

Social worker: David Lee  
Registration number: SW33419  
Fitness to Practise  
Final Hearing

Dates of hearing: 16 March 2026 to 19 March 2026

Hearing venue: Remote hearing

Hearing outcome:  
No misconduct found – no further action

### Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Mr David Lee did not attend and was not represented.
3. Social Work England was represented by Mr Matthew Edwards, case presenter from Capsticks LLP.
4. The panel of adjudicators conducting this hearing (hereafter “the panel”) and the other people involved in it were as follows:

<b>Adjudicators</b>	<b>Role</b>
Lesley White	Chair
Joanna Bowes	Social worker adjudicator
Alison Lyon	Lay adjudicator

<b>Hearings team/Legal adviser</b>	<b>Role</b>
Ruby Wade	Hearings officer
Emma Walker	Hearings support officer
Gemma Gillet	Legal adviser

### Service of notice:

5. The panel was informed by Mr Edwards that notice of this hearing was sent to Mr Lee by email to an address provided by the social worker (namely his registered address as it appears on the Social Work England register). Mr Edwards submitted that the notice of this hearing had been duly served.
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 29 January 2026 and addressed to Mr David Lee at his email address which they provided to Social Work England;
  - An extract from the Social Work England Register as of 29 January 2026 detailing Mr Lee’s registered address;
  - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 29 January 2026 the writer sent by email to Mr Lee at the address referred to above: notice of hearing and related documents.
7. The panel accepted the advice of the legal adviser in relation to service of notice.
8. Having had regard to Rule 14, 44 and 45 of the 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 Lee in accordance with the Rules.

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

9. The panel heard the submissions of Mr Edwards on behalf of Social Work England. Mr Edwards submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Mr Lee and as such there was no guarantee that adjourning today's proceedings would secure his attendance. Mr Edwards submitted that Mr Lee's response to the notice of hearing demonstrates that he is aware of this hearing and has voluntarily absented himself from these proceedings. Mr Edwards invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
10. 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 guidance 'service of notices and proceeding in the absence of the social worker'.
11. The panel considered all of the information before it, together with the submissions made by Mr Edwards on behalf of Social Work England. The panel was satisfied that Mr Lee was aware of this hearing and had clearly informed Social Work England on 18 December 2025 that he had no interest in the proceedings, he had not worked as a social worker since 2018, and he felt that it was a waste of time. He reiterated his position by email on 29 January 2026.
12. The panel therefore concluded that Mr Lee had chosen voluntarily to absent himself. The panel had no reason to believe that an adjournment would result in Mr Lee's attendance. The panel determined that Mr Lee had voluntarily absented himself from these proceedings. Having weighed the interests of Mr Lee 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 Lee's absence.

### Preliminary matters:

13. Mr Edwards made an application at the outset for the entirety of the hearing to proceed in private on the grounds that issues regarding Mr Lee's health are interwoven throughout the factual matrix. In addition, Mr Edwards took the panel to Mr Lee's email dated 5 January 2023 in which he stated that:  
  
"[his] only request is for the hearing and the outcome of it not to be made public"
14. Mr Edwards reminded the panel of its power as set out in Rule 38, to deal with all or part, of a hearing in private, where the proceedings are considering the physical or mental health of a social worker or if it considers it appropriate having regard to the vulnerability, interests or welfare of any participant.
15. The panel accepted the advice from the legal adviser, which included reference to Rules 32b (vii), 37 and 38. The panel were reminded that the starting point should be

that hearings are conducted in public as part of the role to maintain public confidence in the profession and to declare and uphold proper standards of behaviour. The panel was advised to consider whether any of the exceptions in the rules applied in these circumstances.

