Social worker: Mark Doherty
Registration number: SW29221
Fitness to Practise
Final Hearing

Dates of hearing: 29 September 2026 to 05 October 2026

Hearing venue: Remote hearing

Hearing outcome:
Fitness to practise impaired, removal order

Interim order:
Interim suspension order (18 months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) ("the regulations").

2. Mr Doherty attended and was not represented. Mr Egan was instructed by Social Work England to cross-examine "Person C" on behalf of Mr Doherty. Mr Egan was not instructed to represent Mr Doherty at the proceedings. Mr Egan was instructed for the sole purpose of cross-examining "Person C".

3. Social Work England was represented by Mr Michael Collis 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:

Adjudicators	**Role**
Eileen Carr	Chair
Karen Biddle	Social worker adjudicator
Richard Weydert-Jacquard	Lay adjudicator

Hearings team/Legal adviser	**Role**
Kathryn Tinsley	Hearings officer
Lorna Lord	Hearings support officer
Neville Sorab	Legal adviser

Allegations (as amended):

5. Mr Doherty faces the following allegations:

Whilst registered as a social worker:

1. On or around 13 July 2021 you:

a. sent a message to the team's work WhatsApp group with words to the effect of "He's going home, he's going home. He's going home, hes going – Mohamed goings home [sic]";

b. said "ok I will fucking tell you, it's the Muslims, the Mohammedees, they should fuck off home" or words to that effect, during a telephone call with a Manager;

c. sent a message to a Manager stating "Absolute Disgrace, I'd rather be skint than to bow down to pro Palestinian bull shit when I'm totally Israel- please tell whoever I'm sorry but deep down this was always meant to be!?!".

2. Your conduct at paragraph 1(a) and/or 1(b) and/or 1(c) above was offensive and/or discriminatory and/or racist.

3. *On or around 8 February 2022 you were convicted of the following offences:*

    a. *using threatening, abusive or insulting words or behaviour or disorderly behaviour thereby causing that, or another person harassment alarm or distress and the offence was racially aggravated;*

    b. *racially aggravated common assault by beating.*

4. *On or around the 12 December 2022 you were convicted of a public order offence of racially/religiously aggravated intentional harassment, alarm or distress.*

5. *On or around 24 February 2023, you failed to maintain professional boundaries with one or more service users, in that:*

    a. *With respect to Person C, you;*

        i. *called them when you were under the influence of alcohol;*

        ii. *asked them to come and meet you;*

        iii. *made one or comments to the effect of those set out in Schedule 1;*

    b. *With respect to Person D, you;*

        i. *invited them to have lunch with you after an assessment meeting;*

        ii. *called or messaged to ask and/or invite them to meet you at the pub, or for a drink;*

        iii. *attempted to call them when you were under the influence of alcohol;*

    c. *With respect to Person E, you;*

        i. *called them when you were under the influence of alcohol;*

        ii. *made one or comments to the effect of those set out in Schedule 2.*

6. *Your conduct towards Person C, as may be found proven at paragraph 5(a) above, was sexually motivated.*

7. *You failed, in a timely manner or at all, to inform Social Work England:*

    a. *That you were subject to criminal investigation and/or proceedings in relation to the matters which led you to your conviction at paragraph 3 above;*

b. *That you had been convicted as set out at paragraph 3 above;*

c. *That you were subject to criminal investigation and/or proceedings in relation to the matters which led you to your conviction at paragraph 4 above;*

d. *That you were convicted as set out at paragraph 4 above.*

8. *Whilst renewing your application for registration as a social worker in November 2022, you stated that you had no convictions to declare.*

9. *You provided incorrect and/or misleading information on one or more occasions in or around June 2022, in that you:*

a. *indicated that you did not have any convictions within one or more declarations which you completed for your agency;*

b. *provided a copy of a DBS certificate which pre-dated your conviction at paragraph 3 above.*

10. *Your conduct:*

a. *as may be found proved at any or all of paragraph 7 was dishonest, in that you knew that you were expected to inform Social Work England if you were subject to criminal investigation and/or proceedings, or were convicted of a criminal offence;*

b. *at paragraph 8 was dishonest in that you knowingly provided false information within your renewal application;*

c. *as may be found proved at any or all of paragraph 9 was dishonest, in that you knowingly provided false or misleading information.*

Your conduct at any or all of paragraphs 1, 2, 5, 6, 7, 8, 9 and/or 10 amounts to the statutory ground of misconduct.

Your conduct at paragraphs 3 and 4 amounts to the statutory ground of conviction.

Your fitness to practise is impaired by reason of your misconduct and/or conviction(s).

<u>Schedule 1</u>

i. *That you would pay for a taxi for her to meet you;*

ii. *That you had been sacked from your job and/or had lost your job due to an argument over 'some fucking slag';*

iii. *That you had paperwork you needed to give her;*

iv. *That the 'system was fucked up' and you could help her;*

v. *That you wanted her to come to your house and/or live with you;*

vi. *That you just wanted to 'cuddle' up to her;*

vii. *That something had happened to you previously which had ruined your life;*

viii. *That you had been accused of a racially motivated attack;*

ix. *That you had a fight with a gang of Asian youths;*

x. *That you were 'the Doctor and the Governor' and were the 'one in control';*

xi. *That Person C needed to come and meet you;*

xii. *That you would look after her and/or take care of her;*

xiii. *'fuck you'*

xiv. *'Shit -sorry x'*

xv. *'Sau nothing x'* [sic]

Schedule 2

i. *Spoke about loving someone;*

ii. *'fuck off' and/or 'fuck that';*

iii. *Asked her to call you back if she was 'allowed';*

iv. *'I will not fucking back down'*

v. *'I'll look after you forever kid';*

vi. *'you haven't even got any idea about who I am, Rasta'*

vii. *'I will fucking look after you forever'*.

Preliminary matters – amendment to allegations:

6. On behalf of Social Work England, Mr Collis applied to amend allegation 5(b)(ii) as follows (additions in underline):

> *"...called or messaged to ask and/or invite them to meet you at the pub, or for a drink..."*

7. The application was made on the basis of clarity, without a substantive change being made. Person D first spoke of this incident to Wendy Robinson on 28 February 2023.

Person D, on that occasion, described this contact as a *"call"*. In the 10 September 2024 interview with Person D (for the purposes of obtaining a Witness Statement) she described it as, *"...he messaged or phoned me..."*. The draft witness statement from Person D refers to this contact as a telephone call. However, the call log for Mr Doherty's phone depicts two SMS messages to Person D's number at 5.22pm, before a telephone call at 9.49pm.

8. Mr Doherty did not oppose the application.

9. The panel accepted the legal advice from the legal adviser that the primary consideration when considering the amendment was one of fairness. The panel should take into account factors such as whether Mr Doherty was made aware of the amendment; whether he had objected to them; and whether allowing the amendment would give rise to prejudice.

10. The panel accepted the application for allegation 5(b)(ii) to be amended on the basis that:

    a. It provides clarity to the allegation;

    b. The allegation is serious;

    c. It was not opposed;

    d. No prejudice arises from the amendment as the substantive element of the allegation has not been altered. The material aspect is one of contact, therefore whether the contact was by a telephone call or a text message is not the material factor of the allegation.

Admissions:

11. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the "rules") states:

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

12. In Mr Doherty's response form, dated and signed on 31 August 2026, sets out that Mr Doherty admits to allegations 1, 2, and 5 (except allegation 5(b)(ii)), on the basis that he does not remember the actions in the allegations on account of being drunk, but does not seek to dispute the evidence of the witnesses going to those allegations. The panel considered these to be qualified admissions and therefore did not accept these as admissions. On behalf of Social Work England, Mr Collis said that these allegations were to be presented on the papers without witnesses being called. Mr Doherty confirmed that he would have no questions for the witnesses in relation to allegations 1, 2, and 5 (except allegation 5(b)(ii)). The panel also confirmed that it had no questions for the witnesses in relation to allegations 1, 2, and 5 (except allegation 5(b)(ii)). The

panel made a direction that Mr Doherty's denials to allegations 1, 2, and 5 (except allegation 5(b)(ii)) would not be held against him at any later point in these proceedings.

13. Following the reading of the allegations the panel chair asked Mr Doherty whether he admitted any of the allegations and whether he admitted that his fitness to practise is currently impaired.

14. Mr Doherty informed the panel that they admitted all allegations other than allegations 1, 2, 5 and 6.

15. The panel therefore found allegations 3, 4 and 7-10 (in their entirety) proved by way of Mr Doherty's admissions.

16. The panel noted that Mr Doherty denied allegations 1, 2, 5 and 6.

17. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Background:

18. In or around April 2022, Social Work England received a referral from Julia Leitch, a Team Manager with the Intensive Enablement Team at the London Borough of Barnet Council ("the Council") regarding Mr Doherty. At the time of the referral, Mr Doherty had been dismissed from the Council. The concerns which led to his dismissal included concerns about offensive language that he had used in a WhatsApp chat with his colleagues, and subsequently in a discussion with Ms Leitch.

19. On or around 1 March 2023, further concerns regarding Mr Doherty were raised with Social Work England by Mr Doherty's subsequent employer, Sussex Partnership NHS Foundation Trust ("the Trust"). The referral identified concerns that Mr Doherty had made calls whilst drunk, to more than one service user on 24 February 2023. The referral also noted that Mr Doherty had a prior conviction of racially aggravated assault. During Social Work England's subsequent investigation into these matters, it was discovered that Mr Doherty had in fact been convicted of more than one criminal offence. Concerns were also raised regarding Mr Doherty's failure to declare these matters to Social Work England.

20. Mr Doherty was employed as a social worker by the Council and worked in the Intensive Enablement Team. Initially, he was supervised by Julia Leitch. However, towards the end of 2019, Mr Doherty telephoned Ms Leitch quite late at night multiple times, before leaving a voicemail. In the voicemail, he informed Ms Leitch that he loved her. When Ms Leitch listened to the voicemail, she formed the opinion that Mr Doherty had been drinking.

