confirmed that all social workers, irrespective of whether they are subject to fitness to practise proceedings, will receive the same renewal emails/messages. The only exception is that if a social worker is subject to fitness to practise proceedings, and they do not renew their registration, they will be advised that they will be removed from the register at the end of the fitness to practise case (demonstrated in the message dated 6 December 2022, again produced by Mr Topham).
50. The registration team have also provided copies of the messages sent to Mr McGroarty in 2022, regarding his registration renewal, none of which make reference to fitness to practise proceedings, or interim orders, despite both being ongoing at that time. Mr McGroarty did not renew his registration in 2022.
51. Based on this information, Mr Carey submitted that the automated registration renewal email received by Mr McGroarty would not be reasonable grounds to consider that his alleged request to be placed on an interim conditions of practice order had been agreed.
52. Mr Carey informed the panel that the registration team have also been asked to provide any correspondence they received from Mr McGroarty between July 2021 and December 2021. The registration team have confirmed they only received one email from the Social Worker during this period, on 14 November 2021, in which he states, *"I no longer wish to renew my SWE membership, would you be so kind as to confirm and also refund me the fees I paid earlier."*
53. Mr Carey pointed out to the panel that there is no reference in this email to a request being made by Mr McGroarty to be placed on an interim conditions of practice, nor is there reference to any letter he had sent making such a request. Instead, Mr McGroarty confirmed he no longer wished to renew his registration, which is consistent with the Social Worker's email to the hearings team on 16 November 2021, in which he stated that he would not be renewing his registration and wished to be removed from the Register.



54. Mr Carey submitted that, even if Mr McGroarty was not, in fact, aware of the ISO, it is submitted that, as he was aware there was an application to impose an interim order, he had a duty to inform himself of the outcome of that application. In essence, if Mr McGroarty did not know, then he had a duty to find out and inform those with/for whom he worked.
55. Mr Carey referred the panel to a letter from Ms Mumba to Mr McGroarty telling him that he was under a duty not to practise as a social worker whilst subject to the ISO. The letter further states that Mr McGroarty must not even imply that he is a practising social worker, and he must also not practise as one.
56. Mr Carey reminded the panel that Mr McGroarty's duty to inform the Agency arises from Social Work England Professional Standards (2019) 2.1: "Be open, honest, reliable and fair".
57. Mr McGroarty was registered as a self-employed ISW with the Agency. The Agency sent regular email correspondence to its ISWs (July 2021, December 2021 and January 2021) that included the following statement:

*"If a concern has been raised about your social work practice please discuss it with us in the first instance...If you do have any work related changes please can you ensure that we know about them as soon as possible? We would like to be made aware of any difficulties that may have an impact on your work at the earliest stage so that we can avoid any reputational damage to you."*

58. Mr Carey directed the panel to evidence in the bundle showing that the Agency and Southampton and Fareham Legal Services Partnership were permitting Mr McGroarty to visit children. Both organisations have a duty of care for those children and would expect to be made aware that a public regulator had made a risk assessment that required it to totally restrict Mr McGroarty from practising child social work.
59. Mr Carey submitted that the duty to inform the Agency can be inferred from the ISW job description, which states that its ISWs must be both qualified social workers and registered with Social Work England, which the panel had a copy of. Mr Carey submitted that by Mr McGroarty either not terminating this arrangement or informing the Agency of the existence of the ISO amounts to implicitly holding oneself out to be a practising social worker and/or a failure to be open and honest with the Agency.
60. Mr Carey submitted that, as well as owing a duty to any agency providing ISW work, for the same reasons as above, Mr McGroarty owed a duty to any client / end user that was providing him with paid ISW work. In this case, that client was Southampton and Fareham Legal Services Partnership (who operate as Southampton City Council's internal legal department).
61. Mr Carey submitted that the evidence showed that Mr McGroarty did not directly inform the Agency or Southampton and Fareham Legal Services Partnership of the ISO. Ms Pedder from the Agency first became aware that the social worker was not a practising

social worker after reading his email of 14 February 2022 to Ms Brennan. Even within this email, Mr McGroarty did not disclose that this was by virtue of an ISO, instead stating “I’m not sure how this will play out, but I am no longer a practicing social worker”.

