Social worker: Onyekachi Onwu
Registration number: SW123204
Fitness to Practise
Final Hearing

Dates of hearing: 5 to 13 August 2026

Hearing venue: Remote hearing

Hearing outcome: Fitness to practise impaired, removal order

Interim order: Interim suspension order

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) ("the Regulations") and in accordance with the Social Work England (Fitness to Practise) Rules 2019 ("the Rules").

2. Mr Onwu did not attend and was not represented.

3. Social Work England was represented by Ms Rebecca Steels, Counsel instructed by Capsticks LLP on behalf of Social Work England.

4. The panel of adjudicators conducting this hearing (hereinafter "the panel") and the other people involved in it were as follows:

Adjudicators	**Role**
Lyndsey Sambrooks-Wright	Chair
Beverley Blythe	Social worker adjudicator
Alison Lyon	Lay adjudicator

Hearings team/Legal adviser	**Role**
Paul Harris	Hearings officer
Chiugo Eze	Hearings support officer
Natalie Amey-Smith	Legal adviser

Service of notice:

5. The panel was informed by Ms Steels that notice of this hearing was sent to Mr Onwu by email to an email address that he had provided to Social Work England, namely his registered address as it appears on the Social Work England Register. Ms Steels submitted that the notice of this hearing did contain all the required information and had been sent with over 28 days notice. She submitted that notice of the hearing had been duly served.

6. The panel had careful regard to the documents contained in the final hearing service bundle as follows:

   - An extract from the Social Work England Register as of 6 July 2026 detailing Mr Onwu's registered email address.
   - A copy of the notice of the final hearing dated 6 July 2026 and addressed to Mr Onwu at his registered email address.
   - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 6 July 2026, the writer sent by email to Mr Onwu at his registered email address the notice of hearing and enclosures.

7. The panel accepted the advice of the legal adviser in relation to service of notice and had regard to the Social Work England ‘Guidance on service of notices and proceeding in the absence of the social worker’ last updated on 16 December 2022.

8. Having had regard to the Regulations and the Rules and all the information before it in relation to the service of notice, the panel was satisfied that proper notice of this hearing had been served on Mr Onwu in accordance with Rules 14, 15, 44 and 45.

Proceeding in the absence of the social worker:

9. The panel heard the submissions of Ms Steels on behalf of Social Work England. Ms Steels submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Mr Onwu, and as such there was no guarantee that adjourning today’s proceedings would secure his attendance.

10. Ms Steels submitted that, save for brief correspondence with the Health and Care Professions Council (“HCPC”) in 2019, which regulated the profession before Social Work England assumed responsibility, Mr Onwu has not engaged with these proceedings and has not communicated with Social Work England.

11. Ms Steels further submitted that Mr Onwu’s alleged conduct dates to 2018 and delaying the resolution of the proceedings would not be in the public interest nor Mr Onwu’s. Ms Steels submitted that, whilst proceeding in Mr Onwu’s absence could place him at a disadvantage because he would be unable to give evidence or make submissions, the panel would be required to take reasonable steps to test the evidence, thereby mitigating the extent of that disadvantage.

12. Ms Steels therefore invited the panel to proceed in Mr Onwu’s absence in the interests of justice and the expeditious disposal of this hearing.

13. The panel heard and 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 Hayward [2001] EWCA Crim. 168*, *General Medical Council v Adeogba [2016] EWCA Civ 162* and the factors endorsed in *Sanusi v GMC [2019] EWCA Civ 1172*. The panel’s attention was drawn to the Social Work England ‘Service of notices and proceeding in the absence of the social worker’ guidance dated 16 December 2022.

14. The panel considered all of the information before it, together with the submissions made by Ms Steels on behalf of Social Work England. The panel noted that Mr Onwu had been sent notice of today’s hearing and the panel was satisfied that he was or should be aware of today’s hearing, having found good service.

15. The Panel concluded that it was fair, reasonable, and in the public interest to proceed with the hearing in the absence of Mr Onwu for the following reasons:

- Mr Onwu has not communicated at all with Social Work England. His last communication was with the HCPC on 16 January 2019, in which he stated that, *"it is my intention to appear before the council and state the circumstances behind the incident."* However, despite this indication, Mr Onwu has not since engaged with the fitness to practise investigation and proceedings. In the circumstances, the panel concluded that Mr Onwu had voluntarily and deliberately absented himself.

- Mr Onwu has not sought an adjournment of the hearing and there is no indication from him that he would be willing or able to attend on an alternative date. Given the lack of engagement by Mr Onwu, relisting this hearing would be unlikely to secure his attendance.

- This case dates back to 2018, and the witness, who is an Acting Detective Sergeant for North Yorkshire Police, has made himself available to give evidence this week. Given the age of the case, and the fact that the witness is ready to give evidence this week, the panel considered that it would not be in the public interest to adjourn the hearing, thereby causing further delay.

- The panel recognised that there may be disadvantage to Mr Onwu in not being able to give evidence or make oral submissions. However, he has been provided with the opportunity to attend and/or provide written evidence specifically for the final hearing but has not done so. Even in his absence, the panel and legal adviser have a duty to ensure the hearing is fair and to take reasonable steps to test Social Work England's case thus to an extent mitigating that disadvantage.

- The panel considered that the public interest in proceeding with final hearings expeditiously, outweighed any disadvantage to Mr Onwu and concluded that the hearing should proceed in his absence.

Allegations:

16. The Allegation arising out of the regulatory concerns referred by the Case Examiners on 8 July 2025 is:

> *'Whilst registered as a social worker, you:*
>
> *1. On one or more occasions, including on 31 October 2018, took post, or attempted to take post, addressed to Person A from their mailbox;*
>
> *2. Intended to use the details obtained from post addressed to Person A to apply for credit cards in their name;*
>
> *3. On one or more occasions, applied for and / or obtained credit cards and / or current accounts using Person A's details, without their knowledge or consent, including those set out in Schedule A;*

4. Used credit cards obtained in Person A’s name to make purchases and / or transactions, including those set out in Schedule B, without Person A’s knowledge or consent.

5. Your actions at paragraphs 1 and/ or 2 and/ or 3 and/ or 4 above were dishonest

The matters outlined in paragraphs 1, 2, 3, 4, and/or 5 above amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Schedule A

a) A Co-Op bank current account;

b) A Lloyds bank Mastercard with the last four digits 6157;

c) A HSBC Credit card with the last four digits 1722;

d) A platinum bank card from Barclaycard with the last four digits 9006;

e) A NatWest facility.

Schedule B

a) £51.05 at Matalan;

b) £5.45 at the Co-Op;

c) £302.99 at World Remit.’

Background:

17. On 14 November 2018, the HCPC was notified by both Mr Onwu himself, and a staff member from the Joint Corporate Legal Services, Civil Disclosure Unit, that Mr Onwu had been arrested on 31 October 2018. At the time, though qualified as a social worker, Mr Onwu was not working in that capacity, and it is not believed that he has ever worked in a social work role.

18. This arrest resulted from a complaint to police made by Person A that someone had been stealing their post and using the details gained to apply for credit cards and bank accounts in their name and make purchases. On 31 October 2018, when police attended Person A’s address to investigate this complaint, they saw Mr Onwu attend the property. The police officer at the scene, reports that he observed Mr Onwu standing with his right hand in the letter box, holding an envelope, addressed to Person A. At that point, Mr Onwu was arrested on suspicion of burglary and fraud by false representation.

19. Whilst Mr Onwu was under arrest, the police went on to search his car and home address, wherein it is alleged that post addressed to Person A was recovered.

20. It is alleged that some of the post in Person A's name recovered from Mr Onwu's property, as well as post received directly by Person A following Mr Onwu's arrest, showed that credit cards and bank accounts had been applied for in Person A's name. Person A reports that they had not made these applications; nor had Person A made the purchases as listed on the credit card statements.

21. The police obtained CCTV from some of the shops at which purchases were made (Matalan and the Co-op), and Mr Onwu was identified on these CCTV images by the officer in the case. Furthermore, it is reported that the clothes purchased in Matalan were recovered in a search by the police at the home address of Mr Onwu's **[PRIVATE]**. It is alleged that on the same day that purchases were made at Matalan and Co-op that a 'World Remit' transaction was made for £302.99, sent to a Ms/Mrs **[PRIVATE]** Onwu in Nigeria.