21. Following the voicemail that was left for Ms Leitch, a meeting was held the next day. In the course of this meeting, Mr Doherty disclosed that he had a [PRIVATE]. Ms Leitch sent Mr Doherty an email regarding the assistance that was available for Council

employees, and arrangements were made for Mr Doherty to be supervised by a different manager, Katrina McKane. Ms McKane supervised Mr Doherty from September 2020 until his departure from the Council. Ms McKane notes that she found Mr Doherty's written work to be of *"…a very good standard when he managed to do it"*, but there were issues with the consistency of his work.

22. After a period of supervision under Ms McKane, Mr Doherty was placed on an informal Performance Improvement Plan on 16 June 2021. One of the noted issues within this Plan was, *"[PRIVATE]."*

23. Overall, Mr Doherty apologised for the alleged conduct, explaining that he was under the influence of alcohol and was extremely intoxicated/inebriated. He states that he does not recall the offending conduct. He sets out the steps he has taken in regard to his [PRIVATE] and that he will not repeat any of the conduct.

Allegations 1-2:

24. Ms Leitch describes how a WhatsApp group was formed in around 2020 through the Covid 19 lockdown as a way for the team to communicate when working from home. She states that whilst there was no policy in place, the group chat was supposed to be used for work discussions only and that it should also not have been used out of hours. It was on this WhatsApp group, along with a subsequent call with Ms Leitch that it is alleged Mr Doherty committed the acts set out in allegations 1 and 2 on 13 July 2021.

25. Ms Leitch stated that Mr Doherty continued to try to call and send messages throughout that afternoon of 13 July 2021. The next morning, she sent him a message telling him to take his leave as planned and that he would be invited to a meeting when he returned.

26. Ms Leitch then informed her line manager of the messages that Mr Doherty had sent and it was decided that Mr Doherty should be suspended.

27. Ms Leitch explained that, prior to the incident on 13 July 2021, Mr Doherty had acknowledged to her that he had a [PRIVATE] following some concerns which she believes arose towards the end of 2019. She goes on to say that she sent an email to Mr Doherty about support which could be offered. She continues however to say that "*there were never any serious issues caused until the incident in July 2021*".

Allegation 3

28. On 8 February 2022, Mr Doherty pleaded guilty at Wimbledon Magistrates' Court to the following offences, which both occurred on 19 July 2021:

    a. using threatening, abusive or insulting words or behaviour or disorderly behaviour thereby causing that, or another, person harassment, alarm, or distress and the offence was racially aggravated; and

    b. racially aggravated assault by beating.

29. On 4 March 2022, at a Wimbledon Magistrates' Court, Mr Doherty was sentenced for these offences to a 12-month community order, with requirements to complete (i) 90

hours of unpaid work; and (ii) a 30-day rehabilitation activity requirement. Mr Doherty was also ordered to pay £400 compensation and £40 costs.

30. The MG5 Police Report ("the MG5") obtained by Social Work England contains the following description of the conduct that led to these convictions:

> *"On Monday the 19th of July 2021 around 2130. Victim 1 was followed from XXX tube station by Mr Doherty. During the route to the 152 bus Mr Doherty was shouting to him calling him a "YOU NIGGER" "YOU DIRTY CUNT". Both males entered the bus and Mr Doherty continued to abuse Victim 1. Mr Doherty then attacked victim 1 physically by punching him. Victim 1 has defended himself by punching Mr Doherty back in the face. A number of unidentified members of the public then got involved to stop the fight when Mr Doherty called victim 2 "a Paki cunt" and elbowed her in the face causing her head scarf to come off. At this point other unknown members of the public become actively involved in the fight by kicking and punching Mr Doherty as well."*

31. The MG5 records that Mr Doherty was interviewed by the police in respect of this incident. The MG5 provides the following summary of what was said in the interview: *"Mr Doherty has said that he was in the pub in Collier wood from around 1700. He had drank 7 pints and had got on the bus. On the bus victim 1 has been provoking him where he has turned and defended himself."*

Allegation 4

32. On 12 December 2022, Mr Doherty pleaded guilty to one offence of using threatening, abusive or insulting words or behaviour or disorderly behaviour thereby causing that, or another, person harassment, alarm, or distress and the offence was racially aggravated at Guildford Magistrates' Court.

33. On 24 January 2023, at Guildford Magistrates' Court, Mr Doherty was sentenced to a 12-month community order with a requirement to complete (i) 150 hours of unpaid work; and (ii) a 30-day rehabilitation activity requirement. He was also ordered to pay £114 Victims' Surcharge, £85 costs, and £50 compensation.

34. The MG5 for this offence refers to an incident that occurred on 12 September 2022. Mr Doherty had been asked to leave The Crown public house in Chertsey due to being heavily intoxicated. Outside of The Crown, Mr Doherty was behaving aggressively towards staff of The Crown, shouting and swearing. The victim, who was a chef at The Crown, but who had not been working that day, was passing by and attempted to diffuse the situation. Mr Doherty said to him *"Your skin is not the same as mine"*, referring to it as *"brown skin"*, and called the victim a *"Paki."*. An observer to this incident informed that she heard Mr Doherty say, *"I'm not having this from a fucking Paki."*

35. The MG5 records that in interview Mr Doherty informed the police that:

a. He had [PRIVATE] since he was 14 years old;

b. He had not had [PRIVATE], but that evening he had gone to Chertsey town centre, following finishing work as a Social Worker for Surrey Forensic Team, with the intention of having one or two drinks;

c. He could not recall the incident clearly, but he did not deny the allegations as they were not out of character for him [PRIVATE];

d. He had no excuse for his behaviour, and he apologised for his actions.

Allegation 5

36. Between 13 February 2023 and 27 February 2023, Mr Doherty worked for Adur, Arun, and Worthing Assessment Treatment and Service, within the Sussex Partnership Foundation Trust. Mr Doherty was employed via an Agency as a lead practitioner.

37. Ms Wendy Robinson, Service Manager for Adur, Arun, and Worthing Assessment Treatment and Service, describes that, on 24 February 2023, there was an incident in which Mr Doherty had contacted 3 service users, Person C, Person D and Person E, whilst under the influence of alcohol. Ms Robinson received a phone call from the carer for Person C, who informed her that Person C had received a phone call and text messages from Mr Doherty on the evening of 24 February 2023.

38. Following these concerns being raised, Ms Robinson requested Mr Doherty's call records from IT for Mr Doherty's work mobile. Mr Doherty's call log from 15 February 2023 to 28 February 2023 was provided. Ms Robinson explains that the call logs show that Mr Doherty had made phone calls on the evening of 24 February 2023, to Person C, Person D and Person E and a call to Alexandra Willard, Team Leader for Worthing Assessment Team.

39. Mr Doherty had also sent an email to Ms Willard on 25 February 2023, [PRIVATE] and resigning from his position. His email to Ms Willard ended "*I can't even start to describe my regret as I had been [PRIVATE] for a long time*". The email appears to indicate that Ms Willard had seen Mr Doherty at the pub for which Mr Doherty was apologising for, it states: "*I am so sorry [PRIVATE] there as you most likely could see. I am more sorry to you for seeing me out in a pub last night. Most of all I am sorry for my actions and behaviour towards you seeing you last night. [PRIVATE]…"*.

40. Ms Robinson then contacted the relevant service users, including Person C, to discuss the concerns further. She also spoke to Ms Willard who informed her that she had received a call from Mr Doherty and that he was intoxicated, being abusive to her and then apologising as he had thought he had bumped into her in a pub but he had not.

41. Person C is a very vulnerable young woman who was under the care of secondary mental health services.

Allegation 7

42. Mr Doherty admits that he did not inform Social Work England as soon as practicable that (a) he was subject to a criminal investigation in relation to the offences set out in Allegations 3 and 4; nor (b) that he was convicted of those offences.

Allegation 8

43. In order to renew his registration with Social Work England, Mr Doherty provided a renewal form on 9 November 2022. In answer to the question of whether he had any convictions, penalty notices or cautions, he stated, *"no"*. As of November 2022, Mr Doherty had been convicted and sentenced for the 19 July 2021 offences set out in Allegation 3.

Allegation 9

44. Mr Doherty was employed by Surrey and Borders Partnership NHS Foundation Trust ("the Foundation Trust") between 27 June 2022 and 18 January 2023. Mr Doherty was employed through Seven Resourcing Agency ("the Agency") and was working as a forensic practitioner.

45. In the course of registering with the Agency, Mr Doherty completed (a) a criminal record declaration form, dated 16 June 2022; and (b) a Seven Nursing NHS Application Form. In both documents, Mr Doherty has declared that he has no convictions or cautions, despite having been convicted and sentenced for the July 2021 offences.

46. On 4 July 2022, the Agency supplied the Foundation Trust with a DBS certificate which had been supplied by Mr Doherty. The DBS certificate was dated 26 November 2020.

Allegation 10

47. Mr Doherty admitted that (a) his failure to inform Social Work England in a timely manner as to the criminal investigations and/or convictions; (b) the provision of false information in the November 2022 renewal form; and (c) the provision of incorrect and/or misleading information as to his record of convictions in June 2022, were deliberate, and therefore dishonest, acts or omissions.

Medical Evidence

48. [PRIVATE].

