Social worker: Eniola G Onigbanjo
Registration number: SW105007
Fitness to Practise
Final Hearing

Dates of hearing: 05 October 2026 to 13 October 2026

Hearing venue: Remote hearing

Hearing outcome: No further action

Introduction and attendees:

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

2. Ms Onigbanjo was present at the hearing. She was represented by Mr Khaled Hussain-Dupré on the first day of the hearing and, for the remainder of the hearing, by his colleague, Ms Rebecca March.

3. Social Work England was represented by Mr Matthew Edwards, case presenter from Capsticks LLP.

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

Adjudicators	**Role**
Lesley White	Chair
Delecia Dixon	Social worker adjudicator
Chantelle Whitehead	Lay adjudicator

Hearings team/Legal adviser	**Role**
Ruby Wade	Hearings officer
Liam Dixon	Hearings support officer
Zill-e Huma	Legal adviser

Service of notice:

5. The panel had careful regard to the documents contained in the final hearing service bundle.

6. Having had regard to rules 44 and 45 of the Social Work England (Fitness to Practise) Rules 2019 (as amended) ("the Rules"), and to all of the information before it relating to service, the panel was satisfied that notice of this hearing had been served on Ms Onigbanjo in accordance with the Rules. The panel also noted that Ms Onigbanjo was represented at the hearing and that no issue was raised in relation to service. In those circumstances, the panel was satisfied that service had been effective and that it was appropriate to proceed with the hearing.

Preliminary matters:

7. At the outset of the hearing, the panel was informed that the parties had agreed amendments to allegations 1 and 2. In relation to allegation 1, the date range in allegation 1(a) was amended to 27 May 2012 to 12 January 2014 in respect of Properties A and B. Allegation 1(b) was amended to the period 12 January 2014 to 1 June 2014 in respect of Properties A and B, and allegation 1(c) to the period 2 June 2014 to 5 October 2014 in respect of Properties A and C. The date range in allegation 2 was amended to 24 September 2012 to 5 October 2014. The panel noted that the amendments had been agreed between the parties and were not opposed. Having considered the nature and

scope of the amendments, the panel was satisfied that they clarified the matters in issue and did not cause any unfairness or prejudice to Ms Onigbanjo. The panel therefore determined that the hearing should proceed on the basis of the allegations as amended.

8. The panel was also informed that Social Work England had encountered difficulties in locating Ms Katie Wallace and sought to rely upon her witness statement as hearsay evidence. Social Work England's position was that its reliance upon Ms Wallace's evidence was limited to the policy documents exhibited to her statement. Ms Onigbanjo had confirmed in advance of the hearing that she did not object to Ms Wallace's statement being admitted in her absence and did not require her to attend to answer Social Work England's questions.

9. The panel had regard to rule 32(b)(vii) of the Rules and was satisfied that it was fair to admit Ms Wallace's statement. In reaching that conclusion, the panel took into account the reason for Ms Wallace's non-attendance, the limited purpose for which Social Work England sought to rely upon her evidence, the fact that the relevant policy documents were available to the parties, and, importantly, that Ms Onigbanjo did not object to the admission of the statement or seek to question Ms Wallace. The panel was therefore satisfied that the admission of the statement in Ms Wallace's absence would not cause unfairness or prejudice to Ms Onigbanjo. Accordingly, the panel determined that Ms Wallace's witness statement should be admitted as hearsay evidence. The panel remained mindful that admission of the evidence was distinct from the weight, if any, to be attached to it, which remained a matter for the panel when considering the evidence as a whole.

10. The panel noted that the hearing was to be conducted in public. It was informed at the outset that evidence relating to private matters, including health and personal or family circumstances, might arise during the course of the hearing. The panel determined that, should such matters arise, they should be brought to its attention at the relevant time so that it could consider whether that part of the hearing should be conducted in private in accordance with the Rules. The panel was satisfied that this approach appropriately balanced the principle of open justice with the need to protect private information where appropriate.

11. The panel also considered an application for Ms Rebecca March to represent Ms Onigbanjo as an "other suitable person". The panel was informed by Mr Hussain-Dupré that Ms March was his colleague and would subsequently be representing Ms Onigbanjo during the hearing. The panel had regard to rule 40 of the Rules, which permits a registered social worker, at the discretion of the panel, to be represented by a member of their family or other suitable person. The panel noted that Social Work England adopted a neutral position in relation to the application. Having considered the application and the information provided by Mr Hussain-Dupré, the panel was satisfied that Ms March was a suitable person to represent Ms Onigbanjo. The panel therefore exercised its discretion under rule 40 and permitted Ms March to represent Ms Onigbanjo as an "other suitable person".