22. The matter was investigated by the police but in the end, no criminal charges were brought against Mr Onwu, due to the prosecuting authorities deciding that there was no longer a public interest in proceeding given the significant delays in the police investigation.

23. Following the conclusion of the police investigation, Social Work England's investigation of the matter then proceeded.

Summary of evidence:

Social Work England

24. Social Work England relied upon evidence from DS Alastair Foy (Acting Detective Sergeant for North Yorkshire Police), who at the relevant time was employed as a Trainee Detective Constable.

25. DS Foy produced a witness statement for the Social Work England proceedings, dated 25 March 2026 and gave oral evidence, under affirmation. As Mr Onwu was not present, the witness was not cross examined, but the panel was mindful that in the absence of Mr Onwu it should play an inquisitorial role and explore any apparent weaknesses there might be in Social Work England's case. The panel therefore asked questions of clarification as it deemed appropriate.

26. Social Work England also relied on other evidence which had been gathered as part of the police investigation, and which was exhibited to DS Foy's statement. The panel was informed that at a Case Management Hearing on 15-16 June 2026, it was agreed that Social Work England could admit the following evidence as hearsay (contained within the exhibits of DS Alastair Foy):

- The statements of Person A (AF/05 and AF/08)
- The statement of PC Kirkup (AF/04)
- The Storm log of the initial report (AF/01)
- The handover document (AF/03)
- The statement of PC Hart (AF/06)

- The statement of Person A's neighbour (AF/07)
- The statements of the store managers of the Co-op and Matalan (AF/09 and AF/11)
- The digital forensic investigator's report (AF/14).

27. The following is a summary of the evidence referred to above:

DS Foy

28. DS Foy's Social Work England witness statement states that he became the officer in the case on 5 November 2018 and his role was to manage the police investigation and the gathering of evidence in Mr Onwu's case.

29. DS Foy received the handover document created by PC Kirkup following Mr Onwu's arrest. The purpose of the document is to summarise the relevant circumstances and the completed and outstanding enquiries.

30. DS Foy states that during the course of searching Mr Onwu's home address on 31 October 2018, PC Kirkup and PC Hart located numerous SIM cards, multiple bank cards which were not in Mr Onwu's name and a note with details of addresses in the **[PRIVATE]** area (on which Mr Onwu's fingerprints were subsequently found on the address document). DS Foy arranged for the bank cards to be examined and on one card a fingerprint was found that did not belong to Mr Onwu. However, Mr Onwu's fingerprints were found on a letter from the Co-op to Person A which was seized from Mr Onwu's car.

31. DS Foy took a witness statement from a neighbour of Person A. This person also took part in an identification procedure but was unable to identify Mr Onwu.

32. DS Foy describes Person A leaving a distressed voicemail on 19 November 2018, stating that Mr Onwu has taken more bank cards out in their name and used them to commit fraud.

33. DS Foy states that on 21 November 2018, he visited Person A and took a further witness statement from them. As part of this, Person A confirmed that they had not applied for the Lloyds Mastercard.

34. DS Foy states that the Lloyds Mastercard statements contained various transactions that occurred on 22-23 October 2018 including purchases at a Co-op and a Matalan store located in **[PRIVATE]**.

35. DS Foy took witness statements from the store managers of both stores and viewed CCTV images as well as obtaining till receipts for the purchases. DS Foy confirmed in oral evidence that he had met Mr Onwu and could confirm the CCTV images were of Mr Onwu.

36. On 23 November 2018, Mr Onwu was further arrested by DS Foy on suspicion of conspiracy to commit fraud, possession of articles for use in fraud, fraud in respect of

applications made for credit cards without knowledge of named account holders, money laundering, theft of post, and fraud in relation to applications made for credit cards in the name of Person A. DS Foy states that whilst Mr Onwu was in police custody, police searched Mr Onwu's car and home addresses in **[PRIVATE]** and **[PRIVATE]**. During these searches various devices were seized. As part of the search of the **[PRIVATE]** property, where **[PRIVATE]**, **[PRIVATE]** clothing and footwear from Matalan matching the items listed on the Matalan receipt were located and seized.

37. DS Foy reinterviewed Mr Onwu and he responded '*no comment'* to all the questions, as he had done so in his first interview. Mr Onwu also refused to participate in the identification process.

38. The devices seized during the search were submitted for examination by the Digital Forensics Unit. Findings of the examination included "*Safari- handset history was empty, history was recovered on UFED. There was search history found in regards to the laws of Fraud and Burglary relating to court. A search was conducted 'can I be a social worker with a criminal record'. 'How long a prison sentence would be for committing fraud?'"*

39. DS Foy states that in relation to the HSBC Visa Card he obtained CCTV footage of all the transactions which were made with the fraudulently obtained HSBC bank card. Such footage shows that Mr Onwu did not make any of these transactions. The males who used that card have never been identified.

40. DS Foy states that in relation to the Lloyds Mastercard, this was used to make a payment of £302.99 to World Remit Ltd. DS Foy requested details from them as part of his investigation and it was confirmed that the payment was made to **[PRIVATE]** Onwu in Nigeria. He confirmed that the total value of the fraudulent transactions that may be directly attributable to Mr Onwu, using the Lloyds MasterCard is £359.49.

41. In oral evidence, DS Foy stated that when he took the statement from Person A, he informed her about the statement of truth and ensured that Person A was made aware of the consequences of putting false information in a statement.

42. In response to panel questions, DS Foy confirmed that Mr Onwu had made 'no comment' interviews and therefore he had not identified any lines of enquiry to investigate. The panel informed DS Foy that in response to the HCPC, Mr Onwu had stated that he had worked for a Mr G [name not redacted, only the initial was given by Mr Onwu]. DS Foy was not aware of a Mr G. He stated that Mr Onwu did live with a housemate but neither of his initials included the letter G. DS Foy confirmed that he had met Mr Onwu's housemate when he came to recover his belongings from the police station. DS Foy described the housemate as a black male and confirmed that the housemate was not a match for the other people seen on CCTV.

43. In relation to Person A, DS Foy stated that this ordeal had caused them distress and upset and they were confused as to how they had become a victim of fraud. He said

that Person A had not suffered a financial loss as the relevant banks had absorbed the loss.

Person A

44. Person A’s first statement to the police is dated 31 October 2018.

45. Person A states that during the past week, they had noticed some suspicious activity at their home address. Each day during the week, the post is delivered by the local postman between approximately 09:00 and 10:00 hours. Person A explains that their post is delivered to an externally mounted metal box on the side wall of their house, next to the front door. This means that post does not come into the property but is accessed via a locked door on the outside of the post box.

46. Person A states that due to this post box being metal, they can hear it rattle when the postman delivers mail, and over the past week they had noticed on several occasions that when they had gone to the post box after the postman had been, there had not been any post for them to collect. This roused their suspicions as the postman would not bother walking down the driveway and opening the post box if he did not have anything to deliver.

47. Person A states that on 30 October 2018, as soon as the postman had delivered the mail, they went outside and retrieved it from the post box. Within this mail was an HSBC credit card statement with a credit limit of five thousand pounds (£5000). This was in Person A’s name and address, and showed an outstanding balance of minus £3452.39. Person A states that they have never applied for a credit card with HSBC and prior to receiving the statement, had no knowledge of it.

48. Person A states that about fifteen minutes after the postman had delivered the mail, they heard the post box rattling again. Person A says that they discreetly looked out of the front window of the house, and saw a black male, whom they did not know walking away. They could also see a small white car parked down the road and saw the man get into the car and drive off.

49. Person A’s second police statement is dated 21 November 2018. This sets out details of the letters that Person A had received from several banks, since Mr Onwu’s arrest, in relation to applications for financial products which they had not made.

PC Kirkup

50. PC Kirkup’s police witness statement is dated 31 October 2018. He describes attending at Person A’s house on 31 October 2018, to speak to Person A about the concern that their mail was being intercepted.

51. PC Kirkup states that whilst at Person A’s property, he caught Mr Onwu standing with his right hand in Person A’s letter box holding an envelope addressed to Person A. PC Kirkup then arrested Mr Onwu on suspicion of burglary and fraud.

52. PC Kirkup states that Mr Onwu asked if he could call someone to come and collect **[PRIVATE]** his car. When asked where the vehicle was, Mr Onwu stated it was in **[PRIVATE]**. PC Kirkup states that **[PRIVATE]** was around a thirty-to-forty-five-minute walk away and therefore the explanation did not seem plausible. PC Kirkup describes seeing a white Mercedes on the opposite side of the road a few doors down from Person A's house.