49. [PRIVATE]:

> *"[PRIVATE]."*

50. [PRIVATE]:

> *"[PRIVATE]."*

Summary of evidence:

51. The panel received unchallenged witness statements from the following witnesses:

a. Ms Julia Leitch (former team manager for the intensive enablement team at the Council);

b. Ms Katrina McKane (former team manager for the intensive enablement team at the Council);

c. Mr Stephen Cranfield (HR Business Partner for the Audits Department);

d. Ms Wendy Robinson (former Service Manager for Adur, Arun and Worthing Assessment and Treatment Service);

e. Ms LC (foster carer);

f. Person E;

g. Ms Victoria Bishop (Deputy Director of HR at Surrey and Borders Partnership NHS Foundation Trust);

h. Mr Joseph Stockwell (Head of Registration and Advice at Social Work England);

i. Mr Chris Taylor (Lead Investigator at Social Work England);

j. Dr Ola Junaid; and

k. Draft witness statement of Person D (unsigned).

52. Along with her signed witness statement, Person C provided the following live evidence:

a. Her first meeting with Mr Doherty was on 22 February 2023 and it went very well. She felt like it was the first time anyone had ever listened to her. Mr Doherty was a lead practitioner willing to seriously discuss therapeutic options with her in respect of her mental health needs. During the meeting, she was trying to explain to Mr Doherty how her mind worked and he seemed to understand the topics that she was talking about. They talked about spiritual things and Mr Doherty prayed with her – the Lord's prayer – at the end. She felt the meeting to be "*calming*" to have someone believe what she was saying. She cannot recall whether he discussed her doing affirmations daily. She cannot recall how long the meeting lasted, but it was an introductory meeting and was not an in-depth assessment.

b. During the telephone call on 24 February 2023, Mr Doherty was drunk. He was not coherent. He was rambling, and a lot of what he said did not make sense. He also told her that he had been at the Slug and Lettuce bar and he kept going round in circles with what he was saying. Mr Doherty went on to say that he would take care of her; he said that he would get her help. She took this to mean an offer of personal help. He then went on saying things like "*fuck the system*" and that the system cannot be relied on but he kept going back to the fact that he would look after her. Mr Doherty told her to go back with him to his house; she asked him where he lived. Mr Doherty told

her that he lived in London and he told her to get a train. From what Mr Doherty was saying, she understood that he was implying that she could go and live with him. He kept saying he would look after her and would help sort her mental health out. He was offering her help and if this had happened when she was younger and suffering more with her mental health, she thinks she would have taken him up on the offer. She thought he was merging professional and personal relationships, saying different names such as "*[PRIVATE]*" and that he was very drunk and he was merging these relationships. She felt unsettled by this. When he swore at her when she would not meet him, she no longer wanted to meet him.

c. Her concern was further exacerbated when he said that he had paperwork on him and that she needed to come and collect it. She was suspicious whether he had the documentation and that it could have been a tactic to bring her to meet him. The documentation was a collaborative document completed by psychologists to assess her cognitive and psychological assessment concerning her family life. She was concerned that he was a "*risk to her*", in that she felt "*threatened*" by him.

d. Following the phone call, she spoke to her mum because she did not really know what to do; she was taken aback and thrown by the situation. Her first thought was to ask the ATS when she was going to be getting a new practitioner to see how they would respond to that and if Mr Doherty had made them aware about what had happened. After speaking with her mum, she told her to go to the police and so she called the police either that night or the next morning and told them that her lead practitioner had called her whilst drunk and was trying to get her to go home with him. She was told to report it online. She felt that the police were not that interested and so she did not report it online.

e. At 5.49am hours the next morning, she received a text message from Mr Doherty saying "*Shit-sorry*" and then at 6.51am, he sent her another message saying "*Sau nothing*" which she assumed meant to say, "*say nothing*". She understood this to mean that Mr Doherty was telling her not to say anything about the phone call and just to pretend that it did not happen. Mr Doherty's response was what made her more worried as he had no empathy and that he must have known he had done something wrong to be telling her not to say anything to anyone.

f. The phone call with Mr Doherty is one of the best things to have ever happened to her. The social care system would not have taken her seriously without the actions of Mr Doherty. As the social work profession were attempting damage control, the care she received after her interactions with Mr Doherty were much better. That itself is a problem. Someone else in a vulnerable position could have taken him up on the offer, which to them might look like help finally.

g. Initially she was shocked and overwhelmed, unsure of how to handle the situation. She was not too surprised as this reflected similar experiences that she had of being let down by professionals within social services and other organisations/government bodies. The call was more than inappropriate. It made her feel concerned, slightly fearful but mostly disappointed about having to start over again. After the call she kept questioning his intentions; she questioned what would have happened if she met up with him. He crossed a line that he cannot uncross.

53. Mr Doherty provided the following live evidence:

a. He is truly sorry for any misdemeanours and mistakes that he has made, as well as the shame that he had brought on himself and Social Work England. He has learned his lessons and is sorry to the places that he worked, to Social Work England and his family.

b. The problems started during a difficult time in his life. His actions made the problem worse.

c. Prior to the allegations, he never had a single complaint about his work as a social worker.

d. He would like a chance to put all this behind him and move on. He wants a second chance.

e. The telephone calls that he made with Person C came about because he thought that he had lost his job. He had documentation of hers and wanted to give it back to her. He wanted to give her the paperwork rather than coming all the way back in at a later date. He ended up sending the documents by special delivery in any case. At the time, he was living in Fulham and working in Worthing which was a 4 hour commute each way. He was in a drunken state, thought he had lost his job and wanted to box everything off. He had no sexual motivation and, in a drunken mistake, wanted to rectify everything.

f. For the act that he got convicted for, he was attacked first. There was violence prior to him getting on the bus.

g. [PRIVATE].

h. The allegations are not a true reflection on his character.

i. He is ready to return to work. From what he knows now, returning to work will be a pleasure.

j. [PRIVATE]. He has tried to put things right by paying his fines and engaging with Social Work England. He regrets the horrible and nasty things that he said when drunk.

k. When he started working at the Council, no one was given telephones, and when they were given telephones, they did not support WhatsApp.

l. When he started out as a social worker, [PRIVATE].

m. Things started to go wrong for him when he was stuck in a room during lockdown.

n. When he started at the Trust, he did not inform Social Work England that his Disclosure and Barring Service check was still in date and had nothing on it. He carried on working, earning money and sent it to his family.

o. His first interaction with Person C on 22 February 2023 was in an interview room in a building where he was working. It lasted around 1 hour. He was positive that he could get the referrals that she needed as she had problems accessing services in the past. He does not recall her alluding to be a Christian. He does not recall praying with her. He does remember telling her to do daily affirmations. He was aware of a nurse that got suspended for praying with a patient, which is why he would not have prayed with her.

p. He asked Person D if, at another meeting, they wished to, they could meet in a café and have lunch. He did not ask her to lunch. He thinks that he saw Person D between 1-3pm. He had meetings in cafes before with other service users.

q. On 24 February 2023, he started drinking around 4.30pm-5pm. He cannot remember sending Person D a text message asking her for a drink at 5.22pm. He does not recall why he attempted to call service users from around 9.49pm to 10.17pm on that evening. He was a drunk man trying to get everything straight. He does not remember or recall saying or doing anything. All the service users were female; he had no male service users.

r. Putting an "*x*" at the end of a text message is not blurring the boundaries with service users.

s. "*Say nothing*" is similar to phrase such as "*see you later*". It is something that he would say most times.

t. He does not know why he did not return service user paperwork at the same time that he returned his laptop and phone to the Council. He forgot that he had the documents in his bag as he was apprehensive that day.

Finding and reasons on facts:

54. The panel accepted the advice of the legal adviser.

Allegation 1: On or around 13 July 2021 you:

a. sent a message to the team's work WhatsApp group with words to the effect of "*He's going home, he's going home. He's going home, hes going – Mohamed goings home [sic]*".

b. said *"ok I will fucking tell you, it's the Muslims, the Mohammedees, they should fuck off home"* or words to that effect, during a telephone call with a Manager.

c. sent a message to a Manager stating *"Absolute Disgrace, I'd rather be skint than to bow down to pro Palestinian bull shit when I'm totally Israel- please tell whoever I'm sorry but deep down this was always meant to be!?!".*

55. The panel noted the following evidence:

a. In her witness statement, Ms Leitch described:

i. how a WhatsApp group was formed in around 2020 through the Covid 19 lockdown as a way for the team to communicate when working from home. She stated that whilst there was no policy in place, the group chat was supposed to be used for work discussions only and that it should also not have been used out of hours.

ii. On 13 July 2021 at around 4pm, whilst Mr Doherty was on annual leave, she stated that Mr Doherty sent to the group chat the following message: "*Hes going home, he's going home. Hes going home, hes going – Mohamed goings home*" [sic]. The panel has not been provided with a screenshot of this message, but has seen a contemporaneous note dated 19 July 2023 from Ms Leitch setting out what Mr Doherty messaged her, including this message.

iii. She messaged Mr Doherty to ask him to delete the messages, following which he telephoned her. He was shouting and slurring his words and she says he was "*clearly drunk*". Ms Leitch sets out her conversation with Mr Doherty which included that he started telling her about "*an argument he had had in a laundrette with some people he was calling Arabs*" and that he said something along the lines of "*ok I will fucking tell you, it's the Muslims, the Mohammedees, they should fuck off home*". The panel has seen a contemporaneous note dated 19 July 2023 from Ms Leitch setting out what Mr Doherty said to her on this telephone call.

iv. Ms Leitch ended the call concerned that Mr Doherty was getting himself into more trouble the more he spoke. Mr Doherty then sent further messages to Ms Leitch, including: "*Absolute Disgrace, I'd rather be skint than to bow down to pro Palestinian bull shit when I'm totally Israel – please tell whoever I'm sorry but deep down this was always meant to be?! I love you and your family and If anyone has a problem then I'm gone!!! xx*". The panel has been provided with a screenshot of this message, and has also seen a contemporaneous note dated 19 July 2023 from Ms Leitch setting out what Mr Doherty messaged her, including this message.

b. The panel noted that although Ms Leitch was not present to give live evidence, she provided a signed witness statement with a declaration of truth. Furthermore, Mr Doherty did not challenge Ms Leitch's evidence.

c. In Mr Doherty's response form, dated and signed on 31 August 2026, he sets out that he admits allegations 1, 2, and 5 (except allegation 5(b)(ii)), on the basis that he does not remember the actions in the allegations on account of being drunk, but does not seek to dispute the evidence of the witnesses going to those allegations. Mr Doherty repeated this position when the allegations were put to him at the start of the final hearing, and has been consistent in this position from his responses to Social Work England on 16 June 2022 and 26 January 2023.