Allegations:

12. *"The allegations arising out of the regulatory concerns referred by the Case Examiners on 6 February 2023 are:*

Whilst registered as a social worker/prior to registration as a social worker:

1. Between 27 May 2012 and 5 October 2014, you claimed housing benefit on at least two properties as set out in Schedule A, concurrently, when you were not entitled to do so in that;

a. Between 27 May 2012 to 12 January 2014, you received housing benefit for both Property A and Property B; and/or

b. Between 12 January 2014 to 1 June 2014, you received housing benefit for both Property A and Property B; and/or

c. Between 2 June 2014 to 5 October 2014, you received housing benefit for both Property A and Property C.

2. Between 24 September 2012 and 5 October 2014, you claimed Council Tax exemption on two properties concurrently when you were not entitled to do so.

3.On or about 31 July 2015, you failed to provide accurate and/or complete information for a DBS application, in that you did not provide:

a. All of your known names as required; and/or

b. Your previous addresses as set out in Schedule B.

4. Your actions at paragraphs 1, 2 and 3 above were dishonest.

The matters in in paragraphs 1 – 4 amount to the statutory ground of misconduct.

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

Schedule A

[PRIVATE].

Schedule B

[PRIVATE].

Admissions:

13. Rule 32c(i)(aa) of the Rules states:

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

14. The panel noted that Ms Onigbanjo denied all the allegations.

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

Background:

16. Ms Onigbanjo commenced employment with Croydon Council ("the council") as a social worker on 31 July 2015.

17. On 24 April 2017, the Health and Care Professions Council, which was the relevant regulator at that time, received a referral from Riona Buley, a Fraud Investigator employed by the council. At the time of the referral, Ms Onigbanjo was employed by the council in a social work role.

18. The referral arose from concerns relating to Ms Onigbanjo's claims for housing benefit and student council tax exemption in respect of more than one property, together with concerns regarding the disclosure of previous names and addresses in connection with her Disclosure and Barring Service ("DBS") application.

19. The concerns relating to the benefit claims came to light following an application by Ms Onigbanjo, initially in January 2014, to purchase Property A under the 'Right to Buy' scheme. As part of that process, the council's Anti-Fraud Team undertook checks which identified that Ms Onigbanjo was linked to another address outside the London Borough of Croydon, within the Royal Borough of Kingston. Ms Onigbanjo subsequently made a total of 5 'Right to Buy' applications, all of which were declined for the same reason.

20. The matters were subsequently investigated by the council's anti-fraud team. As part of that investigation, Ms Onigbanjo attended 3 formal interviews under caution, which took place on 22 December 2016, 28 March 2017 and 28 June 2017. The investigation and subsequent referral ultimately gave rise to the allegations considered by the panel at this hearing.

Summary of evidence:

Social Work England

21. Mr Edwards, on behalf of Social Work England, provided the panel with the background to the allegations. He explained that Ms Onigbanjo commenced employment as a social worker with Croydon Council on 31 July 2015 and that, on 24 April 2017, a referral was made to the then regulator by Ms Buley, an anti-fraud investigator at Croydon Council. The concerns related to Ms Onigbanjo's claims for housing benefit and student council tax exemption in respect of more than one property and, subsequently, to the information provided in connection with her DBS application. Mr Edwards explained that the concerns had come to light following checks undertaken in connection with Ms Onigbanjo's applications to purchase Property A under the 'Right to Buy' scheme. Those checks linked her to addresses outside the London Borough of

Croydon, in Kingston. He further referred to the subsequent council investigations, including 3 interviews under caution conducted between December 2016 and June 2017.

22. In relation to allegation 1, Mr Edwards relied upon the investigation reports and supporting documentation prepared by Ms McPartland and Ms Buley, together with the relevant housing benefit records. He submitted that the applicable provisions ordinarily permitted housing benefit to be claimed in respect of only one property, subject to specified exceptions. He referred in particular to the exception where a person had left their home because of fear of violence or abuse and intended to return, in which circumstances housing benefit could, subject to the relevant requirements, be paid in respect of two homes for a limited period. He referred to the *Shelter* guidance contained within the exhibits as summarising the relevant position.

23. Mr Edwards submitted that the documentary evidence demonstrated that Ms Onigbanjo received housing benefit in respect of Property A and subsequently received housing benefit in respect of Property B from 27 May 2012 to 1 June 2014 and Property C from 2 June 2014 to 5 October 2014. He also referred to the declaration signed by Ms Onigbanjo in connection with her housing benefit claim, by which she acknowledged that she was required to notify the council in writing of any change in circumstances which might affect her claim.

24. As to allegation 1(a), Mr Edwards referred to Ms Onigbanjo's written response in which, having seen the relevant rule, she accepted that payments made in respect of Property A after approximately 27 May 2013 were payments which she was not entitled to receive, although she denied that she knew this at the time or had deliberately sought to obtain anything to which she was not entitled. Mr Edwards submitted that the principal issue was therefore her entitlement during the earlier period from May 2012 to May 2013, during which she maintained that she came within the exception relating to fear of violence or abuse. He submitted that, even if that account were accepted, the exception was time limited and there remained, at the very least, a period from approximately May 2013 until 12 January 2014 during which Ms Onigbanjo was receiving housing benefit in respect of Properties A and B. Social Work England's case was therefore that allegation 1(a) was capable of being established notwithstanding the dispute concerning the earlier period.

