

Social worker: Bebe O'Neal

Registration number: SW107030

Fitness to Practise

Final Hearing

Dates of hearing: 26 January 2026 to 28 January 2026

Hearing venue: Remote hearing

Hearing outcome:

Fitness to practise impaired, suspension order (3 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 O’Neal attended and was not represented.
3. Social Work England was represented by Mr Edwards case presenter instructed by Capsticks LLP.
4. The panel of adjudicators conducting this hearing (hereafter “the panel”) and the other people involved in it were as follows:

Adjudicators	Role
Timothy Skelton	Chair
Jasmine Nembhard-Francis	Social worker adjudicator
Moriam Bartlett	Lay adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
Emma Walker	Hearings support officer
Paul Moulder	Legal adviser

Service of notice:

5. The panel noted from the service bundle that a notice of this hearing was sent to Mr O’Neal by email and special delivery post to email and postal addresses provided by the social worker (namely their registered address as it appears on the Social Work England register).
6. The panel 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 16 December 2025 and addressed to Mr O’Neal at their email address which they provided to Social Work England;
 - An extract from the Social Work England Register as of 16 December 2025 detailing Mr O’Neal’s registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 16 December 2025 the writer sent by special delivery and email service to Mr O’Neal at the postal and email addresses referred to above the notice of hearing and related documents;
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Mr O’Neal’s registered postal address at 10.12 am on 17 December 2025.
7. Having had regard to Rule 15 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 O’Neal in accordance with Rules 14, 15, 44 and 45.

Allegations:

Whilst registered as a social worker:

1. *[PRIVATE]*
2. *You did not declare [PRIVATE] to the regulator in a timely manner.*
3. *On or around 16 December 2018, you gave a false and misleading account to the police when interviewed about [PRIVATE].*
4. *Your actions at paragraphs 2 and/or 3 were dishonest [PRIVATE].*

Your conduct at paragraphs 2-4 above amount to the statutory ground of misconduct.

By reason of [PRIVATE] and/or your misconduct, your fitness to practise as a social worker is impaired.

Admissions:

8. 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.
9. The hearing bundle contained a signed Agreed Statement of Facts from Mr O'Neal in response to the Allegations.
10. Following the reading of the allegations the panel Chair asked Mr O'Neal whether he admitted any of the allegations and whether he admitted that his fitness to practise is currently impaired.
11. Mr O'Neal informed the panel that he admitted allegations 1, 2 and 3 of the Allegations. He further admitted that paragraph 4 of the Allegations, as it applied to paragraph 3.
12. The panel therefore announced that paragraphs 1,2 and 3 of the Allegations were proved by way of Mr O'Neal's admissions. The panel also found the facts proved in relation to paragraph 4 as it applied to paragraph 3.
13. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Summary of evidence:

14. Mr O'Neal is a social worker registered with Social Work England. At the time of his referral to Social Work England, Mr O'Neal had been employed by Essex County Council as a social worker within the Learning Disability Team West.
15. On 20 November 2020, Mr O'Neal submitted an application to renew his registration with Social Work England. In the relevant section, in response to the application form

asking whether he had “*ever been convicted or cautioned for any criminal offences as above?*” Mr O’Neal answered “*23 months suspension for drink driving in 2018*”.

16. Mr O’Neal provided a signed Agreed Statement of Facts, dated 01 September 2023. This set out the following:

Paragraph 1

- [PRIVATE]
- [PRIVATE]
- [PRIVATE]
- [PRIVATE]

Paragraph 2

- a. The social worker reported [PRIVATE] to Social Work England on 4 December 2020, [following his declaration of [PRIVATE] in his registration renewal form dated 20 November 2020] 23 months after [PRIVATE].
- b. This declaration was not made to Social Work England in a timely manner.

Paragraph 3

- a. [PRIVATE]
- b. [PRIVATE]
- c. The account that the social worker gave to the police, particularly in the ways outlined above, was misleading.

Paragraph 4

- a. His actions in relation to regulatory concern 3 were dishonest in that he provided a misleading account to police during a police interview on 16 December 2018 by [PRIVATE].