53. PC Kirkup states that **[PRIVATE]** a search was conducted in which a Co-op bank letter and hospital letter, both addressed to Person A, were found.

54. PC Kirkup gives details of the search of Mr Onwu's property, in which a Lloyds bank Mastercard, in Person A's name, was found in a wardrobe in the house.

PC Hart

55. PC Hart's police witness statement is dated 7 November 2018. PC Hart describes attending Person A's property on 31 October 2018, immediately following Mr Onwu's arrest. PC Hart states that during the search of Mr Onwu's property, a number of items including bank cards in various names, sim cards and a laptop were seized.

Person A's neighbour

56. Person A's neighbour's police statement is dated 8 November 2019. They describe, that in the time prior to Mr Onwu's arrest, they saw a car parked on the street every weekday, for about three and a half weeks, from 08:50 to about 09:40. The neighbour states that other than the day of arrest, **[PRIVATE]**, the man in the car was alone. Person A's neighbour states that he believes that the white Mercedes he saw on the day of arrest is the same car he had seen on the other days.

57. Person A's neighbour describes regularly seeing the man get out of the car and crossing to a house down the road before going to the house briefly and then returning and driving away.

58. Person A's neighbour states that he did not see Mr Onwu on the day of the arrest but describes the man he previously saw as Afro-Caribbean with longish black hair and carrying a small shoulder bag.

Co-op Store Manager

59. The police witness statement from the Co-op store manager is dated 22 November 2018. It exhibits a copy of the CCTV footage from 22 October 2018, showing a black male with long hair carry out a transaction at the till for a total of £5.45. It also exhibits a copy of the duplicate till receipt.

Matalan Store Assistant Manager

60. The police witness statement is dated 22 November 2018. It exhibits a CCTV image from 22 October 2018 showing a black male making a purchase of **[PRIVATE]** clothing and footwear with a total value of £51.05. It also exhibits a duplicate till receipt for the transaction.

Mr Onwu

61. Mr Onwu has not provided any evidence or submissions to Social Work England for the purpose of these proceedings. The last correspondence from Mr Onwu was to the HCPC on 19 January 2019, in which he stated:

'Firstly, I would like to state that it is my intention to appear before the council and state the circumstances behind the incident.

I'll briefly explain the background of the incident;

1) Yes I was at the scene of the incident that occurred on . However, I was working legally and DID NOT STEAL OR BURGLE the individuals property (officers are yet to review arresting officers camera).

2) During the second interview at the police station, officers showed me individuals who they believed had used one of the credit cards.

3) Yes one of the credit cards was used to purchase items of clothing **[PRIVATE]** *but unbeknown to me it was a stolen card as I had worked for Mr G.*

4) A search was conducted at the property I shared with other individuals and different bank cards were found in the building, although one of the tenants had claimed some of his items, the rest are yet to claim theirs.

As a qualified social worker, I understand the ethics that underpin my practice. I have not in any way intended to put anyone or the public at risk.

I have worked hard to achieve this great height and believe I have so much to offer vulnerable children in the community, and for me to stand to lose it all is agonising.

I would like to use this opportunity to state that I would never bring a profession I have so much passion for to disrepute and I believe every individual deserve a second chance to make a positive difference.'

Finding and reasons on facts:

62. In closing submissions, Ms Steels invited the panel to draw an adverse inference from Mr Onwu's nonattendance at the hearing. She submitted that Mr Onwu was warned within the notice of hearing letter that failure to attend the hearing may be held against him.

63. Ms Steels submitted that it is clear that the reason Mr Onwu has not responded to the evidence or appeared at the hearing to be questioned is because he has no evidence to answer Social Work England's case or none that would stand up to cross-examination. In those circumstances, Ms Steels submitted that it would be proper for the panel to draw an adverse inference.

64. Ms Steels also submitted that the panel should approach its fact finding by considering particulars 1 and 3, before considering particulars 2, 4 and 5. Ms Steels submitted that Social Work England's case, is that Mr Onwu's intention to use the details obtained as alleged in particular 2, is supported by the alleged fact that he did then apply for and/or obtain credit cards/accounts in Person A's name. For this reason, the panel should consider whether it finds proved that he did apply for/obtain credit cards before considering what his intention was.

65. The panel heard and accepted the advice of the legal adviser in respect of the approach to take in determining findings of facts and the burden and standard of proof. The burden of proof rests on Social Work England and it is for Social Work England to prove the Allegation. The legal adviser provided advice on the issues of credibility and reliability, as per the guidance in *R (Dutta) v GMC [2020] EWHC 1974 (Admin)* and guidance on hearsay evidence and circumstantial evidence. The legal adviser also provided advice on the specific wording of the Allegation, including the word 'intended' referred to in particular 2. The legal adviser set out the test to be applied when considering a charge of dishonesty which is found in the guidance of the Supreme Court in *Ivey v Genting Casinos (UK) LTD t/a Crockfords [2017] UKSC 67* and referred to in the case of *R v Barton and another [2020] EWCA Crim 575* for a practical example of its application. The legal adviser provided advice on the drawing of adverse inferences against the Social Worker with reference to the cases of *Kuzmin v GMC [2019] EWCA 2129 (Admin)* and *GMC V Udoye [2021] EWHC 1511 (Admin)*.

<u>Panel decision</u>

66. The panel took into account that it should not evaluate all the evidence and then decide whether it is fair to draw an inference against Mr Onwu, so it began its deliberations by considering whether it was appropriate to draw an inference. It had regard to the Social Work England 'Guidance on service of notices and proceeding in the absence of the social worker' last updated on 16 December 2022. It carefully considered the factors, as derived from *Kuzmin,* as to whether it would be fair to draw an adverse inference.

67. The panel accepted that a case to answer has been established. The panel noted that by progressing to a final hearing, the Social Work England Case Examiners had found a case to answer. The panel considered that there was a realistic possibility of it making findings, having been provided with witness statements, including contemporaneous documents such as CCTV images, which Social Work England submit support the Allegation.

68. The panel accepted that Mr Onwu had been warned of the possibility of an adverse inference being drawn from him not attending the hearing, and that he had been given an opportunity to attend the hearing and/or provide written submissions. This information was provided in the notice of hearing letter sent to Mr Onwu on 6 July 2026, for which the panel had found good service.

69. The panel accepted that there was no reasonable explanation for Mr Onwu's non-attendance. It took into account that the last correspondence from him was 16 January

2019, in which he stated that, '*it is my intention to appear before the council and state the circumstances behind the incident*.' However, since then he has not engaged with the HCPC or Social Work England proceedings.

70. The panel considered whether there were any other circumstances in the case that would make it unfair to draw an adverse inference. The panel was satisfied that there are no known circumstances relating to Mr Onwu that would create procedural unfairness for the panel to draw an adverse inference.

71. Having satisfied the *Kuzmin* criteria, the panel next considered whether it should draw an adverse inference and if so what adverse inference to draw. It took into account the overarching objective of Social Work England and the burden placed on social workers, when they register, to engage with the regulator in respect of allegations made against them. The panel considered that in facing serious allegations, Mr Onwu would be expected by the public to give an account of his actions, and yet he had not done so, save for a very limited response provided to the HCPC on 16 January 2019. In these circumstances, the panel was satisfied that it was fair for it to draw an adverse inference against Mr Onwu.

72. The panel decided that the adverse inference it was able to draw is that Mr Onwu has no answer to Social Work England's case or none that would stand up to scrutiny. The panel attached only limited weight to the inference because it is only one factor within the overall evidential assessment that it was required to conduct in respect of the Allegation. The panel was also mindful of proportionality, fairness, and that the burden of proof remained on Social Work England throughout.

73. In relation to its consideration of the particulars of Allegation, the panel was satisfied that it was fair and appropriate to consider the particulars in the order proposed by Ms Steels.

74. The panel's decision is:

'Whilst registered as a social worker, you:

1. On one or more occasions, including on 31 October 2018, took post, or attempted to take post, addressed to Person A from their mailbox' **Found Proved.**

75. The panel took into account the background to this matter which arises from Person A contacting the police on 30 October 2018 to report that they had noticed suspicious activity for the last week at their house. The panel took into account that in relation to all the particulars of the Allegation, Social Work England relies on the witness statement and exhibits of DS Foy, which includes contemporaneous hearsay evidence from other individuals.