25. Turning to allegation 2, Mr Edwards submitted that Ms Onigbanjo had claimed student council tax exemption in respect of 2 properties concurrently between 24 September 2012 and 5 October 2014. He referred to the applicable requirements for student exemption and to both the more recent and archived Croydon Council material, submitting that the historical documentation confirmed the relevant requirement that a dwelling occupied only by full-time students was exempt from council tax.

26. Mr Edwards relied upon the evidence that Ms Onigbanjo submitted a student certificate and request for full council tax exemption to Kingston Council in respect of Property B and subsequently submitted the same student certificate to Croydon Council seeking

exemption in respect of Property A. He also relied upon Ms Onigbanjo's written response in which she accepted that she had received student council tax exemption on 2 properties concurrently between 24 September 2012 and 5 October 2014, although she disputed that she had known that she was not entitled to do so.

27. Mr Edwards further referred to the evidence that, following application of the student exemption, a Croydon Council tax liability of £1,307.02 was reduced to nil. He submitted that, after Ms Onigbanjo entered into the tenancy for Property C in May 2014, the Kingston exemption was transferred from Property B to Property C whilst the exemption in respect of Property A continued. He also relied upon Ms Onigbanjo's account during the council investigation that she had been in receipt of council tax exemption from Croydon and Kingston at the same time but had not known the applicable rules. Social Work England invited the panel to find allegation 2 proved.

28. In relation to allegation 3, Mr Edwards submitted that Ms Onigbanjo's DBS application, signed and dated 31 July 2015, did not record all of her known names or her previous addresses as required. He relied upon the application itself, the documentary evidence relating to Ms Onigbanjo's previous legal names and addresses, and the evidence concerning the process by which DBS applications were completed.

29. Mr Edwards addressed Ms Onigbanjo's account that she had been running late and had signed a blank form which was subsequently completed by an HR adviser. He referred to the evidence concerning the usual process, namely that an applicant would attend with the relevant identity and address documents and the form would be completed with the applicant by a member of the recruitment team. He submitted that the relevant sections of the DBS application specifically required disclosure of previous names and all addresses during the preceding 5 years, but those sections of Ms Onigbanjo's application did not contain the required information.

30. Mr Edwards submitted that allegation 3 was established on either version of events. If Ms Onigbanjo participated in the completion of the form, the required names and addresses had not been provided. Alternatively, on her own account that she signed a blank form, she had nevertheless signed the application without the required information having been provided. He relied upon the fact that the application was signed by Ms Onigbanjo and submitted that, irrespective of whether the omission was deliberate, the factual allegation that she had failed to provide accurate and/or complete information was made out. He submitted that whether the omission was deliberate was relevant instead to the separate allegation of dishonesty.

31. Turning to allegation 4, Mr Edwards submitted that the conduct alleged at paragraphs 1, 2 and 3 was dishonest. In relation to the housing benefit and council tax allegations, he relied upon the declarations requiring Ms Onigbanjo to notify the council of changes in circumstances which might affect her claims, together with the documentary chronology concerning her occupation of the different properties and the information provided to Croydon and Kingston Councils.

32. Mr Edwards also relied upon the circumstances surrounding Ms Onigbanjo's stated reason for leaving Property A. He referred to the timing and content of her reports to the police, the outcome of the police investigations, the proximity between the second report and her obtaining Property B in Kingston, and what Social Work England contended were inconsistencies between the information provided to the police and council and Ms Onigbanjo's subsequent account. He submitted that the evidence was capable of supporting Social Work England's case that Ms Onigbanjo had provided false information concerning the alleged harassment in order to facilitate her move to a property closer to her place of study.

33. Mr Edwards further relied upon the absence, on Social Work England's case, of evidence demonstrating that Ms Onigbanjo had fully informed either council of the benefits or exemptions being received from the other council or had kept the councils informed of material changes in her circumstances. He referred in particular to the subsequent documentation concerning Property C and to Ms Onigbanjo's October 2014 application in respect of Property A, in which she described Property A as her current main home and made no reference to the Kingston claims when answering questions concerning previous claims. Social Work England submitted that, taken together, the evidence supported an inference that Ms Onigbanjo knew that she was not entitled to claim housing benefit or council tax exemption in respect of more than one property in the manner alleged, or knew that she was required to notify the councils of material changes and deliberately failed to do so.