Evidence

17. Social Work England relied on the witness statements of the following:
- a. Ms Charlotte Holt – Associate Solicitor of Capsticks LLP
 - b. Mr Joseph Stockwell – Head of Registration and Advice at Social Work England from 22 October 2022 to 07 February 2025
 - c. Ms Holly Davies – Paralegal at Capsticks LLP
18. In addition, Social Work England relied on a number of exhibits, including:
- a. [PRIVATE]
 - b. Mr O’Neal’s Renewal Application, dated 20 November 2020
 - c. Mr O’Neal’s self-referral dated 04 December 2020

- d. Additional information provided by Mr O’Neal, dated 23 November 2020
- e. [PRIVATE]

- 19. Further, Social Work England produced previous correspondence between Mr O’Neal and Social Work England on the matter of the social worker’s responses to the allegations.
- 20. Mr O’Neal gave oral evidence on his own behalf to the panel in the hearing.

Social Work England’s evidence

- 21. The evidence of the witnesses for Social Work England went to the paragraphs of the Allegations now admitted. As such, apart from these being formally relied on by Social Work England, these witnesses were not required by either party to attend to give oral evidence and be cross-examined.
- 22. The remaining disputed allegation concerned the allegation of dishonesty as it related to the admitted failure by Mr O’Neal to declare his conviction to his regulator in a timely fashion. As such, Social Work England relied on the chronology of events which emerged from the evidence in the witness statements concerning a delay of around 22 months in Mr O’Neal having declared [PRIVATE].

Social worker’s evidence

- 23. Mr O’Neal gave evidence to the panel, was cross-examined and was asked questions by the panel. He told the panel that he had been early into practice when the events had occurred. He had qualified in 2015 and then completed an Assessed Supervised Year in Employment (“ASYE”). Mr O’Neal told the panel that he was not dishonest concerning the failure to declare [PRIVATE]. He had declared [PRIVATE] at the “first opportunity”, which he suggested had been at the 2020 renewal declaration.
- 24. Mr O’Neal said that he had been ignorant of the need to declare [PRIVATE]. If he had had the opportunity to declare it sooner, he would have done so. Mr O’Neal said that if he was dishonest, then he would not have declared [PRIVATE] in 2020.
- 25. [PRIVATE].
- 26. Mr O’Neal was shown the responses to the allegations which he had submitted to Social Work England, dated 24 February 2022. In response to a ‘regulatory concern’ which matched paragraph 4 of the Allegations, it was put to Mr Neal that he had indicated that dishonesty was admitted in respect of both paragraphs 2 and 3. He replied that this had been an error in his completion of the form.
- 27. Mr O’Neal was asked why he had replied in the form that he “*did not remember*” to make the necessary declaration and it was suggested that, if he had been unaware of the obligation to declare, then he could have expressed it in these terms. Mr O’Neal denied that he had intended to not declare [PRIVATE] to the regulator.

28. Mr O’Neal told the panel that he next obtained employment in approximately late 2019/early 2020. [PRIVATE].
29. Mr O’Neal accepted that, whilst at university, he had been informed of his professional obligation to disclose any [PRIVATE], or similar matters. Mr O’Neal denied that being ashamed of [PRIVATE] had played a part in him not disclosing [PRIVATE] to his employer.

Submissions and legal advice

30. Mr Edwards adopted his Statement of Case, in particular paragraph 38, which stated:
“Social Work England alleges that the social worker’s actions in relation to Paragraph 2 were dishonest, in that he continued to practise as a social worker for a period of 22 months without notifying either the HCPC or Social Work England of [PRIVATE]. He recognised the seriousness of his conduct and potential impact upon his practice, because he has asserted in his responses that he reflected upon the consequences that may follow for his job, leading to his resignation from his position.”
31. It was submitted that the fact that Mr O’Neal referred to not having ‘remembered’ to declare [PRIVATE] suggested that he had known about his obligation to declare. In addition, it was submitted, Mr O’Neal now accepted that he had been informed of his obligations to make a declaration, during his time at university.
32. Mr O’Neal submitted that he did not consider himself to have been dishonest. When he had the opportunity to make a declaration, he had done so.
33. The legal adviser advised the panel that the burden lay on Social Work England to prove the disputed allegation, ‘on the balance of probabilities’. He reminded the panel of the guidance from the courts concerning the assessment of witness evidence, as in *R(Dutta) v GMC* [2020] EWHC 1974 (Admin) and *Byrne v GMC* [2021] EWHC 2237 (Admin).
34. The legal adviser also advised the panel of the ‘test’ for dishonesty, from the Supreme Court case of *Ivey v Genting Casinos* [2017] UKSC 62. He advised that panel that it would have to make findings about Mr O’Neal’s state of knowledge or belief as to the facts. It must then decide whether that state of knowledge or belief would be regarded as honest or dishonest by the (objective) standards of ordinary decent people. Deciding Mr O’Neal’s state of mind involved the panel making inferences from its findings on the surrounding evidence.