56. The panel therefore considered there to be evidence proving allegation 1 which was not disputed on the basis that Mr Doherty could not remember his actions. Consequently, the panel finds allegation 1 to be proved on a balance of probabilities.

Allegation 1 is found proved in its entirety.

Allegation 2: Your conduct at paragraph 1(a) and/or 1(b) and/or 1(c) above was offensive and/or discriminatory and/or racist:

57. The panel noted the following evidence:

a. Following the message sent by Mr Doherty as set out in allegation 1(a), Ms Leitch set out in her witness statement that she responded to Mr Doherty directly (not on the group chat) asking him to delete the messages "*in case they are taken the wrong way*". She states that she asked him to delete the messages and to stop "*as they had been read by staff in the team and they were unsure as to what was behind them and if they were racist*". She explains that her initial concerns were that Mr Doherty was going to say more, that it was going to get worse and that she did not want anyone in the team to be upset or offended by the messages or for Mr Doherty to incriminate himself further. She was also concerned as he had made a racist comment.

b. Ms Leitch provided set out in her witness statement that: "[t]*he content of the messages sent by the Social Worker were the problem because as a Social Worker, he should not have been sharing opinions that are racist and discriminatory, especially not on a work group forum. Racism and discrimination is against all of the ethics and values that are covered in a social worker's training. It also goes against Social Work England's Professional Standards 5.1, 5.2 and 5.6.*"

58. The panel considered:

a. Mr Doherty's statement over the phone to Ms Leitch, as set out in allegation 1(b) is offensive, discriminatory and racist: "*"ok I will fucking tell you, it's the Muslims, the Mohammedees, they should fuck off home*". This statement is offensive, discriminatory and racist towards Muslims, as it is singling them out for negative treatment (unwelcome in the UK) based on their religion.

b. Mr Doherty's message to the team's work WhatsApp group with words to the effect of *"He's going home, he's going home. He's going home, hes going – Mohamed goings home [sic]*" not to be *prima facie* offensive and/or discriminatory and/or racist, given that it is not known which "*Mohamed*" is being talked about (whether this is a friend or colleague) and whether, for example, "*Mohamed*" is literally going to his house after seeing Mr Doherty. However, this message was sent a few minutes prior to Mr Doherty making his statement in allegation 1(b). Consequently, taking allegation 1(a) in context of allegation 1(b), the panel considered that Mr Doherty has used the name "*Mohamed*" as a collective for Muslims and "*going home*" as a means to say leaving the UK. Given this context, the panel does find Mr Doherty's message at allegation 1(a) to be offensive, discriminatory and racist towards Muslims, as it is singling them out for negative treatment (unwelcome in the UK) based on their religion.

c. Mr Doherty's message to Ms Leitch *stating "Absolute Disgrace, I'd rather be skint than to bow down to pro Palestinian bull shit when I'm totally Israel- please tell whoever I'm sorry but deep down this was always meant to be!?!"* is not offensive, discriminatory or racist. This message was sent approximately 30 minutes after Ms Leitch sent Mr Doherty a text message to remove his message (as set out in allegation 1(a)) from the team's WhatsApp group. Given Mr Doherty's drunken state at the time, the panel considered that he moved onto a different topic. Mr Doherty's message at allegation 1(c) is taking a side in disputed conflict, and he is entitled to his political opinion. The message does not offend, is not discriminatory or racist, but rather opines on the pro-Palestinian message, and what his views are on this.

59. The panel therefore considered there to be evidence proving allegation 2 in relation to allegations 1(a) and 1(b), but not in relation to allegation 1(c). However, the panel notes that allegation 2 is framed in the alternative, and therefore offensive, discriminatory and racist behaviour only needs to be found in relation to one of the statements in allegation 1 for allegation 2 to be proved. Consequently, the panel finds allegation 2 to be proved on a balance of probabilities.

Allegation 2 is found proved in relation to allegations 1(a) and 1(b).

Allegation 5(a): On or around 24 February 2023, you failed to maintain professional boundaries with one or more service users, in that, with respect to Person C, you:

i. called them when you were under the influence of alcohol;

ii. asked them to come and meet you;

iii. made one or comments to the effect of those set out in Schedule 1.

60. The panel noted the following evidence:

a. Person C provided evidence that:

i. Her first meeting with Mr Doherty was on 22 February 2023 and it went very well. She felt like it was the first time anyone had ever listened to her. Mr Doherty was a lead practitioner willing to seriously discuss therapeutic options with her in respect of her mental health needs.

ii. During the telephone call on 24 February 2023:

1. Mr Doherty was drunk. He was not coherent. He was rambling, and a lot of what he said did not make sense. He also told her that he had been at the Slug and Lettuce bar and he kept going round in circles with what he was saying. Mr Doherty had called and asked Person C "*to come and meet him at the Slug and Lettuce pub*". Person C did not know where the pub was but Mr Doherty said he would pay for a taxi for Person C to attend, he said he had been sacked from his job and he had paperwork he needed to give Person C.

2. Mr Doherty had said about something that had happened to him previously which has ruined his life in that he had been accused of a racially motivated attack and he had a fight with a group of Asian youths.

3. Mr Doherty went on to say that he would take care of her; he said that he would get her help. She took this to mean an offer of personal help. He then went on saying things like "*fuck the system*" and that the system cannot be relied on but he kept going back to the fact that he would look after her. He said that he just "*wanted to cuddle up to her*."

4. Mr Doherty told her to go back with him to his house; she asked him where he lived. Mr Doherty told her that he lived in London and he told her to get a train. From what Mr Doherty was saying, she understood that he was implying that she could go and live with him. He kept saying he would look after her and would help sort her mental health out.

5. He was offering her help and if this had happened when she was younger and suffering more with my mental health, she thinks she would have taken him up on the offer. She thought

he was merging professional and personal relationships, saying different names such as *"[PRIVATE]"* and that he was very drunk if he was merging these relationships. She felt unsettled by this. When he swore at her when she would not meet him, she no longer wanted to meet him.

6. Her concern was further exacerbated when he said that he had paperwork on him and that she needed to come and collect it. She was suspicious whether he had the documentation and that it could have been a tactic to bring her to meet him. The documentation was a collaborative document completed by psychologists to assess her cognitive and psychological assessment concerning her family life.

iii. Following the phone call, she spoke to her mum because she did not really know what to do; she was taken aback and thrown by the situation. She called the police either that night or the next morning and told them that her lead practitioner had called her whilst drunk and was trying to get her to go home with him. She was told to report it online. She felt that the police were not that interested and so she did not report it online.

iv. At 5.49am the next morning, she received a text message from Mr Doherty saying "*Shit-sorry*" and then at 6.51am, he sent her another message saying "*Sau nothing*" which she assumed meant to say, "*say nothing*".

v. She informed Ms Robinson that she had received a call from Mr Doherty at 9.49/50pm on 24 February 2023.

b. Mr Doherty provided evidence that:

i. His first interaction with Person C on 22 February 2023 was in an interview room in a building where he was working. It lasted around 1 hour. He was positive that he could get the referrals that she needed as she had problems accessing services in the past. He does not recall her alluding to be a Christian. He does not recall praying with her. He does remember telling her to do daily affirmations. He was aware of a nurse that got suspended for praying with a patient, which is why he would not have prayed with her.

ii. The telephone calls that he made with Person C came about because he thought that he had lost his job. He had documentation of hers and wanted to give it back to her. He wanted to give her the paperwork rather than coming all the way back in at a later date. He ended up sending the documents by special delivery in any case. At the time, he was living in Fulham and working in Worthing which was a 4 hour

commute each way. He was in a drunken state, thought he had lost his job and wanted to box everything off. He had no sexual motivation and, in a drunken mistake, wanted to rectify everything.

iii. On 24 February 2023, he started drinking around 4.30pm-5pm. He does not recall why he attempted to call service users from around 9.49pm to 10.17pm on that evening.

iv. "*Say nothing*" is similar to phrase such as "*see you later*". It is something that he would say most times.

v. He does not know why he did not return service user paperwork at the same time that he returned his laptop and phone to the Council. He forgot that he had the documents in his bag as he was apprehensive that day.

c. Ms Robinson provided evidence that she spoke to Mr Doherty about the concerns and she says that he was fairly remorseful. She says that he explained that he had been extremely intoxicated and acknowledged that something could have happened but said that he could not remember what had happened in respect of the contact between himself, Person C, Person D and Person E.