34. In relation to the DBS application, Mr Edwards relied upon the declaration signed by Ms Onigbanjo confirming that the information provided in support of the application was complete and true. He submitted that Ms Onigbanjo knew that she had previously been known by other names and had lived at other addresses within the relevant period, yet those details were absent from the application which she signed. Social Work England submitted that, on either account advanced by Ms Onigbanjo as to how the form had been completed, she had signed a declaration which she knew did not contain all of the required information.

35. Mr Edwards submitted that, in relation to each aspect of allegation 4, the panel should determine Ms Onigbanjo's actual knowledge or belief as to the relevant facts and then determine whether, in light of those findings, her conduct was dishonest by the standards of ordinary decent people. Social Work England's position was that the evidence was capable of satisfying both elements of that test.

36. Mr Edwards adopted the remainder of Social Work England's statement of case and invited the panel to determine the allegations on the evidence before it.

No case to answer:

37. At the conclusion of Social Work England's evidence, Ms March, on behalf of Ms Onigbanjo, made an application to the panel that there was no case to answer in respect of the allegations. Ms March relied upon her written submissions and

supplemented those submissions orally. Mr Edwards, on behalf of Social Work England, opposed the application and made oral submissions to the panel in response. In relation to allegations 1(b) and 1(c), Mr Edwards identified the issue concerning whether housing benefit had continued to be paid in respect of Property A after 12 January 2014. He submitted that, if it was correct that Ms Onigbanjo had not received housing benefit in respect of Property A between 12 January 2014 and 27 October 2014, she would not have been receiving housing benefit concurrently in respect of Property A and the other properties during that period. He expressly identified the significance of that position as being that there would be no finding in respect of allegations 1(b) and 1(c).

Social worker:

38. Ms March submitted the following written submissions on behalf of Ms Onigbanjo in support of the application that there was no case to answer:

> *"The Panel will be aware that the burden of proof rests with Social Work England throughout the fact-finding stage and it must prove its case on the balance of probabilities, what is more likely than not.*
>
> *In R v Galbraith [1981] 1 WLR 1039, Lord Lane at at 1042 B-E:*
>
> > *How then should the judge approach a submission of no case? (1) If there is no evidence that the crime alleged has been committed by the defendant, then there is no difficulty. The judge will of course stop the case. (2) The difficulty arises where there is some evidence but it is of a tenuous character, for example because of inherent weakness or vagueness or because it is inconsistent with other evidence. (a) Where the judge comes to the conclusion that the Crown s evidence, taken at its highest, is such that a jury properly directed could not properly convict on it, it is his duty, on a submission being made, to stop the case. (b) Where however the Crown s evidence is such that its strength or weakness depends on the view to be taken of a witness s reliability, or other matters which are generally speaking within the province of the jury and where on one possible view of the facts there is evidence upon which a jury could properly come to the conclusion that the defendant is guilty, then the judge should allow the matter to be tried by the jury.*
>
> *Limb 1 therefore deals with sufficiency of evidence and limb 2, whether the evidence which has been presented is tenuous, vague or weak such that it cannot be treated as a sound basis for findings facts proven. The Panel may consider one or other or both in determining whether there is a case to answer on each of the charges.*
>
> *While questions surrounding the credibility of one or more live witnesses arise, these are properly dealt with at the closing of the facts stage. However, at half time, the Panel should properly evaluate whether the quality of the evidence*

provided by a witness - including documentary evidence - is so fundamentally weak or tenuous, or undermined by other evidence which the Panel has received that it amounts to insufficient evidence capable of proving a particular of charge.

The Panel may consider at this stage all of the evidence which has been presented to it and determine whether plausible alternative explanations or putative defences arise from the evidence which Social Work England has presented.

Effectively, the test is whether or not the Panel could at this stage find the facts proven solely on the evidence it has before it as there is no burden on the Registrant to give evidence in order to prove her innocence.

It is submitted that despite the volume of evidence provided by Croydon Council, on the crucial points which concern the particulars of this case, there is insufficient evidence upon which a panel could reasonably find the facts proven on one or more of the charges.

The Panel is respectfully reminded that it should only consider evidence which is relevant to the particulars in this case and that it should disregard the findings or outcome of any other investigation, per Enemuwe.

The Panel's attention is drawn to Exhibit RB/31, from p.1410 of the Social Work England Exhibits Bundle, which is a system extract which shows Housing Benefit payments made to the Registrant. Looking in particular at p1412, the Panel will note the fifth line down, dated 06 January to 13 January - with a paid out amount of zero. It is submitted that this was the point at which the Registrant's Housing Benefit claim for Property A stopped. No further payment is made until the bottom line on page 1411, marked 27 October to 7 December. It is submitted that this was the Housing Benefit claim been restarted, from 27 October 2014. Ms Buley agreed that this appears to be the case.

Without any payments of Housing Benefit on Property A between 12 January 2014 and 1 June 2014, or 2 June 2014 and 5 October 2014, neither Particular 1(b) nor 1(c) can be made out as there is no evidence that the Registrant was claiming for two properties concurrently.