Findings of fact

35. The panel accepted the Agreed Statement of Facts date 01 September 2023 prepared by Social Work England and signed by Mr O’Neal. The panel accepted the admissions by Mr O’Neal and found paragraphs 1, 2 and 3 proved by admission. It found paragraph 4, as it related to paragraph 3, proved by admission also.

36. The panel went on to consider the evidence in relation to paragraph 4 as it relates to paragraph 2 of the Allegations. The panel therefore considered making findings about Mr O'Neal's state of mind at the time of his alleged dishonesty. It noted that Mr O'Neal denied having any intention to not declare [PRIVATE].
37. The panel took into account that it was not in dispute that Mr O'Neal had qualified in 2015 and had then gone on to undertake a 1-year ASYE. He told the panel that he would have been informed of his professional obligation to declare [PRIVATE] during his university training. The panel considered that this was likely to be correct. Therefore, on his own account, Mr O'Neal accepted that he would have been aware of the need for a declaration in around 2015, at least.
38. Mr O'Neal told the panel that being arrested and questioned at the police station had been a very traumatic event. He said to the panel that being at the station had affected him. He had admitted as part of the Allegations having misled the police for a short period, during his interview. It appeared to the panel that he was seeking to avoid responsibility.
39. [PRIVATE]. The panel considered that this was a very serious event in Mr O'Neal's life. It seemed likely that he would have been very aware of his responsibility to inform his regulator about [PRIVATE]. Faced with the need to inform his employer, Mr O'Neal had chosen to leave the role [PRIVATE]. He said that he did tell his next employer, but also that he had been aware of their request for a DBS check.
40. The panel considered Mr O'Neal's recorded responses to the regulatory concerns. In his response dated 27 September 2021, Mr O'Neal stated, in relation to the failure to declare to the regulator: "*I was very ashamed of my actions [PRIVATE]*". The panel noted Mr O'Neal's answer to panel questions, to the effect that shame did not play a part in his non-declaration. The panel was of the view that the responses in the form and Mr O'Neal's oral evidence were at odds and indicated a change in position.
41. The panel noted that, in the response document dated 24 February 2022, Mr O'Neal did answer 'Yes' to accepting having been dishonest (regulatory concern 4) in relation to both regulatory concerns 2 and 3. However, the panel noted that this document was dated some weeks after the earlier response form. The panel noted that the admission of dishonesty in relation to regulatory concern 2 was said by Mr O'Neal to have been made in error, but it was on its face at least an admission.
42. The panel took into account that the 'Agreed Statement of Facts' did not include an admission to dishonesty in relation to paragraph 2 of the Allegations, and the
43. The panel considered Mr O'Neal's point that, if he had been dishonest, he would not have made the declaration in 2020. However, it balanced this with the fact that, at the end of 2019/early 2020, Mr O'Neal had said he had started work with a new employer and [PRIVATE]. Therefore, the declaration [PRIVATE] on the 2020 renewal application form was a necessity due to a DBS check [PRIVATE], and did not assist the panel.
44. Taking into account that:

- Mr O’Neal admittedly did have information about the need to make a declaration [PRIVATE], at least from his university course
- He had resigned from his employment [PRIVATE]
- The ‘shame’ Mr O’Neal expressed in his response document, in relation to [PRIVATE]
- [PRIVATE]
- [PRIVATE]

The panel considered that it was more likely than not that Mr O’Neal had in mind that he was required to declare [PRIVATE] to his regulator at the time. He had not made a declaration until the next ‘renewal’ form was required, in 2020.

45. The panel rejected Mr O’Neal’s submission that he had not had an earlier opportunity to declare [PRIVATE] to the regulator. It considered that Mr O’Neal could have contacted the regulator at any point [PRIVATE]. [PRIVATE].
46. The panel considered that ordinary decent people would regard Mr O’Neal’s state of mind [PRIVATE] to be dishonest, according to their objective standards.
47. The panel therefore found paragraph 4 proved, in respect of paragraph 2 of the Allegations.