16. The panel retired to consider its decision. The panel carefully considered the references to health matters and the extent to which those issues were interwoven with the factual allegations. The panel noted that this case was not being advanced as a health concern and found that the factual allegations were distinct from the health matters and could be properly presented in that way. The panel considered that that the health issues were contextual and could be dealt with discretely.
17. The panel went on to consider the reference made to Mr Lee's request in his email dated 5 January 2023. The panel found that without any further explanation from Mr Lee as to why he wanted the case to be heard in private it was unable to conclude that this case was exceptional. The panel had sympathy with the natural preference for registrants that such concerns should not be publicised, however, the panel concluded that this was outweighed by the public interest in these matters being dealt with in public.
18. The panel agreed that any issues which related to Mr Lee's health should be dealt with in private and not recorded in the public version of this written determination.

#### Allegations:

19. The allegation(s) arising out of the regulatory concerns referred by the Case Examiners on 2 February 2022 are:

*Whilst registered as a social worker and employed by Trafford Council:*

*1. On or after 16 December 2016, having been allocated a Child and Family Assessment (CAFA) in relation to Child 1, you did not contact Wigan Council to request information relating to Child 2, the sibling of Person A's other child.*

*2. On or around 13 March 2018, having been informed that Child 3's father had been convicted of one or more sexual offences, you did not raise this information as a safeguarding concern with your manager.*

*The matters described at particulars 1–2 above amount to misconduct.*

*By reason of your misconduct, your fitness to practise is impaired.*

## Background:

20. Mr Edwards opened the case on behalf of Social Work England. He informed the panel that, on 6 April 2018, the Health and Care Professions Council received a referral from Trafford council concerning Mr Lee. The referral followed an internal audit of Mr Lee's case files, which identified that on several occasions safeguarding information had not been recognised, escalated or documented in accordance with expected practice.
21. At the material time, Mr Lee had been employed by Trafford council within the Multi-Agency Referral and Assessment Team (MARAT). His role included undertaking Child and Family Assessments (CAFA), conducting section 47 Children Act 1989 enquiries, developing and reviewing child protection plans, liaising with partner agencies, and attending court where required.
22. In relation to Particular 1 and Mr Lee's involvement with Child 1, Mr Edwards informed the panel that it was Social Work England's case that Mr Lee had been informed in the allocation record to "read through the information from Wigan regarding Person A's other child, clarify what level of risk probation feel he poses to others...".
23. Mr Edwards said that the case records show that, although the social worker made a number of enquiries regarding Child 1, no contact was made with Wigan council during the assessment period. The case was subsequently closed on 28 February 2017 without the information from Wigan council having been obtained. During the local investigation, the social worker accepted that he had not contacted Wigan council but stated that, due to the passage of time, he could not recall the reason for this omission.
24. Mr Edwards said that Mr Lee's failure to contact Wigan council meant that the assessment proceeded without full information regarding the potential risk posed by Person A to Child 1. Information relating to Child 2's Child Protection Plan, had it been obtained, would have informed the assessment and may have led to different safeguarding decisions.
25. In relation to particular 2 and Mr Lee's involvement with Child 3, Mr Edwards informed the panel that Mr Lee had failed to inform his manager of the safeguarding concern that Child 3's father had been convicted of one or more sexual offences.
26. Mr Edwards told the panel that on 13 March 2018, Mr Lee completed a home visit during which Child 3's mother disclosed information about Person B's historic sexual offences. However, this disclosure had not been recorded in the social worker's case notes for that visit. On 20 March 2018, Person B attended the office and spoke to Mr Lee. Person B subsequently informed the council that he had discussed his previous convictions with Mr Lee. However, this was not reflected in Mr Lee's case notes for that meeting.
27. Mr Edwards said that Mr Lee met with his managers (Lisa Gordon and Elaine Harvey) at 8.50am on 20 March 2018 to discuss the case but failed to mention Person B's previous convictions despite being asked why Child 3 was not allowed to see his father. The records show that Mr Lee contacted the Sex Offender Management Unit (SOMU) at

9.50am on the same day and was informed of the conviction for sexual assault and that Person B had been archived from the Sex Offenders' Register in 2006. Mr Lee had a further meeting with his managers to discuss the case at 4pm on 22 March 2018 but still failed to inform them of the safeguarding issue.