Consequently Particular 4 in respect of Particular 1(b) and 1(c) should be no case to answer.

In relation to the dishonesty alleged at Particular 4, the primary assertion is that the Registrant involving the police was some charade to be able to move to another property. Clearly Croydon Council did not believe her account, and yet it took no action at the time, when it was notified of the changes in circumstances. The Council's investigation only arose some years later, at or around the time that the Registrant was employed by Croydon Council and had submitted a grievance.

In opening its case, it was Social Work England's position that the police closing the case following the Registrant's complaint of harassment is evidence that she was not in fear of violence. It is submitted that the police not pursing a matter is a threshold decision, not a finding of fact, nor is it capable of amounting to evidence which could suggest that the Registrant was, in effect, lying. Social Work England has failed to produce any evidence upon which the Panel could determine that the Registrant was not in fear of violence.

It is submitted that there is no evidence of the Registrant's state of mind, other than her repeated assertions, as reported to Croydon Council, later at interview as part of the local investigation, and throughout the HCPC/Social Work England investigation, that she was in fear as reported to the police, fled Property A and contemporaneously made Croydon Council aware. There is also some evidence to support this being permissible subject to certain conditions, although based on evidence from 2023, which, it is submitted were met at the time. However, it was clear from the evidence of Ms McPartland that there was no internal policy at Croydon Council at the time and nor has any such policy or guidance been placed before this Panel.

It is submitted that the extracts from the Shelter website, which came years later, are insufficient to establish what policy was in effect at the time, what Croydon Council staff were aware of and might then advise tenants, and what the Registrant could or should have been made aware of. Ms Buley was not able to point to any policy that was in force at the time, and explained that she relied heavily on information provided to her by Ms Campbell, who the Panel has not heard evidence from. It is therefore impossible for the Panel to ascertain the prevailing rules on eligibility and in particular what the Registrant was, or was more likely than not, to have been told by Croydon Council.

The Panel will also note that Ms McPartland was clear that her conclusions on policy was arrived at by canvassing various opinions from other people and gathering other evidence. It is submitted that this lends weight to the fact that there was, at the time, no established policy.

Similarly the conditions of tenancy set out at p.1044 of the Social Work England Exhibits Bundle, are undated and not signed by the Registrant, making it impossible to ascertain whether she could have been aware of the contents.

The Panel does not have before it any policies or guidance from Kingston Council from which to draw any conclusions.

On Particular 1, it is submitted that the fact that the Registrant notified Croydon Council on several documented occasions that she had moved to another property, and the Council had also been notified of the alleged aggression towards the Registrant, by the police, demonstrates that the Registrant did not aim to mislead anyone as to her circumstances.

The Panel will note that Ms McPartland confirmed that as part of her investigation, she did not obtain evidence of what was communicated to the Registrant. Further, that in light of the disclosures made by the Registrant to Croydon Council by letter and telephone call, it is implausible that there is no further evidence of contact, and that the Council did not follow up on the change in circumstances which were notified. A meeting was scheduled by Gary Fantie with the Registrant and it appears to be Mr Fantie's account, although the Panel have not heard from him and only seen an email written by him in 2017, that the Registrant did not attend. Again, the Panel is asked to consider this assertion weak and tenuous, given that Mr Fantie called the meeting for a reason and then apparently there was no further follow up when the Registrant did not attend, while the Council was aware of her circumstances.

Although Ms McPartland did not work in the housing team, it was her evidence that if a tenancy officer called a tenant into a meeting, as per the letter shown to her at p.111 of the Social Worker Response Bundle, and that tenant did not attend, then it would be likely that there would have been some follow up. This further undermines Mr Fantie's position, and is highlighted by the fact that no further correspondence is in evidence before the Panel.

The Panel may wish to consider the email trail backwards from p.1451 of the Social Work England Exhibits Bundle, where Gail Campbell who was investigating the wider case against the Registrant, emails Mr Fantie, his manager, Margaret Padmore and another colleague Biddy Sobamiwa, effectively putting them on notice of the evidence that Ms Campbell required to support various conclusions which already appeared to already have been drawn. It is submitted that in the circumstances Mr Fantie's evidence has no evidential value.

Ms McPartland also took the view that there would be records of communications and that the evidence that she was directed to during cross examination was only part of the picture. However, that evidence - at p652, p.989, p.993 and p995 of the Social Work England Exhibits Bundle is all that is being advanced by Social Work England and the Panel should not speculate on what other evidence might exist.

It is submitted that the Panel may consider, in the circumstances, the logical alternative, that Croydon Council provided positive advice to the Registrant and she acted in good faith on this. The Panel may question why, if it was clear that the Registrant was not permitted to do what she informed Croydon Council she was doing, Croydon Council did not write to her at the time and set out the prevailing policies in terms of Housing Benefit or Council Tax exemption.