Finding and reasons on grounds:

48. Having found all the facts in the Allegations proved, by virtue of Mr O’Neal’s admissions and its own findings, the panel went on to consider whether the statutory grounds of misconduct and/or conviction were made out.
49. Mr O’Neal gave further evidence to the panel at this stage. He told the panel that he has brought up his children to be honest and do what is right. He told the panel about an instance where he had discovered money at the property of an elderly service user and dealt with it appropriately.
50. Mr O’Neal submitted that he had reflected on his actions. [PRIVATE].
51. Mr O’Neal told the panel that he has continued to work as a social worker and has had a number of locum roles within adult care. He had recently completed a contract with Haringey Council and had previously worked with Lambeth Council and Wandsworth Council.
52. Mr O’Neal [PRIVATE]. He had found the fitness to practise process a strain and reminded the panel that it was five years since the date of the events.
53. Mr O’Neal said he is a good social worker. [PRIVATE], but he had not shared that he was undergoing fitness to practise proceedings. He did not want to disclose what he regarded as private information to others.

54. Asked about what effect the conduct highlighted in the panel's findings might have on public confidence in the profession, Mr O'Neal stated that his service users would understand that he had a good relationship with them. Nevertheless, he accepted that he should not have acted as he had and he had not intentionally failed to disclose [PRIVATE].

Submissions and legal advice

55. [PRIVATE]. With regard to the misconduct allegations, he asked the panel to bear in mind the objectives of the regulator.
56. Mr Edwards submitted that the dishonest misconduct is a serious matter. He drew the panel's attention to what he submitted were the relevant professional standards. [PRIVATE].
57. Mr Edwards submitted that it aggravated the misconduct that Mr O'Neal had been uncooperative with the police. The papers had however indicated a likely guilty plea. He submitted that the guidance makes clear that conduct outside direct professional performance may be considered.
58. [PRIVATE], while there was some evidence of remediation it was limited. He acknowledged that Mr O'Neal had made appropriate admissions at an early stage.
59. Mr Edwards submitted that the misconduct undermined public confidence and failed to maintain professional standards. As a result, it was also in the public interest that there be a finding of impairment.
60. In summary, Mr Edwards submitted that Mr O'Neal's fitness to practise is impaired by reason of his misconduct and [PRIVATE].
61. Mr O'Neal submitted that, if Social Work England was of the view that his fitness to practise is impaired, it should not have allowed him to practice for 5 years. If he was impaired, he submitted, he would have been at liberty to cause damage over this period. He submitted that his case would have been prioritised if he was impaired.
62. The legal adviser advised the panel that it had to decide whether the facts amounted to serious professional misconduct. That was a decision for the judgement of the panel, not involving a burden of proof. He advised that serious professional misconduct may involve misconduct in the course of professional practice, but it can also involve conduct of a morally culpable kind which brings disgrace on the profession.
63. He advised that, to satisfy the statutory ground of conviction, the panel had to be satisfied that there was a conviction [PRIVATE].
64. The legal adviser advised the panel that, if it found misconduct the panel must go on to take this into account with [PRIVATE] in determining whether Mr O'Neal's fitness to practise is currently impaired. The panel should decide whether there was a risk of repetition of the misconduct [PRIVATE], or whether the conduct being remediable, it had been remediated and was highly unlikely to be repeated. The panel had also to

consider the wider public interest and whether the misconduct [PRIVATE] was such a serious breach of standards that a finding of impairment had to be made in order to maintain public confidence in the profession.

65. The legal adviser reminded the panel of Dame Janet Smith's formulation, taken from her 5th Shipman report, as referred to in *CHRE v NMC & Grant* [2011] EWHC 927 (Admin).

Panel's decision

66. [PRIVATE].
67. The panel also considered that misleading the police in interview, which Mr O'Neal admitted had been dishonest, was a serious matter. It risked interference with the investigation of a crime, prejudicing the interests of justice. [PRIVATE].
68. Further, Mr O'Neal had also failed to disclose [PRIVATE] to the regulator over a significant period of about 22 months. This had the potential to interfere with the regulator's ability to regulate its professionals and to protect the public.
69. The panel considered that Mr O'Neal's actions had breached important professional standards. The panel took into account that the period of the Allegations covered both the currency of the Health and Care Professions Council's Standards of Conduct Performance and Ethics (2016 version) and Social Work England's Standards, applicable from 02 December 2019. In particular, the following were engaged:

HCPC Standards of Conduct Performance and Ethics:

9.5 You must tell us as soon as possible if:

-you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence

Social Work England Standards:

5.2 [As a social worker I will not:] 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 I will 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.