28. During the local investigation, Mr Lee said that he had informed his managers of the information in a "pod" discussion, although he was unable to recall when that discussion occurred.

### Summary of evidence:

29. Social Work England relied on evidence from the following witnesses:

- Sally Rimmer, Service Manager (Placements) / Investigating Officer, Trafford Children in Care Service (witness statement dated 19 January 2023).
- Lisa Gordon, Service Manager, MARAT, Trafford Council (witness statement dated 6 January 2023).
- Elaine Harvey, Team Leader, MARAT, Trafford Council (witness statement dated 3 January 2023).
- Hannah Fitchett (nee Stoner), Interim Team Leader, Trafford Council (witness statement dated 11 December 2025).

30. The panel agreed that it did not have any questions for Ms Sally Rimmer and that Social Work England relied on her written statement and attached exhibits only.

31. Ms Lisa Gordon attended and gave evidence under affirmation. She confirmed and adopted the contents of her witness statement. At various points in her evidence, she said that her recollection of the events was compromised as it had happened 8 years ago. In response to questions from the panel Ms Gordon stated that she had not been told that Child 3's father had convictions for sexual offences, but would have expected Mr Lee to have told her as this would have been a serious safeguarding concern. Had she been informed she would have asked Mr Lee clarifying questions and set him a number of tasks and actions to move the case forward as the allocated social worker.

32. Ms Gordon described Mr Lee's description of the case and the father's restricted access to his child during their meetings on 22 March 2018 as "confused". She accepted that the record of the meetings within the documentation provided to the panel was not a contemporaneous record and had likely been written to give to HR for the purpose of the internal investigation. She accepted that it would not be a verbatim record of what had been said and was not sure if it had been shared with Mr Lee to confirm that the contents were accurate.

33. Ms Gordon said that she had thought she had a positive and supportive relationship with Mr Lee and had been surprised when issues were raised in the internal investigation that suggested he did not feel the same. Ms Gordon said that the suggestion of "bullying" had not been made to her before today. She did not think this

was a fair assertion to make. She did not accept making a joke with others about a difficult case he had previously worked on or speaking down to him in an email to the team about leave.

34. Ms Gordon described team morale as really good and that it had been a strong team with experienced social workers. Ms Gordon said that she had had some concerns about Mr Lee before this incident and that she had asked him during informal supervision if he was okay [PRIVATE]. Ms Gordon could not recall Mr Lee's caseload at the time but did not think it was high.
35. Ms Elaine Harvey attended and gave evidence under affirmation. She confirmed and adopted the contents of her witness statement. Ms Harvey stated on a number of occasions that she could not recall the detail of the events because they had occurred many years ago. In response to questions from the panel she explained that Mr Lee did not receive the suggested number of formal supervision sessions because of the nature of his work but that she undertook regular informal supervision with him. She said that this informal supervision should have been recorded on the relevant child's records. She could not recall whose responsibility this would have been but thought it would have been by agreement. Ms Harvey acknowledged that the purpose of supervision was also to give social workers an opportunity to discuss personal matters or more general issues around their work. She stated that she was a very "hands on" manager and would often sit next to Mr Lee in the office. If he wanted to have a discussion about personal matters at any time he need only ask. Ms Harvey stated that any such discussions should be recorded in an employee's supervision file but could not say if this had taken place in Mr Lee's case.
36. Ms Harvey recalled that in the meeting on 22 March they had been triggered to ask questions about why contact had been stopped with between Child 3 and their father. She told the panel that Mr Lee had not told them about the father's previous convictions. She could not remember the details of the conversation or if Ms Gordon had said "we'd need to look into that" but was clear that if they had been told about the father's previous convictions it would have been a serious safeguarding concern so immediate actions would have followed.
37. Ms Harvey told the panel that Mr Lee was very good at working within his working day, taking his leave and looking after himself. She thought this was a good thing. She could not recall a time when his leave requests had been refused but said that staff were often asked to be flexible around the key holiday dates. She described the team morale as good and was shocked that Mr Lee had suggested he felt bullied by her and/or Ms Gordon. She thought they had got on well and had not observed any bullying behaviour by Ms Gordon. Ms Harvey said that she did not have any concerns about Mr Lee in relation to safeguarding before this issue arose. She told the panel that he had strengths and weaknesses in his practice like any other social worker.
38. [PRIVATE].