62. Mr Carey submitted that even if the email of 14 February 2022 was considered adequate language to constitute being open and honest (which Social Work England considers it not to be), this came 11 weeks after the ISO was imposed, with Mr McGroarty having carried out work with the Agency, and Southampton and Fareham Legal Services Partnership in the intervening period.
63. Mr Carey submitted that Mr McGroarty had ample opportunity to disclose that he was subject to an ISO, given that he was in regular dialogue with colleagues at the Agency during that 11-week period as shown in the evidence before the panel.
64. Mr Carey informed the panel that Mr McGroarty had confirmed that he carried out work up to 14 February 2022 saying he had been unaware he had been suspended on an interim basis.
65. The position of Mr McGroarty was that he took from the (automated) invitation to renew his registration that he was not so restricted. Mr Carey informed the panel that Mr McGroarty did not expressly state whether he received the email on 30 November 2021 from Ms Mumba or the decision letter that was attached to it.
66. Mr Carey submitted that the decision, and a further email dated 6 December 2021, were both sent to the same email address that Mr McGroarty had used before and after this 7-day period. Therefore, on the balance of probabilities – absent any explanation for not receiving the emails – Mr McGroarty could be found to have been duly informed of his interim suspension. Mr Carey suggested that it is seemingly uncontroversial to submit that Mr McGroarty did not inform the Agency of the interim suspension in or around this 7-day period.
67. With regard to the second part of the first allegation Mr Carey directed the panel to evidence in the bundle showing that on or before 20 December 2021, Mr McGroarty agreed to be instructed by Southampton and Fareham Legal Services Partnership to produce parenting reports in respect of Person B.
68. In addition, on or before 21 December 2021, he agreed materially similar instructions in respect of Person A. Evidence that these instructions were accepted is contained within the first line of each instruction letter “I am grateful to you for agreeing to prepare a report”. Further, instead of rejecting these instructions upon receipt of these letters, Mr McGroarty went on to make visits and produce reports.
69. Mr Carey directed the panel to material provided by Ms Pedder who exhibited evidence of the completed reports for Person B and Person C, while, in respect of Person A, she confirmed a report was also submitted.

70. Mr Carey informed the panel that the report concerning Person A had not been sought from the Family Court, as it is deemed disproportionate to do so, given the disclosure of the other two reports and the wider documentary evidence that Mr McGroarty submitted three such reports.
71. Mr Carey confirmed that the assessments for Person B and Person C, are not signed. However, on page 1 of each assessment, it states that the assessment was undertaken by Mr McGroarty. He is then named on page 2 of the assessment including a list of his qualifications, and his professional experience. Mr Carey informed the panel that Mr McGroarty's name was at the end of each report.
72. Mr Carey directed the panel to invoices sent by Mr McGroarty to the Agency, namely an invoice sent to Ms Pedder on 20 January 2022, attached to which were two invoices. Mr Carey asked the panel to note that the names in the title of the invoices are Person B and Person C. Within an email Mr McGroarty confirmed that he assessed the two fathers. Of note Person B and Person C were both father to the children to which the assessments related.
73. Mr Carey submitted that the evidence provided by Ms Pedder showed the dates in which visits to Person A, Person B and Person C began and that the visits would have been in person. Further in respect of Person B and Person C Mr McGroarty listed the dates of his visits in his assessment reports.
74. Mr Carey informed the panel that the completion of these assessments required Mr McGroarty to be a registered social worker with Social Work England, and he carried out this work in the capacity of an ISW.
75. The evidence from Ms Pedder stated that an ISW role involves preparing social work assessments, and that being a qualified and registered social worker is "absolutely necessary".
76. Ms Pedder confirmed that she was involved in the recruitment of Mr McGroarty, which included a check on the Social Work England register in July 2021 to ensure he was registered and fit to practise. Ms Pedder exhibited a copy of the ISW Job Description, in which it stated that it is a requirement to be a Qualified Social Worker.
77. Mr Carey submitted that Mr McGroarty would have known from the job description that he was required to be a qualified social worker and registered with Social Work England in order to practise in this role.
78. Further, the evidence from Ms Pedder showed that the way in which ISWs were allocated work was by the Agency sending potential clients the CVs of several of their ISWs. Mr McGroarty's CV, provided to the panel, stated "Presently, I am a registered social worker in England". Mr Carey submitted that this meant that the clients selecting Mr McGroarty were doing so on the understanding that he was a practising social worker. The evidence of Ms Pedder was that the Agency effectively operates as a guarantor to other professionals, families and the Courts by assuring them that their

ISWs have the necessary qualifications, skills and experience to conduct the assessments being asked for and are capable of safe and effective practice.