70. In respect of the dishonest conduct found in paragraph 4, covering both paragraphs 2 and 3, the panel was of the view that these dishonest acts had breached:

HCPC Standards of Conduct Performance and Ethics:

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

Social Work England Standards:

2.1 Be open, honest, reliable and fair.

71. The panel was of the view that adherence to the law and honesty are fundamental tenets of the social work profession.
72. The panel concluded that Mr O’Neal’s conduct had fallen far below the expected standards, by misleading the police in his interview and by failing to declare [PRIVATE] to the regulator. Both actions had been found to have been committed dishonestly.
73. The panel was satisfied that misleading the police would be regarded as deplorable conduct by fellow practitioners and was serious professional misconduct. It was also satisfied that Mr O’Neal, in failing to disclose [PRIVATE] for around 22 months, was similarly serious and was serious professional misconduct. Dishonesty in a professional is a serious matter and in all the circumstances, the panel was satisfied that each of the two instances of dishonesty in paragraph 4 of the Allegations were serious professional misconduct.
74. [PRIVATE].

Finding and reasons on current impairment:

75. The panel went on to consider whether it found Mr O’Neal’s fitness to practise as a social worker is impaired. When considering the question of impairment, the panel took into account Social Work England’s ‘*Impairment and sanctions guidance*’.
76. The panel again took into account Mr O’Neal’s evidence to the panel at this stage of the hearing, together with its findings of fact, misconduct, [PRIVATE] and the parties’ submissions. The panel heard and accepted the legal advice of the legal adviser.
77. The panel noted Mr O’Neal’s submission that, if Social Work England was of the view that his fitness to practise is impaired, it should have acted sooner. The panel considered that there is a public interest in expeditiously dealing with regulatory proceedings. In this case, the events under consideration had occurred some considerable time before. The panel would take into account, where appropriate, that there had been no further complaints against Mr O’Neal made known to it in the 5 years since these events.
78. The panel was not of the view, however, that the fact there had not been a conclusion to proceedings in 5 years meant that Mr O’Neal was necessarily fit to practise, by reason of any delay. The panel was obliged to determine the matter of impairment on the evidence of the case and its findings in respect of the issues.
79. The panel considered that, in its findings, there was a pattern of Mr O’Neal not being appropriately open about his situation. This was present in the misleading of the police and the failure to disclose [PRIVATE] to the regulator. It was also the case that Mr O’Neal had not told his former employer about [PRIVATE] and told the panel in the hearing that he had not chosen to share with his later employers that he was

undergoing fitness to practise proceedings. He had not felt able to share the Allegations with fellow professionals and had not provided any personal references or testimonials.

80. The panel considered that Mr O’Neal’s expression of regret and apology for his actions were genuine. It found that this was tempered to a degree, in that although Mr O’Neal had accepted the panel’s findings, he felt that his failure to not disclose [PRIVATE] was not intentional. The panel took into account Mr O’Neal’s early acceptance of the regulatory concerns in almost all respects and his written reflections in his responses as showing a degree of insight.
81. The panel was of the view that Mr O’Neal’s misconduct was remediable. This was evidenced by the lack of further complaint since the disclosure in November 2020. The panel accepted that Mr O’Neal had shown insight into the risks [PRIVATE]. [PRIVATE].
82. As regards Mr O’Neal’s remediation of his dishonest misconduct, towards the police and his regulator, however, the panel considered that there was insufficient demonstration of insight and remediation.
83. It was Mr O’Neal’s own decision not to disclose matters to his fellow colleagues and previous employers that he was facing fitness to practise proceedings. Whilst the panel understood that this was not a breach of standards of itself, it did show a lack of openness and transparency. Moreover, it meant that the panel had no evidence from any independent person of their assessment of Mr O’Neal’s performance in his role, or of his general character. Bearing in mind that dishonesty may be attitudinal, the panel considered that this was an important omission.
84. In addition, although Mr O’Neal told the panel that he had completed CPD, he provided no independent evidence to support his having completed appropriate learning and training.
85. Finally, when answering questions, the panel found that Mr O’Neal was not able to engage sufficiently with the question of wider public confidence in the profession and the damage that conduct such as his may do to public perception of social workers.
86. The panel concluded that, overall, Mr O’Neal lacks a fully developed insight into the issues surrounding his misconduct and the implications of his behaviour on the wider public interest. The panel concluded that, whilst it may be low, there remains a risk of repetition of Mr O’Neal’s dishonest misconduct at present.
87. The panel determined that Mr O’Neal is impaired in respect of the ‘personal’ element of impairment, in respect of his misconduct.
88. Having decided that there was still a risk to the public, the panel went on to consider the ‘public’ element of impairment. [PRIVATE].
89. [PRIVATE]. In addition, the two incidents of dishonesty also required a finding. The panel was satisfied that a finding of impaired fitness to practise was necessary to maintain public confidence in the profession and uphold professional standards.