61. In light of this evidence, the panel considered:

a. Mr Doherty called Person C whilst under the influence of alcohol. This is not disputed by Mr Doherty or Person C. He did this at 9.49pm/9.50pm on 24 February 2023. The panel considered that, by doing so, Mr Doherty failed to maintain professional boundaries as he should not be calling service users when intoxicated and there was no professional need to call Person C, a service user, outside working hours.

b. During this telephone call, Mr Doherty asked Person C to come and meet him at the Slug and Lettuce pub and that he would pay for a taxi for Person C to come. Mr Doherty said that he asked to meet Person C as he had documentation of hers and wanted to give it back to her, rather than coming all the way back in at a later date. Neither Person C, nor Mr Doherty, dispute that Mr Doherty asked Person C to come and meet him. The panel considered that, by doing so, Mr Doherty failed to maintain professional boundaries as he should not be calling service users when intoxicated and there was no professional need to call Person C, a service user, outside working hours. The paperwork could have been returned to the Council or sent to the service user at a later date; there was no urgency for this to take place.

c. During the telephone conversation between Mr Doherty and Person C, other than wanting to return paperwork, Mr Doherty provided evidence that he does not recall why he attempted to call service users. Further, Mr Doherty

has said that he does not remember the actions in allegation 5 on account of being drunk, and does not seek to dispute the evidence of the witnesses going to those allegations. Person C has provided evidence that Mr Doherty said to her:

i. That you would pay for a taxi for her to meet you;

ii. That you had been sacked from your job and/or had lost your job due to an argument over "*some fucking slag*";

iii. That you had paperwork you needed to give her;

iv. That the "*system was fucked up*" and you could help her;

v. That you wanted her to come to your house and/or live with you;

vi. That you just wanted to "*cuddle*" up to her;

vii. That something had happened to you previously which had ruined your life;

viii. That you had been accused of a racially motivated attack;

ix. That you had a fight with a gang of Asian youths;

x. That Person C needed to come and meet you;

xi. That you would look after her and/or take care of her;

xii. "*Shit -sorry x*"

xiii. "*Sau nothing x*" [sic]

Further, the panel has seen screenshots of the messages sent by Mr Doherty to Person C setting out: "*Shit -sorry x*" and "*Sau nothing x*" [sic]. Consequently, the panel considered, on a balance of probabilities that Mr Doherty did make these comments to Person C. In doing so, Mr Doherty failed to maintain professional boundaries as there was no professional reason to contact Person C, a service user, out of hours and when intoxicated. The messages are themselves a breach of professional boundaries:

i. There was no need for Mr Doherty to pay for a taxi for Person C to meet him at approximately 10pm.

ii. There was no reason for Mr Doherty to share the reason why he had lost his job, or what happened in his personal life.

iii. The return of paperwork could have taken place during working hours.

iv. It was unprofessional of Mr Doherty to comment about the state of the social work system to a service user.

v. It is inappropriate for a social worker to ask a service user to come to their house and/or live with them, look after them, or "*cuddle*" them.

vi. Asking a service user, on the face of it, to stay quiet concerning his, a social worker, inappropriate behaviour.

62. Consequently, the panel finds allegation 5(a) to be proved on a balance of probabilities.

Allegation 5(a) is found proved in its entirety.

Allegation 5(b): On or around 24 February 2023, you failed to maintain professional boundaries with one or more service users, in that, with respect to Person D, you:

i. invited them to have lunch with you after an assessment meeting;

ii. called or messaged to ask and/or invite them to meet you at the pub, or for a drink;

iii. attempted to call them when you were under the influence of alcohol.

63. The panel noted the following evidence:

a. Ms Robinson provided evidence that:

i. Person D was initially reluctant to say anything however she stated that after Mr Doherty had conducted her assessment on Friday 24 February 2023 he invited her out for lunch with him. Person D declined this offer. The panel has seen a contemporaneous note of a telephone call drafted by Ms Robinson setting this out.

ii. Person D disclosed that later on Friday 24 February 2023, Mr Doherty had called her between 5.30pm and 6.30pm from a pub, asking her to come and meet him, which Person D declined. The panel has seen a text message log from Mr Doherty to Person D made around this time. The panel has seen a contemporaneous note of a telephone call drafted by Ms Robinson setting this out.

iii. Mr Doherty made a further call to Person D at around 9.40pm on Friday 24 February 2023 but Person D did not answer this call. The panel has seen a call log from Mr Doherty to Person D made around this time. The panel has seen a contemporaneous note of a telephone call drafted by Ms Robinson setting this out.

iv. She spoke to Mr Doherty about the concerns and she says that he was fairly remorseful. She says that he explained that he had been extremely intoxicated and acknowledged that something could have happened but said that he could not remember what had happened in

respect of the contact between himself, Person C, Person D and Person E.

b. Mr Doherty provided evidence that:

   i. He asked Person D if, at another meeting, they wished to, they could meet in a café and have lunch. He did not ask her to lunch. He thinks that he saw Person D between 1-3pm. He had meetings in cafes before with other service users.

   ii. On 24 February 2023, he started drinking around 4.30pm-5pm. He cannot remember sending Person D a text message asking her for a drink at 5.22pm. He does not recall why he attempted to call service users from around 9.49pm to 10.17pm on that evening.

c. An unsigned draft witness statement provided by Person D set out:

   i. "*The Social Worker had said that he was going for lunch in town after our meeting. He asked me if I wanted to go with him to carry on our conversation.*"

   ii. "*Later that day the Social Worker sent me a text. I cannot remember what the text said, I think he was just re-introducing himself so that I had his number. I also remember that he had put an 'x' at the end of his message and I remember thinking at the time that he was still just being friendly. I no longer have access to these messages as they were on my old phone.*"

   iii. "*The next contact that I had with the Social Worker was slightly later, I believe it was probably late afternoon but cannot remember exactly. The Social Worker called me and asked me if I wanted to meet him for a drink to carry on our meeting.*"

   iv. "*I then received another call from the Social Worker at around 21:30-22:00 later that night. In my head I thought that the Social Worker must have been drunk to be calling me at that time. I did not answer that call.*"

64. In light of this evidence, the panel considered:

a. Allegation 5(b)(i) sets out that Mr Doherty invited Person D to lunch after an assessment meeting. Mr Doherty provided evidence that he asked Person D if, at another meeting, they wished to, they could meet in a café and have lunch. Mr Doherty was not drunk at this point in time and provided clear evidence of what happened. Ms Robinson's evidence is hearsay but stems from a telephone call which was contemporaneously noted, and which sets out that "*after her assessment on Friday 24th February Mark Doherty had asked her to lunch with him, she declined this offer*". The panel considered, in the circumstances, that Mr Doherty's evidence carried more weight than

that of Ms Robinson (given that the telephone note does not contain context, which could have provided further clarity on whether there was a miscommunication between Mr Doherty and Person D). The panel has given little weight to the unsigned draft witness statement of Person D given that it is an unsigned statement and there is no evidence before the panel as to how this statement was created. Consequently, on a balance of probabilities, the panel considered allegation 5(b)(i) not to be proved.

b. Mr Doherty provided evidence that on 24 February 2023, he started drinking around 4.30pm-5pm. He cannot remember sending Person D a text message asking her for a drink at 5.22pm. However, there is a call log setting out that Mr Doherty sent Person D a text message at 5.22pm. The panel does not have a screenshot of the text message sent. The only report of what was written in that text message is from a telephone call which was contemporaneously noted by Ms Robinson. This sets out that Mr Doherty had called Person D between 5.30pm and 6.30pm from a pub, asking her to come and meet him, which she declined. There is a lack of clarity as to whether this was a text message or a telephone call, but the panel is satisfied that there was a form of communication as confirmed by the phone log. In doing so, Mr Doherty failed to maintain professional boundaries as there was not professional reason to contact Person D, a service user, out of hours, when intoxicated, to invite them to a pub. Consequently, the panel considered that, on a balance of probabilities, allegation 5(b) to be proved.

c. The panel has seen a call log from Mr Doherty to Person D made around 9.40pm on 24 February 2023. This aligns with the evidence of Ms Robinson and her note of the call that she had with Person D. Mr Doherty provided evidence that he did not recall why he attempted to call service users from around 9.49pm to 10.17pm on 24 February 2023. In doing so, Mr Doherty failed to maintain professional boundaries as there was not professional reason to contact Person D, a service user, out of hours and when intoxicated. Consequently, the panel finds allegation 5(c) to be proved on a balance of probabilities.

Allegation 5(b)(i) is found not proved.

Allegation 5(b)(ii) is found proved.

Allegation 5(b)(iii) is found proved.

Allegation 5(c): On or around 24 February 2023, you failed to maintain professional boundaries with one or more service users, in that, with respect to Person E, you:

i. called them when you were under the influence of alcohol;

ii. made one or comments to the effect of those set out in Schedule 2.

65. The panel noted the following evidence:

a. Person E provided evidence that:

i. she had first spoken to Mr Doherty on 23 February 2023 and that it had been a general conversation over the phone about her situation.

ii. On 24 February 2023 at 10.11pm that she received a phone call from Mr Doherty, although she did not know it was him at the time. He said that he wanted to speak to the person that he spoke to before but that he did not want to speak to the person that was rude to him. Person E says that he sounded very drunk and was slurring his words. He then went on talking about someone that he loved but she cannot remember everything that he said specifically and could not understand everything that he was saying. The call lasted 34-seconds.

b. Mr Doherty's call records depict three further telephone calls to Person E's number; one at 10.15pm, one at 10.16pm, and one at 10.17pm. In the call at 10.17pm, Mr Doherty left a voicemail for Person E which contained the following comments:

i. Spoke about loving someone;

ii. "*fuck off*" and/or "*fuck that*";

iii. Asked her to call you back if she was "*allowed*";

iv. "*I will not fucking back down*";

v. "*I'll look after you forever kid*";

vi. "*you haven't even got any idea about who I am, Rasta*";

vii. "*I will fucking look after you forever*".

The panel has heard this voicemail.

c. Ms Robinson spoke to Mr Doherty about the concerns and she says that he was fairly remorseful. She says that he explained that he had been extremely intoxicated and acknowledged that something could have happened but said that he could not remember what had happened in respect of the contact between himself, Person C, Person D and Person E.

d. Mr Doherty provided evidence that:

i. on 24 February 2023, he started drinking around 430pm-5pm; and

ii. he does not recall why he attempted to call service users from around 9.49pm to 10.17pm on that evening.