79. Ms Pedder's evidence was that parenting reports are submitted to the Agency first (for quality checks), then on to the client. Accompanying each parenting report, Mr McGroarty submitted his CV, confirming, in January 2022, that he was a practising social worker.
80. Mr Carey directed the panel to the assessment report template, which requires the report's author to make a Statement of Truth, which affirms that the contents of the report (including the CV) are true. Although there is no signature on either of the reports the reports have been dated and Mr McGroarty's name added. In doing this, Mr McGroarty confirmed to both the Agency and Southampton and Fareham Legal Services Partnership that he was a practising social worker at the time the reports were submitted.
81. Mr Carey informed the panel that Mr McGroarty accepted that he carried out multiple pieces of work after the date the interim suspension order was made (30 November 2021). He did not explicitly acknowledge that this work was regarding the service users in Schedule B, though neither does he dispute it.
82. Mr Carey then addressed the panel regarding the second allegation and the test for dishonesty referring to *Ivey v Genting casinos (UK) LTD [2017] UKSC 67*.
83. Mr Carey submitted that the evidence showed that Mr McGroarty knew that he was subject to an ISO and concealed it. Mr McGroarty knew he had professional and contractual duties to inform professionals and deliberately chose not to do so.
84. The panel then read the submissions of Mr McGroarty in which he stated that he thought he was able to practice under conditions of practice. He said he had proposed conditions of practice and sent them to Social Work England. When he received a registration renewal reminder he took this to mean that he was no longer subject to an ISO, but conditions of practice. Mr McGroarty said that Social Work England were responsible for the confusion, and it was their responsibility for the circumstances he found himself in.

### Legal Advice

85. 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.
86. 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?”

87. The panel retired to reach its decision on facts.

### Finding and reasons on facts:

88. In the circumstances, having considered all the evidence and on the balance of probabilities the panel found all the allegations proved.
89. The evidence had shown that Mr McGroarty had practised as a social worker when he was subject to an interim suspension order.
90. The panel did not consider it was credible for Mr McGroarty to believe that he remained on the register and was able to practise due to being asked to pay a fee.
91. Mr McGroarty had been a practising social worker since 2018, and he would have seen the request for payment each year. That was an administrative process, which did not demonstrate that he was no longer under an ISO.
92. Mr McGroarty had self-referred in October 2021 and he knew that he was subject to proceedings.
93. The evidence showed that he had been informed of the ISO and he knew it. Mr McGroarty chose to practise and deceive others despite the ISO. There was no evidence of conditions of practice being in place.
94. Mr McGroarty held himself out as a registered social worker when he knew full well that he was not. The panel found the allegations found proved were for financial gain as demonstrated by the submission of the invoices for payment.
95. The evidence in the case showed a pattern of behaviour conducted to deceive others. Mr McGroarty had been in regular contact with the Agency and had several opportunities to declare his true status. The onus to declare his status was on him, and he failed to discharge it.
96. Mr McGroarty was dishonest by continuing to practise and in the context of the contract that he agreed to.
97. Mr McGroarty had deceived Social Work England, his employers, service users and the Agency.
98. There was no evidence of Mr McGroarty suggesting that conditions of practice could replace the ISO. He had failed to provide this. The panel did not accept Mr McGroarty's suggestion that Social Work England had been incompetent.
99. The panel decided that Mr McGroarty had undertaken a concerted process in order to achieve financial gain. He misrepresented his status to others, tried to manipulate information and deliberately attempted to deceive. The panel did not accept that Social Work England put Mr McGroarty in the position of practising as a social worker when he

should not have been. He deliberately held himself out to be both qualified and registered when he knew that this was not the case.

### Submissions on grounds

100. Mr Carey 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”.
101. Mr Carey submitted that this was plainly such a case of misconduct.
102. Mr Carey referred the panel to its own findings regarding facts and that in particular the finding of dishonest behaviour by Mr McGroarty and that he had pursued a pattern of behaviour to deceive others.
103. Mr Carey submitted that Mr McGroarty’s motivation was financial gain, and that he had intentionally misrepresented his own circumstances to benefit himself.
104. Mr Carey 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 McGroarty’s conduct fell short of what was expected.
105. Mr Carey submitted that Mr McGroarty was in breach of the following professional standards of Social Work England:

*As a Social Worker I will:*

*1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people’s best interests.*

*2.1 Be open, honest, reliable and fair.*

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

*As a Social Worker, I will not:*

*5.3 Falsify records or condone this by others.*

*As a Social Worker I will:*

*6.6 Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.*

106. Mr Carey submitted that it was clear that Mr McGroarty had falsified records in the statement of truth within the reports that he provided to the Family Court and in his CV. This was because he held himself out as a qualified and registered social worker.
107. Mr Carey also submitted that Mr McGroarty was a risk to the public as he had been subject to an interim suspension order, but he had continued to practise as a social worker when he was not. Mr McGroarty had deliberately tried to avoid the effect of that order.
108. Mr Carey submitted that the panel could comfortably make a finding of misconduct in this case.

### Submissions on impairment

109. Mr Carey referred the panel 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)*.
110. Mr Carey submitted that Mr McGroarty's fitness to practise was impaired on the grounds of public protection and the public interest.
111. Mr Carey submitted that Mr McGroarty had been dishonest and shown a pattern of behaviour, which was difficult to remediate.
112. Mr Carey referred the panel to Mr McGroarty's engagement with the proceedings and suggested that he had provided a scant response to the allegations, now found proved.
113. Mr McGroarty had blamed Social Work England for the circumstances he found himself in and had demonstrated no responsibility for his own actions.
114. Mr Carey submitted that Mr McGroarty had shown no remorse or remediation and suggested that the panel would be unable to identify any mitigating factors in this case.
115. Mr Carey submitted that there were several aggravating factors in this case.
116. Mr McGroarty had fulfilled the role of a social worker for 11 weeks, whilst subject to an interim suspension order, and had only revealed his true circumstances when he had been asked to attend court. Even then Mr McGroarty had only made partial disclosure of his true standing.
117. Mr McGroarty had been conducting sensitive work relating to children, attending meetings and preparing court reports. The work that he had completed had to be re-done at expense to others and this had also caused damage to others including service users, the Agency and local authority.



118. Mr Carey submitted that all of Mr McGroarty's actions were for personal financial gain. Further, Mr McGroarty had shown a lack of insight and no remediation, which were also aggravating factors.
119. Mr Carey submitted that it was in the public interest for the panel to make a finding of impairment due to Mr McGroarty's dishonesty, which was serious misconduct and required a finding of impairment.
120. Mr Carey submitted that members of the public would be extremely concerned if a finding of impairment was not made, particularly when Mr McGroarty's misconduct related to family court proceedings involving the welfare of children.
121. Mr Carey reminded the panel that Mr McGroarty had said he had invited Social Work England to place conditions of practice on him so that he did not work with children, but had then accepted work that did relate to them.
122. Mr McGroarty had deliberately chosen to breach the interim suspension order, which amounted to serious misconduct.
123. Mr Carey concluded by submitting that Mr McGroarty's fitness to practise is currently impaired by reason of misconduct.

#### Legal Advice on grounds:

124. 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.
125. 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:

126. 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)*.
127. With regard to the "personal 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?



128. 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)*.
129. 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.
130. The panel should consider the limbs of public interest, which includes the protection of service users, 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.
131. 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.
132. 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’.

### Finding and reasons on grounds:

133. The panel considered each allegation in turn as well as the test described in *CHRE v (1) NMC and (2) Grant* and took account of Social Work England’s Professional Standards.
134. The panel determined that the allegations found proved did amount to misconduct.
135. Mr McGroarty had breached all the professional standards that had been identified by Mr Carey.
136. Mr McGroarty had committed acts of gross deceit. His behaviour was wholly unacceptable. Mr McGroarty had failed to accept that he had done anything wrong and had shown no efforts to remediate or rectify his behaviour.