90. The panel determined that Mr O’Neal is impaired in respect of the ‘public’ element of impairment, in respect of [PRIVATE] and his misconduct.

Panel’s determination on sanction

91. The panel having found that Mr O’Neal’s fitness to practise is currently impaired, on both the personal and public elements of impairment, went on to consider what, if any sanction it should impose.
92. The panel was referred to Social Work England’s *Impairment and Sanctions Guidance* (“*the Guidance*”). It paid due regard to the guidance and noted in particular the section on Dishonesty cases.
93. Mr Edwards submitted that the appropriate sanction is a suspension order. He submitted that the panel had to ensure its sanction is appropriate and proportionate. Mr Edwards referred the panel to the Guidance and the relevant paragraphs which he submitted were engaged. He submitted that the panel should consider any aggravating or mitigating factors. He took the panel through the ‘ladder’ of sanctions and made submissions on the appropriateness of each sanction. Mr Edwards referred the panel to the sections specifically relating to Dishonesty in the Guidance. He submitted that a suspension order for 12 months would meet the public interests in the case.
94. Mr O’Neal submitted that he disagreed with the need for a 1-year suspension order. He maintained that he had not been intentionally dishonest, though he could not disagree with the panel’s decision. He re-iterated that he had been allowed to practice for 5 years since the events in question. Mr O’Neal submitted that he was never dishonest with the people with whom he worked.
95. Mr O’Neal told the panel he was willing to undergo any other order which the panel might make. He was willing to undertake more service in the community. He told the panel that, during the course of the proceedings, the hearing of his case had been postponed three times.
96. Mr O’Neal acknowledged that the case could not conclude with the panel taking no action. He submitted that the panel should give advice or a warning. Although any sanction might have an effect on his family life, Mr O’Neal said that he was more concerned for the people in his care and the effect on them. He said that he had worked hard to qualify as a social worker whilst at university and wanted to continue to serve his service users.
97. The legal adviser advised the panel that it must consider its powers pursuant to paragraph 12(3) and 13 of Schedule 2 of the Regulations. The panel must first consider whether to take no action, or refer the case to mediation, or to make a final order. The available final orders are set out in paragraph 13.
98. The legal adviser advised the panel that its approach to sanction must be to impose the least restriction which protects the public. He advised the panel to consider the seriousness of the case and whether there were any particular aggravating or mitigating

factors. If a sanction is required, the panel should start with the least serious and moving up to the least restrictive sanction which reflects its findings on impairment. The panel must balance Mr O’Neal’s interests with the public interest.

99. The legal adviser referred the panel to the sections on Dishonesty in the Guidance and also principles relating to sanctions in dishonesty cases, in appeals, referring to *Simawi v GMC* [2020] EWHC 2168 (Admin), *Lusinga v NMC* [2017] EWHC 1458 (Admin) and *Abbas v GMC* [2017] EWHC 51 (Admin).

Panel’s decision

100. The panel considered the seriousness of the impairment and the dishonesty in this case. [PRIVATE]. [PRIVATE]. The impairment and purpose of sanction in relation to [PRIVATE] related to the wider public interest issues.
101. The panel also took into account that there had been a dishonest misleading of the police in Mr O’Neal’s police interview on 16 December 2018. [PRIVATE].
102. The panel was of the view that the failure to declare [PRIVATE], which continued for about 22 months was a more serious instance of dishonesty. The panel acknowledged that dishonest conduct in a professional is a serious matter. It noted from the Guidance that honesty is a key quality for social workers. The Guidance states:
- “172. Honesty is key to good social work practice. Social workers are routinely trusted with access to private spaces (such as people’s homes), and highly sensitive and confidential information (such as case notes).”*
103. The panel noted that the guidance went on to say that the most serious instances of dishonesty in professional practice are those which either directly harm service users or have the potential to put service users at risk. Failure to notify the regulator of a conviction is referred to as an example of dishonesty.
104. The panel took into account that there had been no evidence of direct harm from the failure to disclose [PRIVATE]. There was a risk of harm created by preventing the regulator being in full possession of the facts. However, the information the regulator had been deprived of was the declaration [PRIVATE].
105. The panel took into account paragraph 181 of the Guidance, which states:
- “181. Factors that decision makers can consider when reviewing dishonesty include (all of the following):*
- the duration of any dishonesty
 - whether the dishonesty was an isolated instance, or indicates a larger problem or pattern of behaviour
 - whether the social worker admitted dishonest behaviour at an early opportunity, or if they tried to purposefully hide their dishonesty
 - whether the dishonesty was for the social worker’s own personal gain