66. In light of this evidence, the panel considered:

a. Mr Doherty called Person E on 24 February 2023 at 10.11pm, 10.15pm, 10.16pm, and 10.17pm. He did so whilst under the influence of alcohol. In doing so, Mr Doherty failed to maintain professional boundaries as there was not professional reason to contact Person E, a service user, out of hours and when intoxicated.

b. The panel heard the voicemail that Mr Doherty left for Person E at 10.17pm on 24 February 2023 which contained the comments set out in Schedule 2. In doing so, Mr Doherty failed to maintain professional boundaries as there was not professional reason to contact Person E, a service user, out of hours and when intoxicated. The messages are themselves a breach of professional boundaries:

    i. The service user did not know who was calling; and Mr Doherty knew this.

    ii. There was no need for Mr Doherty to tell a service user that he loved someone.

    iii. There was no reason for Mr Doherty to swear towards a service user.

    iv. There was no reason for Mr Doherty to ask a service user to call him back on a Friday night.

    v. It was unprofessional of Mr Doherty to tell a service user that he would look after them forever.

67. Consequently, the panel finds allegation 5(c) to be proved on a balance of probabilities.

Allegation 5(c) is found proved in its entirety.

Allegation 6: Your conduct towards Person C, as may be found proven at paragraph 5(a) above, was sexually motivated.

68. The panel accepted the legal advice from the legal adviser.

69. In *Basson v General Medical Council [2018] EWHC 505 (Admin)*, the court gave a definition of sexual motive: "*sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship*". Basson went on to say: "*in civil proceedings that fact, the state of the man's mind, is to be proved in the usual way by the necessary body of evidence on the balance of probabilities. However, the state of a person's mind is not something that can be proved by direct observation. It can only be proved by inference or deduction from the surrounding evidence.*"

70. In *GMC v Jagjivan [2017] EWHC 1247 (Admin)*, the Court of Appeal held that fact finders must consider whether there was any reasonable alternative explanation for the behaviour of the Registrant, and if there was any justification for it.

71. The panel noted the following evidence:

    a. Mr Doherty's evidence that there was no sexual motivation when contacting Person C, and that he just wanted to return to Person C her paperwork.

    b. The comments made from Mr Doherty to Person C, namely:

        i. That you would pay for a taxi for her to meet you;

        ii. That you wanted her to come to your house and/or live with you;

        iii. That you just wanted to "*cuddle*" up to her;

        iv. That you would look after her and/or take care of her;

        v. "*Shit -sorry x*"

        vi. "*Sau nothing x*" [sic]

    c. The call logs that demonstrate that Mr Doherty attempted to contact three female service users from the afternoon of Friday 24 February 2023 until 10.30pm on the same day.

    d. That Mr Doherty became angry towards Person C when she refused to come and see him.

    e. Person C's evidence that she felt threatened and at risk by Mr Doherty's actions.

72. Given the evidence set out in paragraph 71 above, the panel was of the view that Mr Doherty was lonely and felt isolated. However, the panel considered that Mr Doherty manifested this loneliness through his actions in the afternoon and evening of Friday 24 February 2023, as set out in paragraph 71(b)-(e) above. This conduct appeared to the panel to be undertaken in pursuit of sexual gratification or in pursuit of a future sexual relationship. In particular:

    a. The language used by Mr Doherty was one of trying to persuade Person C to meet him and have physical contact, such as to come over by taxi, live with him and "*cuddle*" up to her.

    b. The communications took place outside of working hours.

    c. The attempt from Mr Doherty to silence Person C by the text message "*Sau nothing x*" [sic]. Although Mr Doherty provided evidence that "*Say nothing*" is similar to phrase such as "*see you later*", and that it is something that he would say most times, the panel was not swayed past the ordinary meaning of "*Sau nothing x*" [sic]. The panel took this to mean that Mr Doherty was attempting to silence Person C about his actions, which he would have known, as a long-standing professional social worker, were improper.

d. Mr Doherty's communication to three female service users, although the panel notes that Mr Doherty did not have any male service users in his supervision.

e. The anger demonstrated by Mr Doherty when Person C rejected his invite to meet him.

f. Person C felt threatened and at risk by Mr Doherty's actions.

73. The panel considered whether there was any other explanation for Mr Doherty's behaviour on the evening of 24 February 2023 towards Person C, but considered that there was no other plausible explanation. The panel considered Mr Doherty's assertion that he just wanted to return to Person C her paperwork, but the panel considered that this could have been done in a more professional environment and, because he contacted two other female service users on the same evening, that Mr Doherty's explanation lacked plausibility.

74. Consequently, the panel finds allegation 6 to be proved on a balance of probabilities.

Allegation 6 is found proved.

Evidence on grounds and impairment:

75. Concerning grounds and impairment, Mr Doherty submitted:

a. [PRIVATE].

b. He does not like the insinuation that his actions were sexually motivated.

c. When he started his job at the Trust, [PRIVATE]. Therefore, he could not tell Social Work England about his convictions.

d. Although he is quite good at dealing with stress, his stresses here became debilitating and he resorted to [PRIVATE]. He messed up when he was trying to "*tidy up*" his cases.

e. He is sorry for his actions to Social Work England, the service users that he affected and to the people that he worked with.

f. [PRIVATE]

g. The last time that he [PRIVATE] was 2023; and not for 18 months before then.

h. In order to mitigate [PRIVATE] again, he has the following support:

i. Tries to manage his stresses;

ii. [PRIVATE];

iii. [PRIVATE];

iv. Learned from previous experiences. He is now aware of triggers that would lead him to drink alcohol;

v. Goes the gym;

vi. Tries to live a "*normal*" life, including regular eating; and

vii. Talk to people, such as his mum.

i. He understands that a social worker using a racist term is terrible and goes against social worker values. It impacts upon the values and ethics of the social work profession. He is not like this.

j. He understands that any sexual misconduct will damage the reputation of the profession. It would not uphold the values and standards of the profession, which are there to ensure people's wellbeing and safety. His actions did the opposite of this. His actions had no intent or malice. What he did was bad and he is sorry for making the phone calls. His actions could impact upon how the service users see social workers in the future.

k. It is important for social workers to provide accurate and up to date information. It is about being open and honest with your regulator. Otherwise, a social worker would undermine the values and standards of social work.

l. From the allegations, he has learned that he is "*an idiot*" [PRIVATE].

m. He moved house 7-8 weeks ago.

Submissions on grounds:

76. Concerning conviction, on behalf of Social Work England, Mr Collis submitted that concerning allegations 3 and 4, the relevant statutory ground is proved on the basis of the certificate of conviction which proves that Mr Doherty was convicted. The certificate of conviction has not been disputed by Mr Doherty.

77. Concerning misconduct, on behalf of Social Work England, Mr Collis set out that Mr Doherty's admitted/proven allegations can be properly characterised as serious misconduct on the basis that:

a. Allegations 1 to 6 occurred after Mr Doherty had already made the Council aware that he had issues with [PRIVATE], and in circumstances where he does not appear to have engaged fully with the support which was offered to him as a result. Therefore, whilst Mr Doherty's [PRIVATE] is likely to have contributed to his behaviour, Social Work England does not consider that it provides adequate justification for the repeated incidents of inappropriate, offensive and aggressive behaviour which subsequently occurred. In particular, Social Work England does not consider that there is any, or any

sufficient evidence, to suggest that Mr Doherty's racist conduct is explained by his [PRIVATE].

b. Allegations 7 to 10 concern Mr Doherty's failure to provide timely or accurate information and associated dishonesty. Social Work England submits that [PRIVATE] was not directly a factor in Mr Doherty's conduct, which spanned over a period of more than a year (considering that the first incident which led to a criminal investigation occurred in July 2021). Dishonesty is at the top end of the gravity of misconduct.

c. Any of the allegations, if proved, would be sufficiently serious to amount to misconduct. The alleged conduct spans offensive, discriminatory and racist comments, the breaching of professional boundaries in respect of calls made to three service users and not related to practise and including inappropriate and sexually motivated comments and suggestions as well as dishonesty in relation to not notifying or declaring to Social Work England criminal investigations and convictions.

d. Such conduct – even in respect of individual allegations – would be regarded as serious, and indeed as deplorable, by fellow practitioners.

e. The proven facts amount to a significant departure from the Standards. The following Standards are engaged:

> *As a social worker, I will:*
>
> *2.1. Be open, honest, reliable and fair.*
>
> *2.3. Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.*
>
> *6.6 Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.*
>
> *As a social worker, I will not:*
>
> *5.2. Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.*
>
> *5.6 Use technology, social media or other forms of electronic communication unlawfully, unethically, or in a way that brings the profession into disrepute.*

78. Concerning misconduct, Mr Doherty submitted:

a. There was no sexual motivation on his part.

b. He knows that he "*messed up*" and was in the wrong.

c. He understands the severity of the allegations.

Finding and reasons on grounds:

Conviction

79. The panel has seen the certificates of conviction for Mr Doherty in relation to allegations 3 and 4. These certificates of conviction have not been disputed by Mr Doherty. The panel finds the statutory ground of conviction to have been met in relation to allegations 3 and 4.