76. The panel had careful regard to the police 'Storm Incident Report' exhibited to DS Foy's witness statement. DS Foy describes this log as the written record made by the call-taker in the Force Control Room. The panel was confident it could place significant weight on the evidence of DS Foy. The panel found his oral evidence to be consistent,

clear and thorough. The panel found him to be balanced and whilst he had a good recollection of the events, he was clear to the panel when he was referring back to the contemporaneous police documents for his recall.

77. The panel was satisfied that it could place significant weight on the 'Storm Incident Report' as it was produced contemporaneously for policing purposes entirely independent of these proceedings. Within the call from Person A, they describe the postman attending the house as usual, to access the external post box, but when Person A goes to get the post later in the day, there has either just been unaddressed junk mail or no post at all. Person A states that for the last week, a male has been visiting their post box directly after the postman. Person A states that they could not see the male due to having the blinds shut. Person A states that, this morning [30 October 2018], they had collected the post as soon as the postman had been. In the post was a HSBC statement for a credit card with an expenditure of £3,452.39 in their name and with their address. Person A said they had not taken out this credit card. Person A said that when they went to collect the post this morning, they saw a male on the other side of the road, an '*Asian male, long hair, approx. late 20s/early 30s…'*. They saw this male getting into a white car.

78. The panel also took into account the police witness statement of PC Kirkup dated 31 October 2018 in which he describes attending Person A's house to speak about Person A's report that someone was intercepting their mail. PC Kirkup states that whilst he was in attendance at Person A's house, he saw Mr Onwu '*standing with his right hand in [Person A's] letter box, holding a brown envelope which was half in and half out of the box*.' PC Kirkup states that he said to Mr Onwu "*what are you doing*" to which Mr Onwu replied, "*I'm delivering*". PC Kirkup states that he took the brown envelope from Mr Onwu and saw that it was addressed to Person A. PC Kirkup then conducted a search of the bag Mr Onwu had on him. PC Kirkup describes that the bag contained various leaflets and charity bags, but that these mismatched and '*appeared quite random, with no two items being the same.'* PC Kirkup states that this did not seem to support Mr Onwu's explanation that he was delivering items on behalf of a company.

79. The panel was confident in relying on the statement of PC Kirkup. Whilst his statement is hearsay, the panel noted that it is signed and dated and contains a statement of truth. The panel attached significant weight to his statement as it was made in the course of his professional duties as police officer in response to him arresting Mr Onwu at the scene.

80. The panel noted that in his email to the HCPC on 16 January 2019, Mr Onwu accepts that he was at the scene of the incident, however he states that he was, '*working legally and DID NOT STEAL OR BURGLE the individuals property.'* It is reported in the police handover document, that at the time of arrest on 31 October 2018, Mr Onwu also stated that the letter had been sticking out of the post box and he had been pushing it in.

81. The panel did not accept this was a plausible explanation for Mr Onwu having his hand on Person A's letter within the post box. The contention is not supported by the

evidence, which shows that Mr Onwu had a mismatch of leaflets, rather than any from a particular company.

82. The panel was therefore satisfied that it had direct evidence that Mr Onwu attempted to take post addressed to Person A from their mailbox on 31 October 2018.

83. The panel next considered whether Mr Onwu had taken or attempted to take post addressed to Person A, from their mailbox, on more than one occasion. The panel took into account that in relation to whether it occurred on more than one occasion it was being asked to consider circumstantial evidence and draw an inference.

84. The panel had regard to Person A's police witness statement dated 31 October 2018, which describes a pattern of them noticing on several occasions over the past week that the post box has been empty despite the postman delivering. The panel considered that the statement is largely consistent with the account Person A gave to the police during the initial call on 30 October 2018, save that in the witness statement Person A describes the suspect as being a black male, having previously described him as Asian. The Panel did not consider that this detail undermined Person A's evidence as a whole and considered the evidence supporting the possibility of there being more than one individual involved in the wider operation. Furthermore, it is entirely feasible for Person A to have given an inaccurate description due to the circumstances of her observation.

85. The panel also had regard to the police witness statement given by Person A's neighbour who describes seeing a man in a white Mercedes parking outside his house on a number of days prior to Mr Onwu's arrest. The neighbour describes the man getting out and going briefly to the same house every day. The neighbour describes the man as Afro-Caribbean with reasonably longish black hair. The panel considered that this statement corroborates the statement of Person A in relation to the frequency of visits and in relation to the car. The panel noted that whilst the neighbour states that they believed they might recognise Mr Onwu if they did see him again, they were later unable to pick him out in a digital police identification. The panel did not consider the failure to identify Mr Onwu in the police identification undermined the neighbour's witness account, as the core account remains consistent and is supported by other evidence.

86. The panel took into account the witness statement of PC Kirkup who describes the events immediately following the arrest of Mr Onwu on 31 October 2018. Mr Onwu was asked about the location of his vehicle. Mr Onwu replied that it was around a thirty-to-forty-five-minute walk away. PC Kirkup states that this did not seem plausible and that he had noticed a white Mercedes parked on the opposite side of the road a few doors down, where Person A had indicated that they had seen the car the previous day. Whilst Mr Onwu was in police custody, the white Mercedes, was searched **[PRIVATE]**. The police search of the car included finding a letter in the glove box from the Co-op bank addressed to Person A, indicating an account had been opened in their name, and a letter from the Hospital addressed to Person A inside the nearside door pocket.

87. The witness statement of PC Kirkup also describes the searches that were conducted of Mr Onwu's address whilst he remained in custody. It states that Mr Onwu had provided an address in **[PRIVATE]**. However, upon arrival the keys which Mr Onwu had in his possession did not fit the door. Neighbours stated that Mr Onwu did not live there and offered an alternative address. The alternative address was searched and a Lloyds bank Mastercard in the name of Person A was seized from the wardrobe in the bedroom.

88. Considering the totality of the evidence, as described above, the panel was satisfied that it could draw an inference that Mr Onwu had taken post from Person A's mailbox on at least one other occasion, pre-dating that of 31 October 2018 when he was apprehended. There is no other plausible explanation for why correspondence and a bank card in Person A's name were found in Mr Onwu's car and residential address other than that he had taken them on at least one previous occasion and put them there.

89. Furthermore, the presence of the correspondence and card found during the search further undermines Mr Onwu's explanation that he was at the address legitimately on 31 October 2018.

90. The panel was satisfied, on the balance of probabilities, that on one or more occasions, including on 31 October 2018, Mr Onwu took post, or attempted to take post, addressed to Person A from their mailbox. **Found Proved.**

'Whilst registered as a social worker, you:

3. On one or more occasions, applied for and / or obtained credit cards and / or current accounts using Person A's details, without their knowledge or consent, including those set out in Schedule A;

<u>Schedule A</u>

a) A Co-Op bank current account;

b) A Lloyds bank Mastercard with the last four digits 6157;

c) A HSBC Credit card with the last four digits 1722;

d) A platinum bank card from Barclaycard with the last four digits 9006;

e) A NatWest facility.' **Found Proved in respect of Schedule A (a) and (b).**

91. The panel had careful regard to the statement of DS Foy in which he lists the correspondence that Person A had received from various banking institutions. The panel cross-referenced this information with the contemporaneous police witness statement of Person A. Whilst the panel did not have copies of the correspondence, it did not consider that this undermined the value of DS Foy's statement, accepting that the exhibits referred to by Person A were destroyed following the conclusion of the

police investigation in 2023. Person A’s statement makes it clear that they did not apply for these accounts and/or cards and did not request that someone did this on her behalf. For the reasons already set out in this decision, the panel was confident in relying on the statement of Person A and was therefore able to conclude that these cards and accounts had not been applied for with her consent.

92. The panel next considered each of the accounts/cards listed in Schedule A individually to decide whether Mr Onwu had applied for and / or obtained them.

93. The panel was satisfied on the evidence before it that it was Mr Onwu who had obtained the Co-op bank current account in Person A’s name. There is direct and reliable evidence from PC Kirkup, who in his search of Mr Onwu’s car, found the letter from the Co-op bank confirming that an account had been opened in Person A’s name. This evidence was supported by the statement of DS Foy who states that he arranged for seized items to be examined for fingerprints by a Crime Scene Investigator. Mr Onwu’s fingerprints were found on the Co-op bank letter found in his car.