39. In re-examination, Mr Edwards took Ms Harvey to the record of her interview on 24 May 2018 and asked if her recollection of events had been clearer then than now. Ms Harvey said that as she could not recall she could only rely on what had been written in the interview notes and assume that would be an accurate reflection of what she had said at the time.
40. Ms Hannah Fitchett (nee Stoner) attended and gave evidence under affirmation. She confirmed and adopted the contents of her witness statement. At various points in her evidence, she said that her recollection of the events was compromised as it had happened 10 years ago. Ms Fitchett told the panel that when she had line-managed Mr Lee he had been hardworking but needed more support and prompting than others in her team. She was unable to recall specific examples, other than the concerns in relation to his handling of Child 1's case.
41. Ms Fitchett confirmed that she had conducted the file audit for Child 1's case but was unable to say when or why she had done so. She told the panel that she cannot recall if she told Mr Lee to contact Wigan council for more information about Child 1's father due to the passage of time. She said that she is reliant on the information provided in the audit or her statement. Although she could not recall if she told Mr Lee to contact Wigan council, she said that she would have expected a social worker to undertake these enquiries and not rely on a risk assessment from Probation. Ms Fitchett accepted that it was not clear what information from Wigan council was already on Child 1's file.

#### Finding and reasons on facts:

42. The panel heard and carefully considered the submissions made by Mr Edwards. The panel took into account the advice of the legal adviser which included guidance on established case law on the recommended approach to considering the credibility of witnesses, hearsay and good character.

*Allegation 1. On or after 16 December 2016, having been allocated a Child and Family Assessment (CAFA) in relation to Child 1, you did not contact Wigan Council to request information relating to Child 2, the sibling of Person A's other child.*

43. The panel considered the available contemporaneous evidence relevant to this allegation. The panel noted that the allocation record for Child 1 dated 16 December 2016 stated that Mr Lee was "to read through the information from Wigan regarding Person A's other child, clarify what level of risk probation feel he poses to others...". The panel noted that this instruction implied that there may have been information from Wigan council already available to Mr Lee at the time the case had been allocated to him and did not specifically inform him of the need to contact Wigan council to gather further information.
44. The panel noted that Child 1's case records show that Mr Lee made a number of enquiries regarding Child 1 but make no reference to any contact with Wigan council during the assessment period. The panel noted that the audit undertaken by Ms Fitchett had been unable to find any evidence of the same.

45. The panel noted that during the local investigation, Mr Lee accepted that he had not contacted Wigan council for additional information but stated that he was unable to recall the reason for this omission, due to the passage of time.
46. The panel carefully considered the oral evidence of Ms Fitchett, who had been Mr Lee's manager at the relevant time. The panel found her answers to its questions to be clear, compelling and supported by the contemporaneous records. She had readily accepted the difficulty in clearly recalling incidents which had occurred ten years ago and accepted that she could not recall if she had directly told Mr Lee to make contact with Wigan council to gather further information. The panel accepted Ms Fitchett's evidence that given the information available to Mr Lee at the time, in order to undertake a proper risk assessment of Child, he should have known to contact Wigan council to gather additional information about Child 2 and the father.
47. The panel noted that the wording of the factual allegation does not allow for an assessment of whether it was incumbent on Mr Lee to undertake those enquiries with Wigan council at this stage.
48. The panel found that on the balance of probabilities Mr Lee did not contact Wigan council to request information about Child 2 and that allegation 1 is therefore found proved.