Misconduct

80. The panel accepted the legal advice provided by the legal adviser and applied the following definition of "*misconduct*":

> "*…some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances. The misconduct is qualified in two respects. First, it is qualified by the word 'professional' which links the misconduct to the profession. Secondly, the misconduct is qualified by the word 'serious'. It is not any professional misconduct which will qualify. The professional misconduct must be serious.*"

81. The panel also took into account the observation of Collins J in *Nandi v GMC [2004] EWHC 2317 (Admin)* that: "*The adjective 'serious' must be given its proper weight and in other contexts there has been reference to conduct which would be regarded as deplorable by fellow practitioners.*"

82. The panel considered that by committing the conduct set out in the proven allegations, Mr Doherty fell short of what would be proper in the circumstances. Mr Doherty's proven conduct amounts to serious professional misconduct. In particular:

    a. Used offensive, discriminatory, and racist language in messages to a work WhatsApp group. He then persisted to make offensive, discriminatory and racist comments over the telephone to his line manager. The result of which was:

        i. A risk of harm to service users should he carry such views into the workplace;

        ii. A breach of a fundamental tenet of the social work profession, namely non-discrimination; and

        iii. Bringing the profession into disrepute by acting in an offensive, discriminatory, and racist way in front of colleagues.

b. Made inappropriate telephone calls whilst under the influence of alcohol to three vulnerable service users and made inappropriate requests/suggestions in breach of professional boundaries, where there was sexual motivation towards one of the service users. The result of which was:

    i. Actual known harm to a service user who felt threatened and at risk by Mr Doherty;

    ii. A risk of harm to other service users who faced similar conduct by Mr Doherty;

    iii. A breach of a fundamental tenet of the social work profession, namely acting professionally by not acting in a sexually motivated way towards a service user; and

    iv. Bringing the profession into disrepute by acting in a sexually motivated way towards a service user.

c. Was convicted of public order offences which were racially aggravated due to his comments made towards the victims at the time. The result of which was:

    i. A risk of harm to service users should he carry such views into the workplace;

    ii. A breach of a fundamental tenet of the social work profession, namely non-discrimination; and

    iii. Bringing the profession into disrepute by acting in a discriminatory, and racist way in front of the public.

d. Intentionally did not disclose the convictions or having been charged and being subject to criminal investigation and thereby acted dishonestly. The result of which was:

    i. A risk of harm to service users as prompt disclosure may have resulted in Mr Doherty not being exposed to vulnerable service users;

    ii. A breach of a fundamental tenet of the social work profession, namely dishonesty; and

    iii. Bringing the profession into disrepute by acting dishonestly and not cooperating with his regulator.

e. Mr Doherty was an experienced social worker who should have known that his actions amounted to misconduct and the effect they would have on service users, service users' families, other social workers, the social work profession and Social Work England. This is evident through Mr Doherty's attempt to conceal his communications with Person C.

f. Mr Doherty failed to adhere to the following standards:

As a social worker, I will:

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

2.1. Be open, honest, reliable and fair.

2.3. Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.

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

As a social worker, I will not:

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

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

5.6 Use technology, social media or other forms of electronic communication unlawfully, unethically, or in a way that brings the profession into disrepute.

83. Further, such actions damage public confidence in the profession, as it would convey a degree of opprobrium to the ordinary intelligent citizen (*Shaw v General Osteopathic Council [2015] EWHC 2721 (Admin)*).

Submissions on impairment:

84. On behalf of Social Work England, Mr Collis submitted that Mr Doherty's fitness to practise is currently impaired:

    a. Mr Doherty:

        i. Used offensive, discriminatory, and racist language in messages to a work WhatsApp group. He then persisted to make offensive, discriminatory and racist comments over the telephone to his line manager.

ii. Made inappropriate telephone calls whilst under the influence of alcohol to three vulnerable service users and made inappropriate requests/suggestions in breach of professional boundaries, where there was sexual motivation towards one of the service users.

iii. Was convicted of public order offences which were racially aggravated due to his comments made towards the victims at the time.

iv. Intentionally did not disclose the convictions or having been charged and being subject to criminal investigation and thereby acted dishonestly.

b. Although these actions were exacerbated by excess alcohol consumption, Social Work England does not consider that this provides a complete explanation and/or justification for Mr Doherty's conduct. Furthermore, this does not provide any explanation or excuse for not disclosing the criminal investigations and/or convictions for the offences with which he was arrested and charged.

c. Mr Doherty has expressed remorse for all his actions, but dishonesty is often regarded to be an attitudinal issue which is by its nature harder to remediate than other types of misconduct. The dishonesty in this case persisted over a significant period of time, as Mr Doherty failed to declare more than one criminal investigation and subsequent conviction dating back to July 2021. Should Social Work England have known about Mr Doherty's criminal convictions at an earlier date, steps could have been taken to limit his contact with vulnerable service users.

d. In respect of the conduct set out at allegations 1 and 2, Mr Doherty has stated that the offensive comments made on the WhatsApp group "*were totally out of character*" for him. However, Social Work England submits that subsequent conduct in respect of the criminal offences, which Mr Doherty pleaded guilty to, indicates that such comments were repeated and therefore cannot be said to be out of character.

e. There was actual harm, as well as the risk of harm, to the service users in respect of the conduct at allegation 5. There was also harm to the profession and the reputation of the profession in respect of the underlying conduct of the convictions and in failing to disclose them.

f. [PRIVATE] also in respect of the element of racism which was part and parcel of allegation 1 and allegations 3 and 4.

g. The allegations include dishonesty, discrimination/racism, sexually motivated conduct and criminal conduct, itself aggravated due to the racist nature of comments made at the time of committing the offences. All elements of the conduct would undermine public trust and confidence in the

profession and were failing to uphold expected standards in a significant way.

h. Mr Doherty's actions, as set out in the admitted/proven allegations placed service users at unwarranted risk of harm; brought the profession into disrepute; breached fundamental tenets of the social work profession; and demonstrated he acted dishonestly. [PRIVATE].

85. Concerning impairment, Mr Doherty relied on his evidence provided for this stage of the proceedings, set out at paragraph 75 above, and repeated that he was sorry for any upset or harm caused.

Finding and reasons on current impairment:

86. The panel accepted the advice of the legal adviser that when considering impairment, the panel should consider whether Mr Doherty's fitness to practise is currently impaired in relation to the misconduct and conviction. The panel was asked by the legal adviser to consider:

a. whether Mr Doherty has acted in the past and/or is liable in the future to act so as to put a service user at unwarranted risk of harm;

b. whether Mr Doherty has in the past and/or is liable in the future to bring the social work profession into disrepute;

c. whether Mr Doherty has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession; and

d. whether Mr Doherty has in the past acted dishonestly and/or is liable to act dishonestly in the future.

87. When considering the question of impairment, the panel took into account Social Work England's "*Impairment and Sanctions Guidance*".

88. At the outset, the panel considered Mr Doherty's insight and remediation.

89. The panel first considered whether the misconduct identified in this case was capable of being remedied. The panel was of the view that dishonest conduct (particularly related to supplying information to the regulator), and sexual misconduct, were hard to remediate.

90. The panel considered that Mr Doherty has shown limited insight. Although he has admitted most of the allegations, apologised, demonstrated remorse, and said that his actions have impacted upon Social Work England, the service users and his colleagues, Mr Doherty:

a. Has been unable to show basic empathy towards the impact of the experiences of his conduct on service users, namely Person C, Person D and Person E.

b. Has not considered that his actions were made significantly worse by the power imbalance between himself and Person C, Person D and Person E; or their trust in him, and the social work profession was damaged.

c. Has not provided a credible explanation as to:

   i. The motivation for his actions in the allegations; and

   ii. why he told Person C to say nothing following his actions at allegation 5(a).

d. Has sought to justify his dishonesty by saying that it was intentional, so that he could keep his job [PRIVATE].

91. The panel considered that Mr Doherty has shown limited remediation, given:

a. [PRIVATE].

b. There is limited information about the support network that Mr Doherty is relying upon. Although there are testimonials as to the support that Mr Doherty received in the past, the panel considered that his current support network appeared to rely heavily on his mother, making his current support network limited. [PRIVATE].

c. There is no evidence before the panel of Mr Doherty undertaking training in relation to the allegations to remediate his conduct.

d. Although Mr Doherty has said that his offensive, racist and discriminatory behaviour is out of character, this has been repeated on different occasions, as set out in allegations 1-4. There is no evidence of remediation before this panel from Mr Doherty as to how he has sought to address, and thereby prevent repetition of, his conduct.

<u>Whether Mr Doherty has acted in the past and/or is liable in the future to act so as to put a service user at unwarranted risk of harm</u>

92. Mr Doherty's conviction and misconduct in the admitted/proven allegations, and as set out in paragraph 82 above, demonstrates that he has acted in the past so as to put service users at unwarranted risk of harm.

93. Given the limited insight and limited remediation from Mr Doherty as set out in paragraphs 90-91 above, the panel considered that Mr Doherty is liable in the future to act so as to put a service user at unwarranted risk of harm.

<u>Whether Mr Doherty has in the past and/or is liable in the future to bring the social work profession into disrepute</u>

94. Given Mr Doherty's conviction and misconduct in the admitted/proven allegations, and as set out in paragraph 82 above, the panel considered that Mr Doherty has in the past brought the social work profession into disrepute by acting:

    a. in a sexually motivated way towards a service user;

    b. in a discriminatory, and racist way in front of the public and colleagues; and

    c. dishonestly.

95. Given the limited insight and limited remediation from Mr Doherty as set out in paragraphs 90-91 above, the panel considered that Mr Doherty is liable in the future to bring the social work profession into disrepute.

Whether Mr Doherty has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession

96. Given Mr Doherty's conviction and misconduct in the admitted/proven allegations, and as set out in paragraph 82 above, the panel considered that Mr Doherty has breached fundamental tenets of the social work profession, namely:

    a. the requirement to safeguard service users;

    b. maintaining proper professional boundaries with service users;

    c. the requirement not to discriminate; and

    d. acting honestly.

97. Given the limited insight and limited remediation from Mr Doherty as set out in paragraphs 90-91 above, the panel considered that Mr Doherty is liable in the future to breach a fundamental tenet of the social work profession.

Whether Mr Doherty has in the past acted dishonestly and/or is liable to act dishonestly in the future

98. Given Mr Doherty's conviction and misconduct in admitted allegations 7-10, and as set out in paragraph 82 above, the panel considered that Mr Doherty has acted dishonestly in the past. This dishonesty was intentional so that Mr Doherty could keep working.

99. Given the limited insight and limited remediation from Mr Doherty as set out in paragraphs 90-91 above, especially that, during this final hearing, he sought to justify his dishonesty to keep working to pay his [PRIVATE], the panel considered that Mr Doherty is liable in the future to act dishonestly.