137. The panel had seen no evidence to demonstrate that Mr McGroarty would not repeat his behaviour and breach the interim suspension order again.
138. The panel considered that Mr McGroarty's actions were of the worst kind and could be described as gross misconduct. His dishonesty was at the higher end of the scale as he had deliberately set out to deceive. Mr McGroarty had shown no insight into his behaviour or understanding of how serious it was. His behaviour had impacted adversely on service users, and he had failed to accept responsibility for his actions.
139. Whilst Mr McGroarty had not had direct access to children when working in breach of the interim suspension order he had undertaken work that would impact directly on children's welfare. This was due to him interviewing two fathers and engaging with one family.
140. The panel noted that Mr McGroarty had said he had asked for conditions of practice whereby he would not have contact with children, but his work, in breach of the interim suspension order, did have an impact on children as service users.
141. Mr McGroarty had misled the Agency. He had recognised his own limitations, but had then worked in an environment where they would be exposed.
142. Mr McGroarty had actively applied for work, which required him to be a qualified and registered social worker, when he was subject to an interim suspension order.
143. Mr McGroarty had actively misled others, caused a delay in cases due to his work having to be repeated and caused additional public expense. All of this related to vulnerable service users whose needs were immediate and paramount.
144. The panel observed that Mr McGroarty continued to ask for more work in January 2022. He sought to continue to breach the interim suspension order.
145. The panel noted Mr McGroarty's legal experience, which he had provided in his CV, namely he "had a previous career as a law lecturer at the University of the West of Scotland, director of a legal charity (SCOLAG) and co-author of a book on human rights (DUP)."
146. It was clear to the panel that Mr McGroarty knew what he was doing was dishonest.

### Finding and reasons on current impairment:

147. Having found misconduct proved, the panel then went on to consider the issue of whether Mr McGroarty's practice is currently impaired.
148. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
149. The panel determined that Mr McGroarty's practice is currently impaired in accordance with the personal and public elements of impairment.

150. Mr McGroarty had been dishonest, and he knew his actions were dishonest, not least due to him having been a law lecturer.
151. Mr McGroarty had sought to blame others and took no responsibility for his actions. His misconduct had been repeated and prolonged. Mr McGroarty only stopped working when he was found out.
152. The panel was left in little doubt that Mr McGroarty would seek to breach the interim suspension order again. He posed a high risk to others and had failed to demonstrate any remediation.
153. Mr McGroarty had put the safety of others at risk. He had conducted three assessments, which had the potential to impact on young service users, namely children.
154. Mr McGroarty had breached the basic tenets of the social work profession. The panel decided that members of the public would be extremely concerned if a finding of impairment was not made.
155. Mr McGroarty had breached the interim suspension order, and he clearly knew he had.
156. The panel finds that that Mr McGroarty's practice is currently impaired on both personal and public grounds.

### Decision and reasons on sanction:

157. The panel heard submissions from Mr Carey.
158. Mr Carey submitted that a removal order was the most appropriate order in this case.
159. He referred the panel to Social Work England's 'Impairment and sanctions guidance' which described when a removal order may be appropriate and referred the panel to the following paragraphs:

*148. A removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):*

*protect the public*

*maintain confidence in the profession*

*maintain proper professional standards for social workers in England*

*149. A removal order may be appropriate in cases involving (any of the following):*

*abuses of position or trust (see section 'abuse of trust')*

*sexual misconduct (see section 'sexual misconduct')*

*sexual abuse of children or offences involving child sexual exploitation material (see section 'convictions for sexual offences')*

*dishonesty, especially where persistent and/or concealed (see section 'dishonesty')*

*criminal convictions for serious offences (see section 'criminal convictions and cautions')*

*violence*

*persistent lack of insight into the seriousness of their actions or consequences*

*social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)*

*174. Concerns that raise questions of character (such as dishonesty) may be harder to remediate. This is because it is more difficult to produce objective evidence of reformed character. Evidence of professional competence cannot mitigate serious or persistent dishonesty. Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal.*

*175. The most serious instances of dishonesty in professional practice are those which (do either of the following):*

*directly harm service users*

*have the potential to put service users at risk*

*178. Dishonesty through misrepresenting qualifications, skills and experience (for example on a CV) is also particularly serious. This is because it may lead to the social worker being appointed to roles and responsibilities that they cannot safely carry out. The public and employers must be able to trust the accuracy of such information provided by social workers.*

160. Mr Carey reminded the panel of its own findings that Mr McGroarty had put others at the risk of harm, he had been dishonest for financial gain and had provided inaccurate information on his CV.
161. The panel had found that Mr McGroarty had committed gross misconduct and his behaviour was the worst kind.
162. Mr Carey submitted that Mr McGroarty had only stopped working in breach of the interim suspension order when he had been caught. He sought to blame others and took no responsibility for his actions.