94. The panel next considered the Lloyds bank Mastercard. The panel took into account the evidence that this card had been seized from a wardrobe during the search of Mr Onwu’s address. The panel was therefore satisfied that Mr Onwu had obtained this card.

95. The panel next considered the HSBC credit card with the last four digits 1722. Reference to this credit card is made in the statements of Person A and PC Kirkup. Person A describes that on 30 October 2018, they retrieved the mail as soon as the postman had delivered it. Within this mail was a HSBC credit card statement in their name with an outstanding balance of minus £3,452.39. Person A states that the statement showed eighteen transactions, all on 24 October 2018 including spending at an ASDA supermarket in **[PRIVATE]**. DS Foy corroborates Person A’s witness statement in relation to the use of the card. However, DS Foy’s statement confirms that he obtained CCTV footage of all of the transactions which were made with the HSBC bank card, and that the footage shows that Mr Onwu did not make any of these transactions. DS Foy confirms that the males who used that card have never been identified.

96. In light of DS Foy’s evidence, the panel was not satisfied that Mr Onwu applied for and / or obtained the HSBC credit card as there is no direct evidence to link it to him. To the contrary, there is evidence to link it to other unidentified individuals.

97. The panel next considered the platinum bank card from Barclaycard with the last four digits 9006. In Person A’s second police witness statement, dated 21 November 2018, they describe having received further correspondence from several banks since the statement of 31 October 2018. They confirm that they received a letter from Barclaycard with a new Barclaycard platinum card with account number ending 9006. They state that they had not applied for the card and that they had contacted Barclays to inform them of this. Thereafter they received a further letter from Barclaycard with the pin number.

98. In the statement of DS Foy, he states that no transactions were made on the Barclaycard.

99. The panel considered whether it could draw the inference that, because Mr Onwu had been found in possession of the Co-op letter and Lloyd's credit card, that he had also obtained the Barclaycard. The panel concluded that it would be unsafe to draw such an inference. In reaching that conclusion, the panel took account of DS Foy's evidence that other unidentified individuals had used the HSBC card. This suggested to the panel that the matter concerning Mr Onwu may have formed part of a wider situation and undermined the evidential basis for inferring that Mr Onwu had obtained the Barclaycard.

100. Finally, the panel considered the NatWest facility. As with the Barclaycard, this related to an account for which correspondence had been received by Person A after 31 October 2018. Person A states that the letter from NatWest is dated 8 November 2018 and advised Person A that NatWest had received their application and wanted to check its authenticity as it believed that their personal information may have been misused. As with the Barclaycard, Person A states that they did not apply for the NatWest account and notified the bank.

101. DS Foy's statement confirms that no transactions were made in relation to the NatWest account.

102. For the same reasons as those set out at paragraph 99, the panel concluded that it would be unsafe to draw an inference that Mr Onwu had applied for and / or obtained the NatWest facility.

103. The panel was not satisfied that Mr Onwu applied for and / or obtained the Barclaycard or NatWest facility.

104. Whilst the panel did find that Mr Onwu had obtained the Co-op bank account and Lloyds credit card, it did not accept the submission of Social Work England that, even in the absence of evidence of the actual applications, it could draw an inference that it was Mr Onwu who had applied for them. Whilst the evidence of Person A and their neighbour suggests a repeated pattern of Person A's letterbox being targeted by a male in a white car, there is no direct evidence that it is Mr Onwu on every occasion. Taking into account the evidence of DS Foy that other unidentified individuals were also using a card in Person A's name, the panel considered that it would be unsafe to draw the conclusion that even though Mr Onwu had obtained the Coop and Lloyd's card, it was necessarily him who had applied for them.

105. In concussion, the panel found, on the balance of probabilities, that Mr Onwu had on one or more occasions, obtained credit cards and / or current accounts using Person A's details, without their knowledge or consent, including those set out in Schedule A (a) and (b). **Found Proved**.

‘*Whilst registered as a social worker, you:*

2. Intended to use the details obtained from post addressed to Person A to apply for credit cards in their name;’ **Found Proved**

106. The panel took into account that Mr Onwu’s state of mind can only be proved by inference or deduction from the surrounding evidence. It therefore examined all the evidence and the circumstances including the facts, the history, and any explanation provided by Mr Onwu.

107. The panel took into account that it had made a finding in relation to particular 1 that Mr Onwu was caught with his hand in Person A’s post box, holding onto a letter addressed to Person A. It had found no credible explanation for this as detailed at paragraph 81. It had also found, as per particular 3, that Mr Onwu had in his car/home, a letter from the Co-op bank confirming that an account had been opened in Person A’s name and a Lloyds credit card in Person A’s name. The panel noted that Mr Onwu had never provided an explanation as to why Person A’s letters and credit card were found in his car and house.

108. Given that Mr Onwu did in fact obtain a credit card and current account in Person A’s name, the panel considered that it was a reasonable inference to draw that he had intended to use details obtained from the post addressed to Person A for this purpose. The panel differentiated between the evidence required to support a finding of intention, as opposed to that required to support a finding that Mr Onwu did in fact apply for the cards.

109. The panel considered that this inference was further supported by the police initial forensic investigation examination report. This contemporaneous report sets out the findings of the forensic processing of the data extracted from Mr Onwu’s mobile device. This states that in Mr Onwu’s safari there was search history found in relation to the laws of fraud and burglary and also a search was conducted ‘*can I be a social worker with a criminal record.’*

110. The panel was therefore satisfied on the balance of probabilities that Mr Onwu intended to use the details obtained from post addressed to Person A to apply for credit cards in their name. **Found Proved.**

‘Whilst registered as a social worker, you:

4. Used credit cards obtained in Person A’s name to make purchases and / or transactions, including those set out in Schedule B, without Person A’s knowledge or consent.

Schedule B

a) £51.05 at Matalan;

b) £5.45 at the Co-Op;

c) *£302.99 at World Remit'*. **Found Proved.**

111. The panel had regard to the second statement of Person A which states that they received a credit card statement dated 11 November 2018 for a Lloyds bank Mastercard. This showed that transactions had been made on 22-23 October 2018 which they did not make, as they had no knowledge of the Lloyds card account. The panel took into account that Person A's statement and DS Foy's statement confirm that the credit card statement dated 11 November 2018 relates to the Lloyds credit card which was found in Mr Onwu's wardrobe.

112. DS Foy's witness statement sets out the further investigatory steps which were taken in relation to this credit card. DS Foy's statement notes that one of the transactions was for the Co-op store for a purchase of £5.45. DS Foy states that CCTV footage was obtained from the Co-op store in question and this shows that the male who used the card on that date matches the description of Mr Onwu. The panel was also provided with a copy of the police statement taken from the manager of the Co-op store. This exhibits a duplicate copy of the receipt for the purchases made on the Lloyds card and the still CCTV images.

113. The panel was satisfied that it was able to rely on the statement from the Co-op manager as the account was given close to the time of the events, is provided within a formal statement containing a statement of truth, and there is no reason for the manager to fabricate or misrepresent the matters described in this statement. Furthermore, the panel accepted that DS Foy was well placed to identify Mr Onwu on the CCTV as he conducted a formal police interview with him on 24 November 2018.

114. DS Foy's statement also provides evidence about a transaction made by the same credit card on the same date as the Co-op transaction. This transaction is for Matalan. DS Foy exhibits a police witness statement from the assistant manager of the Matalan store which itself exhibits a copy of the receipt for the items purchased with the card and a CCTV still image of the person making the purchase. DS Foy confirmed that the image matches that of Mr Onwu.

115. The panel was confident in relying on this evidence for the same reasons as those set out in paragraph 113.

116. Furthermore, in respect of the Matalan purchase, the receipt shows that various items of clothing and some boots were purchased. DS Foy's statement states that Matalan items matching the description of the purchased items were seized during the search of Mr Onwu's **[PRIVATE]** address.

117. The panel was therefore satisfied that it had direct evidence that a credit card obtained in Person A's name was used by Mr Onwu to make purchases and / or transactions, without Person A's knowledge or consent, at the Co-op and Matalan.