*Allegation 2. On or around 13 March 2018, having been informed that Child 3's father had been convicted of one or more sexual offences, you did not raise this information as a safeguarding concern with your manager.*

49. The panel considered the available contemporaneous evidence relevant to this allegation. The panel noted that there was no mention in Child 3's case notes during the relevant period of the father's convictions or of a conversation about this issue between Mr Lee and his managers.
50. The panel carefully considered the notes of the two meetings which had taken place between Mr Lee and his managers, Ms Gordon and Ms Harvey, on 22 March 2018. In light of Ms Gordon and Ms Harvey's acceptance that it was unlikely these had been recorded at the time of the meetings, the lack of date, appropriate format or detail about the purpose of the records and/or whether they had been shared with Mr Lee for comment, the panel did not feel able to apply much weight to the contents of these documents. The panel was also concerned that there was no note of these meetings on Child 3's case records.
51. The panel considered the statement and oral evidence from Ms Gordon and Ms Harvey. The panel found that both witnesses had been open about the limitation of their recollection of events which occurred eight years ago and had been reliant on the records which had been made much closer to that time.
52. The panel noted that during the local investigation Mr Lee accepted that it was likely he had first been told of Person B's convictions by Child 3's mother on or around 13 March 2018 and again by Person B on or around 20 March 2018. The panel found that this was

supported by the fact that the file record noted Person B was not to have contact with Child 3 and Mr Lee's contact with the Sex Offender Management Unit (SOMU). The panel found it relevant that there was no record on case file of either parent disclosing this information, in that it supports the suggestion that Mr Lee had not responded appropriately to the safeguarding issue.

53. The panel accepted the clear evidence from Ms Gordon and Ms Harvey that Mr Lee should have informed them of this information in order to ensure that the necessary steps were taken to safeguard Child 3. The panel accepted the evidence from Ms Gordon and Ms Harvey, that as experienced social workers, had they been made aware of the father's previous convictions they would have recognised this as a serious safeguarding concern, immediately acted on the information and taken the appropriate action.
54. The panel noted that within Child 3's case notes, on 23 March 2018, Ms Gordon had recorded that if a suitable person to facilitate handover could be found, Child 3 could have contact with their father. The panel found that Ms Gordon, as an experienced social worker, would not have suggested this contact without undertaking a risk assessment had she already been informed of Person B's sexual convictions.
55. The panel carefully considered Mr Lee's written response during Social Work England's investigation dated 16 November 2020, in which he stated that he;

“did notify management about concerns of previous sexual offences relating to the father of the child. This information was divulged when in an enclosed workspace with Elaine Harvey and Lisa Gordon ...Lisa Gordon stated about the sexual offences ‘well that will have to be looked into’... some time had lapsed from me finding out about the sexual offences and in telling my managers about this but I assumed that the child was safe being away from the father”

56. The panel found that this account did not provide sufficient detail about when and where the conversation had taken place and was not supported by the contemporaneous evidence. The panel found, that having not had the opportunity to hear from Mr Lee during the hearing, it could apply limited weight to his written response. The panel found that Mr Lee may genuinely believe that he had informed his managers about Person B's sexual offences but accepted the evidence of Ms Gordon and Ms Harvey that they had not been made aware of them.
57. The panel therefore found allegation 2 proved on the balance of probabilities.

#### Finding and reasons on grounds:

58. The panel heard and carefully considered submissions on misconduct made by Mr Edwards on behalf of Social Work England. The panel accepted the advice of the legal adviser which included reference to:

- The relevant case law on the definition of misconduct (*Roylance v GMC* (no 2) [2000] 1 AC 311, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin) and *Khan v BSB*[2018] EWHC 2184 (Admin));
- That non-serious misconduct charges should not accumulate to a finding of serious misconduct (*Schodlok v General Medical Council* [2015] EWCA Civ 769); and;
- That medical evidence can and should be taken into account in order to determine whether the behaviour may have been caused by factors beyond a registrant's control and may therefore lack culpability (*Bar Standards Board v Howd* [2017] EWHC 210 (Admin)).