163. Mr Carey reminded the panel that it had determined that Mr McGroarty would work in breach of the interim suspension order again.
164. Mr Carey submitted that a removal order was the most appropriate sanction for the panel to determine and it was necessary to make that order.
165. Mr Carey then referred the panel to the sanctions available to the panel. He submitted that anything less than a removal order would not suffice.
166. No action, warning or advice would not address Mr McGroarty's misconduct and impairment.
167. Mr Carey submitted that conditions of practice would also not be appropriate. Mr Carey referred the panel to Social Work England's 'Impairment and sanctions guidance' and the following paragraphs:

*118. Conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings. They may also not be appropriate in cases raising wider public interest issues.*

*119. For example, conditions are unlikely to be appropriate in cases of (any of the following):*

*sexual misconduct*

*violence*

*dishonesty*

*abuses of trust*

*discrimination involving a protected characteristic*

168. Mr Carey submitted that it would be rare to impose conditions of practice in cases of dishonesty, which had been found proved in the current case.
169. Mr Carey then addressed the panel on suspension. He submitted that Mr McGroarty's misconduct was so serious that suspension would not be appropriate and he required to be removed from the register. Mr Carey submitted that as Mr McGroarty had already breached an interim suspension order it would be impossible for the panel to be sure that he would not do so again.
170. Mr McGroarty had shown no evidence of remediation. The risk of repetition was plain. Mr Carey submitted that public confidence would be adversely affected if a removal order was not made. Mr McGroarty's dishonesty was so serious that it required him to be removed from the register.

171. 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 McGroarty, although a sanction may have a punitive effect.
172. 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.
173. When considering the question of sanction, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
174. The panel applied the principle of proportionality by weighing Mr McGroarty'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.
175. The panel identified no mitigating factors.
176. There were multiple aggravating factors including an abuse of trust, dishonesty, public funds being wasted due to Mr McGroarty's dishonesty and the adverse effect on vulnerable service users. He had demonstrated no insight or remediation and had sought to blame others.

### No action, warning or advice

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

### Conditions of practice

178. The panel decided that in light of Mr McGroarty's demonstrated dishonesty it could not identify any workable conditions, which would be able to address the risk that Mr McGroarty posed to service users given his behaviour and attitude as demonstrated by his misconduct.
179. Mr McGroarty had misrepresented his professional standing to others and continued to deceive, even until this hearing. He had demonstrated no insight and limited engagement with these proceedings.
180. The panel could not formulate any conditions of practice in light of Mr McGroarty's dishonesty, which was attitudinal in nature.

## Suspension order

181. 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 McGroarty to service users.
182. The panel determined that a suspension order could not be made. Mr McGroarty had already been subject to an interim suspension order, and he deliberately breached that order for his own financial gain. The panel had no confidence that Mr McGroarty would not do the same again. He had blatantly disregarded an earlier interim suspension order. The panel decided that the public would lose confidence in the profession if a suspension order was made.

## Removal order

183. The panel, having concluded that a suspension order would not protect the public nor meet the wider public interest, decided that the proportionate order was a removal order.
184. The panel took into account the Impairment and Sanctions Guidance which states that “a removal order must be made where the adjudicators conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England.”
185. The panel also noted that a removal order may be appropriate in cases involving dishonesty, a persistent lack of insight into the seriousness of a social worker’s actions or consequences and “social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)”
186. The panel considered that a removal order is a sanction of last resort and should be reserved for those categories of cases where there is no other means of protecting the public and the wider public interest. The panel decided that Mr McGroarty’s case falls into this category because of the nature and gravity of his misconduct and the ongoing risk of repetition.
187. The panel concluded that Mr McGroarty’s current impairment and continuing risk to service users required that he should be removed from the register to protect the public from harm. The panel was satisfied that any lesser sanction would also undermine public trust and confidence in the profession and would be wholly insufficient to maintain professional standards.

188. In reaching this conclusion the panel balanced the public interest against Mr McGroarty's interests. The panel took into account the consequential personal and professional impact a removal order may have upon Mr McGroarty, but concluded that these considerations were significantly outweighed by the panel's duty to give priority to public protection and the wider public interest.

### Interim order:

189. In light of its findings on sanction, the panel next considered an application by Mr Carey for an interim suspension order to cover the appeal period before the final order becomes effective.
190. 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.
191. Mr Carey submitted that an interim order was necessary to protect the public in light of the findings made by the panel and the removal order imposed, which is the most severe sanction available.
192. 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 McGroarty to practise during the appeal period.
193. 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 removal shall take effect when the appeal period expires.

### Right of appeal:

194. 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.
195. 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.



196. 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.
197. 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:

198. 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
199. 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:

200. 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>.