118. In respect of the World Remit transaction for £302.99, the panel accepted it did not have any direct evidence that this was attributable to Mr Onwu. However, the panel was satisfied that it could draw an inference that this transaction was completed by Mr

Onwu. In reaching this decision, the panel accepted the evidence of DS Foy that this transaction had taken place on the same date as the other transactions in Schedule B and that the money was sent to a Ms Onwu in Nigeria. The panel considered that given this is an individual who shares a last name with Mr Onwu and given there is CCTV of him using the card at other vicinities around the same time as this transaction was made, it is a reasonable conclusion to draw that it was he who made this transaction.

119. The inference is further supported by the forensic investigation report which references an email address in Mr Onwu's name being used in relation to an email regarding a transfer to Nigeria.

120. The panel was therefore satisfied, on the balance of probabilities, that Mr Onwu had used credit cards obtained in Person A's name to make purchases and / or transactions, in relation to all items in Schedule B, without Person A's knowledge or consent. **Found Proved.**

> *' 5. Your actions at paragraphs 1 and/ or 2 and/ or 3 and/ or 4 above were dishonest'* **Found Proved.**

121. Having found particulars 1 to 4 all proved, the panel then considered whether Mr Onwu's actions in each of those particulars was dishonest.

122. In relation to particular 1, the panel first considered what the actual state of Mr Onwu's knowledge or belief was as to the facts. The panel considered that Mr Onwu would have known that he was not entitled to take post from Person A's mailbox, hence why he informed PC Kirkup when challenged that he was there doing deliveries. The panel has already found in its decision at particular 1 that this was not a plausible explanation. His knowledge and belief that his actions were dishonest is also supported by his actions following his arrest in which he provided false information about the whereabouts of his car and gave details of an address where he was not in fact residing. The panel concluded that taking into account Mr Onwu's understanding of the circumstances, as set out above, an ordinary decent person would find the conduct as dishonest.

123. In relation to particulars 2 and 3, the panel took into account that Mr Onwu had never provided an explanation as to why Person A's letters and credit card were found in his car and house. Given that Mr Onwu did obtain a credit card and current account in Person A's name, without Person A's knowledge or consent, the panel concluded that Mr Onwu's knowledge or belief as to the facts, was that he knew he could use the address and details obtained from Person A's post to apply for or obtain credit cards in Person A's name. Applying then the objective test, the panel considered that it is plain that an ordinary decent person would regard conduct such as this to be dishonest.

124. In relation to particular 4, the panel took into account the explanation provided by Mr Onwu in his email to the HCPC on 16 January 2019, in which he admits that he did use one of the credit cards to purchase items of clothing **[PRIVATE]** but that '*unbeknown to*

[him] it was a stolen card as I had worked for Mr G.' The panel noted there had been no other explanation from Mr Onwu about Mr G. In evidence, DS Foy stated that he had not heard of Mr G and as Mr Onwu had given no comment interviews there had been no defence lines of enquiry. The panel did not find Mr Onwu's account to be credible. The transactions on the card were made against a backdrop of Mr Onwu taking post from Person A's post box without their consent, storing post that he had obtained within his car and house, and then seeking to prevent its discovery, even when caught, by misleading the police as to the whereabouts of his car and as to where he was living. The panel concluded that Mr Onwu knew that the card he was using belonged to Person A and that he did not have consent to use this to make purchases. Applying then the objective test, the panel considered that an ordinary decent person would regard conduct such as this to be dishonest as you cannot spend money in someone else's name, without their knowledge and consent. **Found Proved.**

Finding and reasons on grounds:

<u>Submissions</u>

125. Ms Steels submitted that the facts found proved amount to misconduct. She submitted that Mr Onwu was in breach of the following HCPC Standards of Conduct, Performance and Ethics / Proficiency ("the Standards") as applied at the time of the conduct, in particular:

<u>'HCPC Standards of Conduct Performance and Ethics (2016)</u>

9. Be honest and trustworthy.

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

<u>HCPC Proficiency Standards (2017)</u>

3.1 Understand the need to maintain high standards of personal and professional conduct.'

126. Ms Steels submitted that Mr Onwu's conduct falls far below that which is expected of a registered social worker and is such that other social workers could regard it as deplorable. Ms Steels submitted that, although the conduct occurred in Mr Onwu's private life, the core standards of honesty and integrity are equally applicable to his professional role. As a registered social worker, Mr Onwu is required to act with honesty and integrity at all times in order to maintain public confidence and trust in the profession.

127. Ms Steels submitted that Mr Onwu's dishonest actions are plainly serious. She submitted that it portrays Mr Onwu as untrustworthy and demonstrates a protracted pattern of dishonest behaviour. Further, she submitted that actual harm was caused to Person A, who has described the distress they were caused. She submitted that there

was an even greater risk of financial harm had Mr Onwu not been apprehended and the relevant banks agreeing to absorb the financial losses. **[PRIVATE]**.

128. Ms Steels submitted that the conduct described is a significant departure from what would be expected of a social worker. Given that social workers work with the most vulnerable members of society and are entrusted with access to their homes and personal sensitive information, social workers are expected to act with the utmost honesty. She submitted, that Mr Onwu did not do so calls into question his suitability to work in the profession, and no doubt would undermine public trust and confidence in social workers. She submitted that if members of the public were aware of Mr Onwu's conduct, they would likely be very concerned.

<u>Legal advice</u>

129. In relation to misconduct, the legal adviser referred the panel to the cases of *Roylance v GMC (no.2) [2000] AC 311, R (Remedy UK Ltd) v GMC [2009] EWHC 2294 (Admin)* and to the Standards. The panel was advised that there is no settled definition of misconduct, and it is for the panel to say in the circumstances of the case whether the behaviour crossed the threshold properly to be categorised as misconduct. The panel could approach the question by deciding whether an act or omission on the part of Mr Onwu represented a serious falling short of the Standards to be expected of a registered social worker. However, it is important to note that not every omission or wrongdoing necessarily constitutes misconduct.

<u>Decision</u>

130. The panel at all times had in mind 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. The panel took into account the Standards which were in place at the time of the events. The panel bore in mind that a departure from the Standards alone does not necessarily constitute misconduct.

131. Based on all the information before it, the panel found Mr Onwu's behaviour in relation to the facts found proved did amount to serious professional misconduct.

132. The panel took into account that the dishonest actions of Mr Onwu did not occur in the exercise of his professional social work practice. Nonetheless, the panel considered that it was conduct of a morally culpable or otherwise disgraceful kind, which whilst it occurred outwith the course of professional practice itself, it brings the profession into disrepute.

133. The panel had careful regard to the HCPC Standards and found that Mr Onwu's conduct was in breach of the following Standards:

<u>*'HCPC Standards of Conduct Performance and Ethics (2016)*</u>

9. Be honest and trustworthy.

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

HCPC Proficiency Standards (2017)

- *3.1 Understand the need to maintain high standards of personal and professional conduct.'*

134. The panel considered that Mr Onwu's dishonest conduct was very serious. It represented a course of conduct that was premeditated and from which Mr Onwu derived financial gain.

135. The panel took into account that Mr Onwu's dishonest conduct had caused harm to Person A who was described as distressed and upset at having her identity used for fraudulent activity. The panel accepted that Person A had not been caused financial harm, however, the panel considered that this would have been a risk if the relevant banks had not absorbed the loss. **[PRIVATE]**.

136. The panel took into account that within social work practice, honesty and integrity are fundamental tenets of the profession. Social workers work with vulnerable members of society and have access to their homes, personal details and on occasion their finances. It is vital that the public can trust social workers to enable those who require their support to effectively receive the necessary services. Mr Onwu's dishonest actions undermine the public trust and confidence that is placed in the profession.

137. The panel found that Mr Onwu's actions were fundamentally inconsistent with what is expected of a registered social worker, falling far below the Standards expected.

138. For the above reasons, the panel concluded that the conduct found proved individually and collectively does amount to serious professional misconduct.

Finding and reasons on current impairment:

Submissions

139. Ms Steels submitted that Mr Onwu's fitness to practise is impaired.

140. Ms Steels submitted that his conduct was serious and it caused emotional harm to Person A. She submitted that there was also a risk of financial harm to person A if the banks had not absorbed the financial loss.

141. Ms Steels further submitted that Mr Onwu had breached fundamental tenets of the social work profession and had brought the profession into disrepute.