59. The panel accepted that the standards relevant at the time were the HCPC Standards of Proficiency (2016) and in particular standards 1.3, 1.4, 1.5 and 2.3, and the HCPC Standards of Conduct, Performance and Ethics (2016) and in particular standards 2.5, 2.6, 3.2, 6.1/6.2, 7.1/7.3 and 10.1.

60. The panel first considered whether the facts found proved at allegation 1, amounted to misconduct. The panel noted that there was ample contemporaneous evidence which showed that Mr Lee had been actively progressing the case of Child 1 and making relevant enquiries with third party agencies. The panel was mindful that it did not have sight of the full case file for Child 1 so was unable to form a conclusion with sufficient certainty as to what information from Wigan council had already been available to Mr Lee when he was first allocated the file.

61. The panel was also aware that the allocation file note had stated that Mr Lee should read the information from Wigan council but had not specifically asked Mr Lee to contact the council for further information. The panel took into account the evidence from Ms Fitchett, who accepted that she was unable to recall if she had told him to contact Wigan council. The panel accepted that it would have been best practice in that situation to contact the other council, regardless of whether there had been an instruction to do so, in order to check if there was any further information relevant to the assessment.

62. The panel considered the relevant supervision records and noted that there was no reference to Mr Lee having been instructed or prompted to undertake the additional inquiries.

63. The panel considered that failing to adhere to best practice in these circumstances would not be considered deplorable by fellow practitioners and was not a sufficiently serious departure from the expected standards to amount to the statutory ground of misconduct.

64. The panel went on to consider whether the facts found proved in allegation 2 amounted to misconduct. The panel found that Mr Lee had been provided with information from Child 3's parents which amounted to a serious safeguarding concern and had been given ample opportunity to disclose this information to his managers on 20 March 2018

and 22 March 2018 but had failed to do so. The panel found that his failure to disclose the information could have had serious consequences for Child 3, in that it might have led to unsupervised contact between the child and a person convicted of serious, albeit historic, sex offences.

65. The panel considered that Mr Lee's failure to inform his managers of a serious safeguarding concern is capable of amounting to misconduct.
66. The panel considered that in many other respects Mr Lee appeared to be proactively working on the case and undertaking relevant inquiries with third party agencies. This included a number of requests to the police to clarify the relevant information. The panel noted that at the time Mr Lee was not having any formal supervision as stipulated by the organisation's supervision policy. The panel did not accept the explanation put forward by his managers and found that it was not appropriate to leave Mr Lee without formal supervision despite the fast moving and transient nature of the work he was undertaking at the time.
67. The panel accepted that a social worker should be aware of the need to inform a manager of a serious safeguarding concern. Nonetheless, the panel noted that there appeared to have been a lack of written guidance and policies available at the time to assist social workers to identify the necessary steps following such disclosure. The panel noted that there were failures of leadership and insufficient management oversight identified as issues by OFSTED in 2020. The panel also noted that there appeared to be a pattern of poor record keeping from other members of the team, in that neither Ms Gordon nor Ms Harvey made a record of their discussions with Mr Lee on 20 and 22 March 2018 on Child 3's file.
68. The panel went on to consider the independent medical report from Dr Lanre Ogunyemi dated 23 September 2021 and obtained by Social Work England for the purpose of these proceedings. [PRIVATE].
69. The panel noted that it had been Mr Lee's position during the internal investigation and in his communication with Social Work England that he had informed his managers of the information regarding the historic sex offences of Person B. For the reasons set out above, the panel found that it was more likely that he did not inform his managers but considered that this was not at odds with Mr Lee's genuine, mistaken, belief that he had. The panel observed that this was supported by the evidence from his managers, who had all observed that Mr Lee appeared to have a difficulty in retaining facts and effective communication. [PRIVATE].
70. In light of the medical opinion reached by Dr Ogunyemi, the panel concluded that Mr Lee's behaviour was not reprehensible, morally culpable or disgraceful as it had been sufficiently affected by factors beyond his control (*Bar Standards Board v Howd*). The panel therefore decided that the conduct found proved in allegation 2 did not reach the threshold for a finding of serious professional misconduct.