Accordingly, it is submitted that the evidence on eligibility is weak and tenuous to the extent that it could not be relied on by a properly directed panel to establish wrongdoing as a matter of fact.

As an overarching point, the Conditions of Tenancy document at p1044 of the Social Work England Exhibits Bundle is listed in the index as dated 2022, so not in force at the material time and there is no indication that the Registrant has ever had sight of such a document or an earlier version. Again, the Panel is invited not to speculate as to whether an earlier version existed or was provided to the Registrant.

On Particular 2, on the documentary evidence of amounts claimed through both Councils, there is no evidence of any overlap for the particularised dates and accordingly there is no documentary evidence to support this particular, specifically, there is no Council Tax bill from Kingston Council to confirm that her claim for exemption was accepted.

Ms Buley confirmed in her evidence that it was ultimately decided that the Registrant was not liable for Council Tax on Property A after 1 October 2012. This means that, even if there was an overlap in which the Registrant was actively claiming exemption from Council Tax in both councils, the period was limited to seven days, between 24 September 2012 and 1 October 2012.

The Panel will note that at p.204 of the Social Work England Exhibits Bundle, the period of exemption at Property A is 1 April 2014 to 31 March 2015. It is submitted that this is the usual billing cycle of the Council, regardless of when a claim was made. The Panel will however be aware that there is no other Council Tax notice from Croydon, upon which it could be established that the Registrant was in receipt of any other award from Croydon Council.

The Panel is invited to consider that p.203 of the Social Work England Exhibits Bundle is where the Registrant asks for Council Tax exemption from Kingston Council, whereas her request to Croydon Council can be found at p.748 of the Social Work England Exhibits Bundle. It is of particular note that the Registrant asks Croydon Council to "kindly re-calculate my entitlement and get back to me". In the context of what Croydon Council already knew about the Registrant's circumstances, it is submitted that it was indeed for Croydon Council to calculate the Registrant's entitlement. The Panel does not have before it any evidence of any form being filled in or any other representations being made about any other circumstances.

The Panel is invited to consider earlier submissions on the state of knowledge of Croydon Council and the apparent lack of evidence of any interactions with the Registrant. It is submitted that on this basis, it is impossible for the Panel to establish the Registrant's subjective state of mind as being dishonest, when she had made accurate disclosures to Croydon Council. If Croydon Council provided incorrect information or did not properly process the information it held, this cannot amount to the Registrant being dishonest and no ordinary decent person would judge those circumstances as the Registrant's conduct being dishonest.

On Particular 3, there is clear evidence, in the statement of Ms Wallace, that the DBS form would usually be completed by a member of staff and then signed by the Registrant. It is therefore perfectly possible that the person completing the form made an error, and it is unclear on the evidence before the Panel, whether or not that person had the deed poll certificates available to them, as otherwise it would appear strange that they are now included as evidence in this case, alongside the application, essentially exhibited by Croydon Council.

Ms Wallace states as hearsay that the member of staff involved denies that she would complete the application in the way the has been described by the Registrant, however this evidence cannot be tested and such little weight could be attributed to it that it is submitted it cannot properly lead to a sound inference that the Registrant was dishonest, or had any dishonest intention and sought to mislead anyone when signing the application.

In the circumstances and with the paucity of evidence as to what was available at the time the application was made and the admission of a mistake on Croydon Council's part, it is submitted that there is insufficient evidence on which the Panel could find proven the facts of the wrongdoing in Particular 3.

Similarly, the Panel is invited to conclude that there is no evidence of dishonest intention on the part of the Registrant.

On the basis of the above, the Panel is invited to find that there is no case to answer on one or more of the particulars."

39. In addition to her written submissions, Ms March made the following oral submissions in response to Mr Edwards response to the application.

40. In relation to allegation 1(a), Ms March referred to Mr Edwards' reliance on paragraph 33 of Ms Onigbanjo's defence statement, in which she stated, "having now seen the rule I accept that the payments made on Property A after about 27 May 2013 were not payments I was entitled to receive." Ms March submitted that this was based on the evidence which Ms Onigbanjo had at the time, namely the evidence provided by Ms Buley. She submitted that, in cross-examination, Ms Buley could not answer whether there was any other law or internal policy in force at the relevant time in relation to claiming housing benefit on two properties concurrently. Ms March further submitted that the *Shelter* guidance was not in force in 2012 and had only been obtained at a later date. She clarified that the no case to answer submission in relation to allegation 1(a) was based on entitlement, namely that there was insufficient evidence that Ms Onigbanjo was not entitled to claim housing benefit over the period of overlap in allegation 1(a).

41. In relation to allegation 2, Ms March referred to Mr Edwards' reliance on Ms Onigbanjo's statement that she accepted that she had received student council tax exemption on two properties concurrently between 24 September 2012 and 5 October 2014. Ms March referred to the evidence of Ms Buley that Ms Onigbanjo was not liable for council

tax after 1 October 2012. She submitted that, despite being given the exemption, Ms Onigbanjo was not liable to pay council tax after 1 October 2012 and that this therefore left a period of 7 days.