Panel's conclusion on impairment

100. In light of the above, the panel considered Mr Doherty's fitness to practise to be currently impaired on the personal element.

101. Further, members of the public would be concerned to learn that a social worker had undertaken the misconduct set out in the admitted/proven allegations, and set out in paragraph 82 above. The limited insight and limited remediation, as set out in paragraphs 90-91 above, means that there is a significant risk that Mr Doherty may repeat the actions which resulted in the finding of conviction and misconduct. Consequently, the panel considered Mr Doherty's fitness to practise to be impaired on the wider public interest element, namely maintaining public confidence in social workers in England, maintaining proper professional standards for social workers in England, and maintaining confidence in the regulator.

Decision and reasons on sanction:

102. On behalf of Social Work England, Mr Collis submitted that the only appropriate sanction is one of removal. Mr Collis submitted:

    a. Mitigating factors include:

        i. Mr Doherty made early admissions to most of the allegations.

        ii. Mr Doherty has fully engaged with Social Work England during these proceedings.

        iii. Mr Doherty has proffered apologies for his actions.

        iv. In relation to allegations 1-6, Mr Doherty has had health problems.

        v. Mr Doherty has no previous fitness to practise history.

    b. Aggravating factors include:

        i. There is repetition within the allegations.

        ii. Mr Doherty has demonstrated limited insight and limited remediation.

        iii. Mr Doherty poses a risk of harm to service users.

    c. This case involves sexual misconduct, persistent dishonesty and criminal offences. Although Mr Doherty received a community order and no prison sentence for his convictions, both offences were racially aggravated.

    d. Mr Doherty's admitted/proven misconduct breached fundamental tenets of the profession and the panel has found that he is at significant risk of repeating his actions.

    e. Taking no further action, giving advice or a warning would not be appropriate given the seriousness of the proven allegations and the inability of these sanctions to protect the public.

f. Conditions of practice would be insufficient to protect the public given the seriousness of the allegations and the limited insight given the nature of the allegations. No suitable conditions could be formulated.

g. A suspension would not be appropriate in the circumstances given:

i. It would not meet the seriousness of the allegations in this case.

ii. A suspension for such serious allegations would undermine the confidence in the profession and fail to uphold standards.

h. A removal order would be appropriate given the above and that no other outcome is sufficient. A removal order would also send a clear message to social workers and uphold confidence in the profession.

103. Mr Doherty submitted:

a. Removal is not necessary.

b. Although he may well have been impaired at the time, he does have insight now. He has not thought of anything else for the past three-and-a-half to four years.

c. He is truly and deeply sorry for any upset that he has caused.

d. Concerning the convictions, there are always two sides to every story and the convictions against him were documented in a certain way.

e. He has done everything that has been asked of him to atone for his errors.

f. He just wants to put everything behind him now.

g. [PRIVATE].

104. The panel accepted the advice of the legal adviser that it must again pursue the overarching objective when exercising its functions. The purpose of a sanction is not to be punitive although a sanction imposed may have a punitive effect. The panel considered the least restrictive sanction first and then moved up the sanctions ladder as appropriate. The panel had regard to the Sanctions Guidance.

105. The panel considered the following factors to be mitigating:

a. Mr Doherty made early admissions to most of the allegations.

b. Mr Doherty has fully engaged with Social Work England throughout these proceedings.

c. Mr Doherty has apologised for his actions and shown remorse.

d. In relation to allegations 1-6, Mr Doherty had health problems during this period.

e. Mr Doherty has no previous fitness to practise history.

106. The panel considered the following factors to be aggravating:

a. Mr Doherty has demonstrated limited insight and limited remediation.

b. Mr Doherty still poses a risk of harm to service users.

c. Persons C, D and E were vulnerable service users.

107. The panel had regard to paragraphs 156, 163 and 174-176 of the Sanctions Guidance:

"*156. Social workers hold privileged positions of trust. Their role often requires them to engage with vulnerable people. It is essential to the effective delivery of social work that the public can trust social workers. Any abuse of trust by a social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession.*"

"*163. Decision makers should consider imposing a more serious sanction if they find the social worker impaired because of sexual misconduct. This is because of the seriousness of these types of cases.*

174. Honesty is key to good social work practice. Social workers are routinely trusted with access to private spaces, such as people's homes, and highly sensitive and confidential information, such as case notes.

175. Other organisations also rely on the honesty and integrity of social workers when making important decisions about service users, their relatives and carers. This includes (all of the following):

- *the police*
- *the courts*
- *local and health authorities*
- *other agencies*

Because of this, dishonesty is likely to threaten public confidence in the social work profession. This is the case both in professional practice and in the social worker's private life.

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

108. The panel considered that Mr Doherty:

a. abused his position of trust by crossing professional boundaries by attempting to engage in an inappropriate personal contact with Persons C, D and E, vulnerable service users.

b. Acted in a sexually motivated manner when breaching professional boundaries with Person C.

c. Acted dishonestly, intentionally, and in a repeated manner by not declaring his criminal convictions to an agency, providing an outdated DBS certificate, and also to his regulator when applying for re-registration. Mr Doherty's dishonest actions were not linked to his health problem.

d. Was convicted of violent and racially aggravated offences.

The panel considered Mr Doherty's misconduct to be at the higher level of seriousness.

109. The panel finds that taking no action or issuing advice or a warning would not be sufficient to protect the public, maintain public confidence in the profession and uphold proper standards of conduct and behaviour, given the serious and repeated nature of his misconduct and convictions.

110. The panel next considered whether a conditions of practise order would be proportionate and appropriate in the circumstances. The panel considered that a conditions of practise order would not be proportionate and appropriate to protect the public or be in the wider public interest given:

a. The serious and wide-ranging concerns set out in the proven misconduct, which included abuse of trust, sexual misconduct, repeated and intentional dishonesty, and convictions for racially aggravated violent offences;

b. Mr Doherty's limited insight and limited remediation which raises the risk of repetition; and

c. The panel could not formulate conditions which would address the attitudinal nature or the seriousness of the misconduct and mitigate any risk posed.

111. The panel next considered whether it was appropriate to impose a suspension order. The panel had regard to paragraphs 137 and 138 of the Sanctions Guidance:

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

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

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

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

112. The panel did not consider a suspension order to be appropriate given:

a. The seriousness of the concerns, which include abuse of trust, sexual misconduct, repeated and intentional dishonesty, and racially aggravated violent criminal convictions, as set out in paragraph 108. Mr Doherty's admitted/proven misconduct demonstrates a serious breach of professional standards.

b. Given three-and-a-half to four years have passed since the time of the allegations, a substantial time of which Mr Doherty was suspended from social work practice, the panel has little confidence that Mr Doherty will develop any further insight into the most serious aspects of the misconduct (abuse of trust, sexual misconduct, insight into the impact of his behaviour on vulnerable service users, repeated and intentional dishonesty, and racially aggravated violent criminal convictions).

c. The wider public interest of upholding professional standards and confidence in the profession would not be upheld if Mr Doherty was suspended for his admitted/proven actions and current impairment.

113. The panel considered the Guidance in respect of a removal order. In particular, the panel took into account paragraphs 149, 165, and 176 of the Guidance which sets out:

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

- *abuses of position or trust*
- *sexual misconduct*
- *dishonesty, especially where persistent and/or concealed*
- *criminal convictions for serious offences*
- *violence*"

"*165. In all cases of serious sexual misconduct, it will be highly likely that the only proportionate sanction is a removal order. If decision makers decide that a sanction other than a removal order would be appropriate, they must fully explain why they have made that decision.*

176. Concerns that raise questions of character, such as dishonesty, may be harder to remediate. This is because it is more difficult to produce objective evidence of reformed character. Evidence of professional competence

cannot mitigate serious or persistent dishonesty. Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal."

114. The panel considered that Mr Doherty abused his position of trust, engaged in sexually motivated conduct, was repeatedly and intentionally dishonest, and was convicted of racially aggravated violent offences, for the reasons set out in paragraph 108. Furthermore, Mr Doherty has demonstrated limited insight and remediation into his conduct.

115. In the particular circumstances of this case, the panel considered that a removal order is the only appropriate and proportionate sanction to impose. Further, the panel considered a removal order to be appropriate given that a removal order would protect the public, maintain confidence in the social work profession and maintain proper professional standards for social workers in England.

Interim order:

116. The panel was informed that Mr Doherty had been subject to an interim order pursuant to paragraph 8 of Schedule 2 of the Social Workers Regulations 2018. Mr Doherty was present. The panel invited Mr Doherty to agree to revoke this interim order, which he did. Therefore, the interim order pursuant to paragraph 8 of Schedule 2 of the Social Workers Regulations 2018 was revoked.

117. On behalf of Social Work England, Mr Collis made an application for an interim suspension order for 18 months to cover the appeal period before the final order becomes effective. He did so on the basis of public protection. Mr Collis submitted that an interim suspension order would be consistent with the panel's previous findings and, in particular, the finding that Mr Doherty still poses a risk to service users.

118. The panel received legal advice that both the Social Workers Regulations 2018 (section 11(1)(b), Schedule 2), and paragraph 204 of the Sanctions Guidance permit interim orders, following a final order, for the protection of the public or in the best interests of the social worker.

119. The panel was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a removal order to conclude that an interim suspension order was not necessary for the protection of the public during the appeal period.

120. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public. It determined that it is appropriate that the interim suspension order be imposed for a period of 18 months to cover the appeal period. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court.

Right of appeal:

121. 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.

122. 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.

123. 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.

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

Review of final orders:

125. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:

- 15(1) The regulator must review a suspension order or a conditions of practice order, before its expiry
- 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker
- 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5), and a final order does not have effect until after the expiry of that period

126. Under Rule 16(aa) of the rules a social worker requesting a review of a final order under Paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority:

127. 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.