- any other relevant aggravating or mitigating factors”

106. The failure to disclose had occurred over a significant period, [PRIVATE]. Although there was a pattern of a lack of openness and transparency, the dishonesty with police was not sustained and the panel did not find that there was a pattern of dishonesty. Mr O’Neal had declared [PRIVATE] in 2020 and had admitted the regulatory concerns (though disputing dishonesty regarding non-declaration).

107. Mr O’Neal had been able to continue in practice by not disclosing [PRIVATE], however the panel was not persuaded that disclosing [PRIVATE] would have ended his professional career. Therefore, the panel was not persuaded that the non-disclosure had caused him to receive personal gain.

108. The panel concluded that there was a balance to the level of seriousness of the dishonesty in this case, and Mr O’Neal’s dishonesty was not at the very highest level. It also considered that the dishonest act was rectified some 5 years ago when Mr O’Neal declared [PRIVATE] to the regulator, since when there have been no further concerns raised.

109. The panel went on to consider any particular aggravating and mitigating features of the case. In terms of aggravation, the panel considered:

- the period for which the failure to disclose [PRIVATE] had persisted
- the background of a lack of openness and transparency with authorities

110. In terms of factors which mitigated the impairment, the panel found the following were factors:

- [PRIVATE]
- the lack of suggestion of any social work practice concerns
- Mr O’Neal’s engagement with the regulatory proceedings, over an extended period
- the time lapse since the events, with no further adverse findings
- the expressions of apology and remorse
- the early admission of some of the allegations

111. The panel first considered taking no action. However, it had found a risk of repetition of misconduct and impairment based on a need to maintain public confidence in the profession. The panel did not find any exceptional factors in the case which would justify taking no action.

112. The panel next considered whether it could give advice or a warning to Mr O’Neal over [PRIVATE] misconduct. However, given the seriousness of the misconduct and the nature of the impairment, neither of these sanctions would sufficiently protect the public or mark the seriousness of the concerns.

113. The panel went on to consider imposing a conditions of practice order. It observed paragraphs 118 and 119 of the Policy state:

“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):

- Dishonesty”

114. The panel decided that the concerns in this case related in particular to Mr O’Neal’s dishonest misconduct. These concerns involved potential matters of character and/or attitudinal nature. The panel bore in mind that the dishonest conduct towards the police had been negated [PRIVATE] and the remaining dishonesty finding related to a continuing but singular failure to declare [PRIVATE]. There was consistency with a general lack of openness and transparency, which the panel considered that Mr O’Neal needs to address.

115. The panel concluded that conditions of practice were not suited to this case, which requires Mr O’Neal to fully develop his insight and undertake further remediation into his past dishonest misconduct. In the panel’s view, he needs to demonstrate that he has moved on from his past dishonesty and as far as practicable, remediated his misconduct. The panel did not think that this could be achieved by imposing a conditions of practice order.

116. The panel next considered a suspension order on Mr O’Neal’s registration. The panel considered that a suspension order is capable of protecting the public for the period of its duration. It can also send out a message regarding the standards of conduct expected for social workers and serve to maintain public confidence in the profession.

117. The panel noted that

“136. Suspension is appropriate where (both of the following apply):

- the decision makers cannot formulate workable conditions to protect the public or the wider public interest
- the case falls short of requiring removal from the register (or where removal is not an option)

137. Suspension may be appropriate where (all of the following):

- the concerns represent a serious breach of the professional standards
- the social worker has demonstrated some insight
- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings”

118. The panel considered that there had been a serious breach of the fundamental tenets of the professional standards relating to dishonesty. The panel accepted that Mr O’Neal

has demonstrated some insight, having provided an early admission to the majority of the allegations.