42. In relation to allegation 3, Ms March submitted that Ms Onigbanjo's acknowledgement that her previous names and addresses were not recorded on the DBS form was not an admission of wrongdoing and was not an admission that she had herself completed the form. She submitted that it was simply an acknowledgement that Ms Onigbanjo's previous names and addresses were not recorded on the form. Ms March otherwise referred the panel to her written submissions.

Social Work England:

43. Mr Edwards, on behalf of Social Work England, opposed the no case to answer application made on behalf of Ms Onigbanjo. He submitted that the relevant test was that set out in *R v Galbraith [1981] 1 WLR 1039*. At this stage, Social Work England's evidence was to be taken at its highest. Where the strength or weakness of the evidence depended upon the reliability of a witness, or where there were competing accounts or possible views of the facts and, on one possible view, there was evidence upon which the allegations could properly be found proved, those were matters for determination at the conclusion of the fact-finding stage rather than on a no case to answer application. He submitted that the panel was being invited, in a number of respects, to prefer one possible interpretation of the evidence over another, which was not the proper exercise at this stage.

44. Mr Edwards submitted that it was also important to distinguish between the factual allegations and the separate allegation of dishonesty. Social Work England was not required to establish dishonesty in order for the panel to find the factual matters alleged at allegations 1, 2 or 3 proved. Dishonesty fell to be considered separately under allegation 4, if the panel first found the relevant underlying factual allegation proved.

45. In relation to allegation 1, Mr Edwards expressly conceded that there was no case to answer in respect of allegations 1(b) and 1(c). He referred to the evidence concerning the housing benefit payment schedule and accepted that, if Social Work England could not establish that housing benefit payments were made in respect of Property A between January and October 2014, it could not establish that Ms Onigbanjo was receiving housing benefit concurrently in respect of Property A and the other properties during the periods alleged at 1(b) and 1(c).

46. Mr Edwards opposed the application in respect of allegation 1(a). He referred to Ms Onigbanjo's written response and submitted that her objection to the allegation had initially related substantially to the date range, which had subsequently been amended. He relied particularly upon Ms Onigbanjo's acknowledgment that, having seen the relevant rule, she accepted that payments made in respect of Property A after approximately 27 May 2013 were payments which she was not entitled to receive. Her position was that she had been entitled to claim housing benefit in respect of both

properties for the first year after leaving Property A because she had left due to fear of violence, but that, on her understanding of the applicable provision, that entitlement ceased approximately 1 year later.

47. Mr Edwards submitted that, even taking Ms Onigbanjo's case concerning fear of violence at its highest, there remained a period from approximately 27 May 2013 until 12 January 2014 during which she accepted that she was receiving housing benefit in respect of both Property A and Property B and, on the provision upon which she herself relied, was not entitled to do so. It was not necessary for Social Work England to establish concurrent receipt throughout the entirety of the period pleaded in allegation 1(a); evidence of concurrent receipt without entitlement during a period falling within the dates alleged was sufficient for the allegation to remain capable of proof.

48. As to the applicable housing benefit provisions, Mr Edwards submitted that entitlement was a matter of law rather than simply a matter of witness evidence. He relied upon the evidence of Ms Buley that housing benefit could ordinarily be claimed in respect of only one property, subject to the exceptions summarised in the *Shelter* material. He noted that this evidence had not been challenged by any suggestion that Ms Onigbanjo remained entitled to claim housing benefit in respect of both properties after May 2013. He further submitted that the question of eligibility under allegation 1 had not, as Social Work England had understood the parties' respective positions at the outset of the hearing, been identified as an issue in the manner now advanced on behalf of Ms Onigbanjo.

49. In response to the submissions made by Ms March concerning the absence of contemporaneous evidence establishing the applicable rules on eligibility, Mr Edwards informed the panel that the relevant provisions of the housing benefit Regulations 2006 had now been provided and uploaded to the hearing documents. He submitted that those provisions reflected the legal position applicable at the material time and provided the underlying statutory basis for the position concerning entitlement which had been summarised in the *Shelter* material. He reiterated that the applicable law was a matter for the panel to apply and was not dependent upon the existence of a Croydon Council internal policy. He submitted that, if the panel had concerns regarding eligibility, it should consider the relevant statutory provisions before determining the application. A copy of those provisions was also to be provided to Ms March so that she had an opportunity to consider them.

50. Mr Edwards therefore submitted that there was more than sufficient evidence upon which the panel could find allegation 1(a) proved. On Social Work England's case, the evidence established concurrent receipt of housing benefit in respect of Properties A and B, and Ms Onigbanjo's own response acknowledged that, on the relevant rule as she understood it, she was not entitled to receive the payments in respect of Property A after approximately May 2013. The competing issues concerning what she had been told, what she understood at the time and whether she acted dishonestly were matters to be determined at the conclusion of the fact-finding stage and did not render the evidence supporting allegation 1(a) insufficient at the no case to answer stage.