142. Ms Steels submitted that the conduct represented a pattern of repeated behaviour. It involved Mr Onwu going back to Person A's address repeatedly to remove post and obtaining credit facilities which he then used for multiple transactions. Ms Steels submitted that this shows a pattern of premeditated conduct for self-gain. She submitted that this was not a lapse in judgement. It was a deliberate and planned course of action, only ending following his arrest.

143. Ms Steels submitted that there is no evidence of insight from Mr Onwu who last engaged with the HCPC in 2019. Ms Steels submitted that his lack of engagement demonstrates an obvious lack of remorse, insight and remediation, and in those circumstances, there is a clear risk of repetition.

144. Ms Steels submitted that dishonesty is an attitudinal failing which is extremely difficult to remedy, and Mr Onwu has not admitted his conduct or accepted any responsibility. She submitted that notwithstanding his denial of the allegations, Mr Onwu has not sought to engage in any hypothetical consideration of the harm that could have been caused, or of the hypothetical impact of such conduct on the reputation of the social work profession and public trust and confidence, and hence has demonstrated no reflection.

145. Ms Steels further submitted that, irrespective of any insight and remediation demonstrated by Mr Onwu, the panel ought to find that his conduct is so serious that not to find impairment would damage the public confidence in the profession and Social Work England as a regulator. As such, she invited the panel to make a finding of current impairment as this is in the public interest.

<u>Legal advice</u>

146. The panel heard and accepted the advice of the legal adviser in relation to impairment. The legal adviser reminded the panel that it should have regard to both the personal and public interest components of impairment. The legal adviser directed the panel to have careful regard to the Social Work England 'Impairment and Sanctions' guidance updated 26 April 2026, which includes guidance on assessing impairment, including paragraphs relating to dishonesty. The panel was referred to the cases of *CHRE v (1) NMC & (2) Grant [2011] EWHC 927 (Admin), Cohen v GMC [2008] EWHC 581* (*Admin), Meadow v GMC [2007] 1 WB 462,* and *General Medical Council v Armstrong [2021] EWHC 1658 (Admin).*

<u>Decision</u>

147. The panel considered Mr Onwu's current fitness to practise firstly having regard to the personal component and secondly with regard to the wider public interest. The panel had careful regard to the Social Work England 'Impairment and sanctions guidance' updated 23 April 2026.

148. In relation to the personal component, the panel considered whether the conduct in this case is easily remediable, whether it has been remedied and whether it was highly unlikely to be repeated.

149. The panel kept in mind that concerns that raise questions of character such as dishonesty, may be harder to remediate. The panel had regard to its findings that Mr Onwu had conducted a course of dishonest conduct, comprising of the following actions. It was pre-meditated, deliberate and repeated on more than one occasion, firstly in taking Person A's post and then by obtaining a credit card and a bank account in Person A's name, without their knowledge or consent. Thereafter, Mr Onwu used the

credit card for personal financial gain. The panel considered that this repeated conduct, which only stopped when Mr Onwu was caught in the act, suggests a clear attitudinal issue. The suggestion that this is an attitudinal issue was also evidenced by Mr Onwu's conduct at the time of his arrest, when he gave the police false information about the whereabouts of his car and provided an incorrect address to divert the police's attention.

150. Given the serious nature of the dishonest conduct and the apparent attitudinal issues, the panel considered that it would be difficult for Mr Onwu to remediate.

151. The panel considered that in order to remediate Mr Onwu would need to show fully developed insight, reflection, remediation and remorse. This would need to include an understanding of how and why the misconduct occurred and evidence to demonstrate what steps he would take to avoid a repetition of the misconduct reoccurring. The panel would also need to see an understanding from Mr Onwu of the impact the misconduct had on Person A, **[PRIVATE]**, and the social work profession.

152. The panel next had regard to whether Mr Onwu's dishonest conduct has been remedied.

153. In relation to insight and remediation, the panel took into account that Mr Onwu has provided no evidence of insight, remediation, remorse or reflection. In fact, he has not engaged in the regulatory proceedings since 16 January 2019. The panel also had no evidence of his previous character, noting that he had not provided any references or testimonials and it would not appear that he ever worked as a social worker. In the circumstances the panel found that Mr Onwu lacks insight into his fitness to practise and has not remediated.

154. The panel considered whether the misconduct was likely to be repeated by Mr Onwu. The panel took into account all it had read and heard about the misconduct. The facts found show that Mr Onwu conducted a pattern of dishonest behaviour for his own personal gain. Given its finding that Mr Onwu has shown no insight and has not remediated, the panel concluded that the risk of repetition remains high. The panel found that given the lack of insight, there remains a potential for Mr Onwu to behave in a dishonest manner again if he found himself in a position in which he could gain access to someone's personal details.

155. The panel decided that on the personal component Mr Onwu's fitness to practise is currently impaired on the grounds of his misconduct.

156. The panel next considered whether a finding of current impairment was necessary in the public interest. The panel was mindful that the public interest encompassed not only public protection but also the declaring and upholding of proper standards of behaviour as well as the maintenance of public confidence in the profession. It took into account the guidance in the case of *CHRE v NMC & Grant [2011] EWHC 927 (Admin)* at paragraph 74:- '*In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not*

only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

157. The panel had regard to the factors identified by Dame Janet Smith in her 5th Shipman Report and cited in *CHRE v (1) NMC and (2) Grant*. The panel considered whether:

a) Mr Onwu has in the past placed and/or is liable in the future to place service users at unwarranted risk of harm.

b) Mr Onwu has in the past brought and/or is liable in the future to bring the profession into disrepute.

c) Mr Onwu has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession.

D) Mr Onwu has in the past acted dishonestly and/or is liable to act dishonestly in the future.

158. In relation to a), the panel determined that Mr Onwu had placed the public at unwarranted risk of harm, by acting in the way that he did. The panel had written evidence of the impact on Person A and also heard oral evidence from DS Foy about the distress and upset caused to Person A. Whilst there was no financial harm caused to Person A, there would have been harm if the relevant banks had not absorbed the financial loss.

159. **[PRIVATE]**.

160. In relation to b), that is the question of whether Mr Onwu has in the past brought the profession into disrepute, the panel determined he had. A significant aspect of public interest is upholding proper standards of conduct and behaviour so as not to bring the profession into disrepute. The role of the HCPC Standards is to set out in general terms how registrants are expected to behave and outline what the public should expect from their health and care professional. In breaching the HCPC Standards, as already set out within this decision, Mr Onwu has brought the profession into disrepute.

161. The panel then considered c), being whether Mr Onwu had breached fundamental tenets of the profession. The panel considered that honesty is a fundamental tenet which is at the heart of social work practice, and Mr Onwu has breached this on multiple occasions.

162. In relation to d), the panel determined that Mr Onwu had in the past acted dishonestly and had done so on more than one occasion. The dishonesty was premeditated and was for his own personal financial gain. Honesty is key to good social work practice as social workers are routinely trusted with access to people's homes, and highly sensitive and confidential service user information.

163. The panel asked itself, given the nature of the Allegation and the facts found proved, would public confidence in the profession and how it is regulated be undermined if there were to be no finding of impairment?

164. Based on its findings in relation to the unwarranted risk of harm, the bringing the profession into disrepute, the breaching of the fundamental tenets of the profession, and the dishonesty, the panel concluded that public confidence would be undermined if there were to be no finding of impairment. Social workers hold privileged positions of trust. It is essential to the effective delivery of social work that the public can trust social workers to practise with honesty. The panel considered that not to make a finding of current impairment of fitness to practise in relation to the dishonest misconduct would seriously undermine public trust and confidence in the profession and would fail to uphold and declare proper standards.

165. The panel therefore decided that in relation to the wider public interest, Mr Onwu's fitness to practise is currently impaired.

Decision and reasons on sanction

<u>Submissions</u>

166. Ms Steels submitted that the only appropriate and proportionate sanction in this case is a removal order. Ms Steels submitted that other sanctions would not be appropriate due to the following factors:

- Mr Onwu's stealing of Person A's mail, from which he obtained bank facilities in their name, without their knowledge, and used them for his own gain.
- Dishonesty is inherent in each fact. Aggravating features include that it was repeated, planned and for financial gain.
- There is evidence of harm to Person A, including emotional harm and the risk of financial loss.
- The conduct would have continued had he not been apprehended.
- There is a risk to the social work profession. The public might think social workers cannot be trusted with personal information.
- There has been almost no engagement, no reflection, and no evidence of any attempt at remediation. Mr Onwu sought to deny the allegations in a bare statement made in email on 16 January 2019 and has provided nothing since. He has not engaged in any reflection and has demonstrated no insight into the impact of his conduct.
- The concerns are serious and contravene the fundamental tenets of the profession.