119. The panel noted the factors which might indicate suspension is not appropriate, according to the Guidance.

“138. Suspension is likely to be unsuitable in circumstances where (both of the following):

- the social worker has not demonstrated any insight and remediation
- there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings

120. The panel took into account that, in its judgement, Mr O’Neal has demonstrated some insight and had expressed a willingness to remediate his past conduct. It took into account that he had fully engaged in the proceedings and had made early, though partial, admissions. The panel concluded that there was evidence of a willingness to remedy his failings and noted his passionate commitment to continue to serve as a social worker.

121. The panel went on to consider if it was necessary to go further and issue a removal order on Mr O’Neal’s registration. It took into account that a removal order is appropriate when no lesser sanction is sufficient to protect the public.

122. In all the circumstances of the case, and in particular that for the last five years Mr O’Neal had been in practice with no further concerns having been identified to the panel, it concluded that a removal order was disproportionate.

123. The panel concluded that a suspension order is the appropriate sanction in this case. In its view a suspension order will protect the public and allow time for Mr O’Neal’s remediation. It will also maintain public confidence in the profession and uphold professional standards, by marking the seriousness of the dishonesty in failing to declare [PRIVATE].

124. In determining the length of the suspension, the panel considered the purpose of the suspension order. First, the suspension order was to allow time for Mr O’Neal to reflect on the misconduct, fully develop his insight and undertake some further remediation. Second, it was to mark the seriousness [PRIVATE] and the misconduct, in order to maintain public confidence in the profession and to uphold professional standards.

125. Taking into account that the events concerned had occurred over 5 years ago, and the panel understood that there had been a continuation of his social work practice with no further adverse findings, the panel considered that the proportionate period of the suspension is 3 months. It considered that, in all the circumstances a longer period would be disproportionate and punitive. There was also a risk of de-skilling Mr O’Neal if the panel was to impose a long period of suspension.

126. The panel acknowledged that imposing a suspension order on Mr O’Neal’s registration may well have a financial and/or professional impact on him. However, in the

circumstances of the case, the panel was satisfied that the public interest outweighed Mr O’Neal’s interest and the suspension order is proportionate.

127. The panel bore in mind that, before the expiry of the order, the case will be reviewed by another Social Work England panel. Mr O’Neal will be invited to attend the review. This panel cannot bind the next panel. However, in the view of the panel today, the reviewing panel will be assisted by Mr O’Neal’s attendance at the review. He will be at liberty to provide any documents he wishes, but the next panel might be assisted if he provides:
- A written reflection on the panel’s findings, his misconduct [PRIVATE] and in the particular the importance of openness and transparency with authorities
 - Demonstration that he has kept his knowledge and skills up to date, including details of any relevant CPD undertaken
 - Any appropriate references and/or testimonials from persons having knowledge of his performance and/or character.

Interim order:

128. Mr Edwards applied to the panel to impose an interim order under paragraph 11(1)(b) of Schedule 2 of the Regulations, on the basis that the panel was making a final order under paragraph 12(3).
129. He submitted that there was a need to ensure the public is protected. The panel’s substantive order will not come into effect until the end of the 28-day appeal period or disposal of any appeal. In light of the panel’s findings, there was a necessity to protect the public, he submitted.
130. Mr O’Neal made no submissions on the interim order.
131. The legal adviser advised the panel that it may grant any interim order it considers necessary for protection of the public, or in the best interests of Mr O’Neal. The panel should take into account its finding of impairment and grant the least restriction which met the grounds identified.
132. The panel bore in mind that it had found a risk of repetition of dishonest misconduct and impaired fitness to practise. Since the panel’s substantive order would not come into effect until the expiry of the 28-day appeal period, or any appeal is dealt with, an interim order is necessary to protect the public.
133. Since the panel had determined that a suspension order was the appropriate and proportionate order, it concluded that it should also impose an interim suspension order.
134. The panel decided that the interim suspension order should be imposed for 18 months, to allow for the time to deal with any appeal.

Right of appeal:

135. 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:
- the decision of adjudicators:
 - to make an interim order, other than an interim order made at the same time as a final order under Paragraph 11(1)(b),
 - not to revoke or vary such an order,
 - to make a final order.
 - the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
136. 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.
137. 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.
138. 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:

139. 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
140. 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:

141. 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>.