- The misconduct may negatively impact public confidence in social workers.

167. Ms Steels submitted that in light of the above factors, removal is appropriate and proportionate. She submitted that Mr Onwu's conduct was calculated, deliberate and repeated. There is no mitigation and no evidence of insight, remorse or remediation.

168. Ms Steels submitted that this case falls squarely within the brackets set out in the Social Work England 'Impairment and sanctions guidance' ("sanctions guidance") at paragraph 149, which states that a removal order may be appropriate for dishonesty where it is persistent, concealed, and/or there is a lack of insight.

169. Ms Steels submitted that only a removal order will mark the severity of the misconduct and protect the public from the risk of repetition. She submitted that it would also demonstrate that the regulator acts strongly in dealing with such matters.

170. Ms Steels submitted that the panel should approach sanctions starting with the least restrictive.

171. In relation to an advice or warning, Ms Steels submitted that these would not be suitable as they do not restrict practice and are not appropriate where there is a current risk to the public. She submitted that in accordance with the panel's decision on impairment, it cannot be said that there is no risk to the public.

172. Ms Steels submitted that as the concerns do not relate to Mr Onwu's social work practice, imposing conditions of practice would not be appropriate. She submitted that such orders tend to be appropriate where there is a lack of competence. Here there are multiple dishonest acts. Ms Steels submitted that Mr Onwu's conduct is a character or attitudinal failing and demonstrates an ability to deceive, as evidenced by him giving false information to the police following his arrest. Ms Steels submitted that Mr Onwu has also never worked as a social worker, making it difficult to see how conditions could operate in practice.

173. In relation to a suspension order, Ms Steels submitted that this would not mark the severity of the misconduct or protect the public from the risk of repetition because Mr Onwu has demonstrated no insight or remediation.

174. Ms Steels submitted that in all the circumstances, a removal order is the appropriate and proportionate order necessary to protect the public and the wider public interest.

<u>Legal advice</u>

175. The panel heard and accepted the legal advice from the legal adviser on all the available options on sanction as set out in the Regulations. The panel was advised to consider the sanctions guidance dated 26 April 2026. The panel was advised that the purpose of any fitness to practise sanction is to protect the public which includes maintaining confidence in the profession and upholding professional standards. The sanction imposed should be the minimum necessary to protect the public.

<u>Decision</u>

176. The panel applied the principle of proportionality by weighing Mr Onwu’s interests with the public interest and by considering each available sanction in ascending order of severity.

177. The panel considered the mitigating and aggravating factors in determining what sanction, if any, to impose.

178. In relation to the mitigating factors, the panel considered that Mr Onwu has an absence of fitness to practice history. However, the panel afforded this mitigation limited weight as it would not appear that he ever practised as a social worker.

179. The panel identified the following aggravating factors:

    a. Mr Onwu’s conduct represented a pattern of dishonest behaviour.

    b. Mr Onwu has showed no insight or remorse into the dishonest behaviour.

    c. Mr Onwu has provided no evidence of remediation.

    d. Mr Onwu’s actions caused harm to Person A **[PRIVATE]**.

180. The panel had careful regard to the seriousness of the findings of fact it had made, and its findings on misconduct and impairment. It had specific regard to paragraphs 182 and 183 of the sanctions guidance in relation to the dishonesty.

181. The panel took into account that Mr Onwu’s dishonest conduct was not an isolated incident, it represented a pattern of conduct which occurred during October 2018. The conduct only ceased when Mr Onwu was directly caught with his hand in Person A’s post box. The panel also took into account that the dishonesty was for personal financial gain, and Mr Onwu has used Person A’s credit card for three separate transactions on 22 October 2018 to a value of £359.49. The panel also took into account that Mr Onwu has never admitted to his conduct and at the time of his arrest, he gave the police false information about the whereabouts of his car and provided an incorrect address.

182. The panel recognised that dishonesty in a social worker's private life will still likely undermine public confidence and trust in the social work profession, because honesty and integrity are fundamental tenets of social work practice. Taking into account all the factors identified above, the panel considered that Mr Onwu’s dishonest conduct was towards the higher end of seriousness.

183. Considering the serious nature of the findings of fact it had made, the panel decided that taking no further action, issuing advice or a warning, would not be appropriate as these sanctions would not restrict Mr Onwu’s practice and would therefore not protect the public from the current risks that the panel has identified.

184. The panel went on to consider whether a conditions of practice order would be appropriate. The panel considered that it is difficult to see how a conditions of practice order might address and safeguard members of the public from the risks of the dishonest misconduct. The panel took into account that the dishonesty was attitudinal

in nature and was premeditated, repeated and for self-gain. It reminded itself that it had found Mr Onwu had shown no insight, had not remediated, and there was a high risk of repetition. With this in mind the panel considered that conditions of practice would not be sufficient to prevent the risk of repetition, nor would it be sufficient to satisfy the public interest element, as the public must be able to trust social workers.

185. The panel then considered whether a suspension order should be imposed to protect the public and the wider public interest. The panel took into account that a suspension order can be imposed for a period of up to three years. The panel had in mind that the purpose of a suspension order is not to punish but to protect the public and wider public interest.

186. The panel asked itself whether this was a case which fell short of requiring removal, having regard to its findings on misconduct. The panel asked itself what a period of suspension would seek to achieve in Mr Onwu's case. A period of suspension would provide an opportunity for Mr Onwu to seek to address the misconduct findings made against him. However, the panel had no evidence to suggest an indication that Mr Onwu is willing or able to resolve or remediate his failings.

187. In relation to his dishonesty, the panel noted that Mr Onwu has provided no acknowledgment of fault, no reflection, and has no insight into his conduct. The limited information he provided was to the HCPC in his email of 16 January 2019. In this he states that, '*I would like to use this opportunity to state that I would never bring a profession I have so much passion for to disrepute*.' However, he did not engage further. As per its findings at impairment, the panel had no confidence that the dishonest conduct would not be repeated, particularly given the attempt by Mr Onwu to try and deceive the police, following his arrest, in relation to the whereabouts of his car and home address.

188. The panel took into account that social workers hold positions of trust, and the role often requires them to engage with vulnerable people. Dishonesty is therefore likely to threaten public confidence in social workers. The public must be able to trust social workers.

189. For the above reasons the panel determined that a suspension order was not sufficient to protect the public, uphold public confidence in the profession, nor to mark the public interest in declaring and upholding proper standards of conduct and behaviour.

190. The panel considered whether it was appropriate and proportionate to impose a removal order. It took into account the sanctions guidance which states that:

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

- *dishonesty, especially where persistent and/or concealed.*
- *persistent lack of insight into the seriousness of their actions or consequences*.'

191. The panel acknowledged 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 Onwu's case falls into

this category because of the nature and seriousness of his dishonest conduct, the persistent lack of insight into the seriousness and consequences of his actions, and the indication that he is unwilling to remediate given that he has not engaged since January 2019. The panel was also satisfied that any lesser sanction would undermine public trust and confidence in the profession, in light of the lack of engagement, insight, remediation, and reflection.

192. The panel had regard to proportionality and balanced the public interest against Mr Onwu's interests. The panel considered the potential consequential personal, financial, and professional impact a removal order may have upon Mr Onwu but concluded that these considerations are significantly outweighed by the panel's duty to give priority to public protection and the wider public interest.

193. The panel concluded that the appropriate and proportionate order is a removal order.

Interim order

194. In light of the panel's findings on sanction, Ms Steels applied for an interim suspension order to cover the appeal period before the final order of removal becomes effective. Ms Steels referred to paragraph 209 of the sanctions guidance. She submitted that in accordance with the findings the panel has made thus far, an interim order is necessary for the same reasons.

195. The panel heard and accepted the advice of the legal adviser in relation to the test for interim orders at a final hearing stage. To impose an interim order in the present circumstances it needed to be satisfied that such an order was necessary for the protection of the public which includes the public interest.

196. In light of its decision on sanction the panel decided that it would be wholly incompatible with those earlier findings if an interim suspension order was not made.

197. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public, including the wider public interest.

198. 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:

199. 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.

200. 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.

201. 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.

202. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

The Professional Standards Authority:

203. 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.