51. Turning to allegation 2, Mr Edwards relied upon Ms Onigbanjo's written response in which she stated that she had received student council tax exemption on 2 properties concurrently between 24 September 2012 and 5 October 2014. He submitted that this was evidence upon which the panel was entitled to rely, together with the documentary evidence of the applications for exemption. As to entitlement, he relied upon Ms Buley's evidence and the relevant policy documentation, including the supplementary material produced in response to the issue raised by Ms Onigbanjo concerning the rules applicable at the material time. He submitted that there was evidence capable of establishing both the concurrent claims for exemption and that Ms Onigbanjo was not entitled to claim exemption in respect of 2 properties concurrently.

52. In response to Ms March's submission concerning the date upon which Ms Onigbanjo was ultimately determined to be liable for council tax at Property A, Mr Edwards submitted that this was a "red herring". He emphasised the wording of allegation 2, namely that Ms Onigbanjo had "claimed Council Tax exemption on two properties concurrently when [she was] not entitled to do so". The allegation concerned the making of concurrent claims for exemption and entitlement to make those claims; it did not depend upon whether Ms Onigbanjo was ultimately liable to pay council tax at a particular address, whether the council suffered any financial loss, or whether the claims exposed the council to a risk of loss. Mr Edwards submitted that the relevant issue was whether, during the period alleged, Ms Onigbanjo claimed council tax exemption concurrently in respect of two properties when she was not entitled to do so.

53. Mr Edwards further addressed the applicable council tax provisions and the meaning of a dwelling for council tax purposes. He submitted that the relevant legal provisions were material to the question of entitlement and should be considered by the panel. He acknowledged that the issue had developed during the course of the hearing and made clear that he did not criticise Ms March in that regard. However, he submitted that the law remained the law and that it was appropriate for both the panel and Ms Onigbanjo's representative to have proper notice of, and an opportunity to consider, the relevant provisions before the panel determined the application.

54. Accordingly, Mr Edwards submitted that the no case to answer application in respect of allegation 2 should be rejected. In his submission, there was evidence of the concurrent claims and receipt of student council tax exemption, together with evidence concerning the applicable entitlement, upon which a properly directed panel could find the allegation proved.

55. In relation to allegation 3, Mr Edwards relied upon the DBS application itself and Ms Onigbanjo's written response in which she accepted that her application dated 31 July 2015 did not record her previous name or previous addresses. There was no dispute that the application bore her signature, nor was there any material dispute that she had previously been known by different legal names and had lived at other addresses within the relevant 5-year period. He submitted that this evidence was sufficient for the panel to find that there was a case to answer in respect of allegation 3.

56. Mr Edwards submitted that Ms Onigbanjo's position that the omissions were not deliberate did not prevent allegation 3 from being established. Deliberateness was not an element of allegation 3 as pleaded. The circumstances in which the form came to be completed, and whether the omissions were deliberate or dishonest, were relevant to allegation 4 rather than to whether the factual omissions alleged at allegation 3 had occurred.

57. Mr Edwards also addressed the suggested alternative that the member of staff completing the DBS form may have made an error. He submitted that this was a possible explanation rather than a basis upon which the panel could conclude at this stage that there was no case to answer. In particular, the suggestion concerning whether the person completing the form had access to the deed poll certificates was not an account advanced by Ms Onigbanjo in her written response and had not been established through the evidence. He submitted that accepting such a possibility at this stage would require the panel to prefer a speculative alternative explanation over Social Work England's evidence, which was precisely the type of evaluative exercise that should be undertaken at the conclusion of the fact-finding stage.

58. Turning to allegation 4, Mr Edwards acknowledged that the panel could only consider dishonesty in respect of an allegation if it first found the underlying factual allegation capable of being established. He submitted, however, that there was a proper evidential basis upon which dishonesty could be found in relation to the allegations which remained. Although Social Work England's case on dishonesty was circumstantial, that did not prevent there being a case to answer.

59. In relation to the housing benefit and council tax matters, Mr Edwards submitted that the criticisms advanced concerning the police evidence and Ms Onigbanjo's state of mind involved questions of interpretation and weight which were properly determined at the conclusion of the evidence. Social Work England relied upon the timing of the police complaint, its proximity to Ms Onigbanjo's move, the period which had elapsed before the complaint was made and the circumstances in which she did not provide a statement to the police, notwithstanding her stated fear for her safety. He submitted that those matters were capable of forming part of the circumstantial case from which dishonesty could be inferred.

60. Mr Edwards further submitted that care was required when considering the evidence that Ms Onigbanjo had notified the council of changes in her circumstances. The relevant question was what information had actually been disclosed to each council at the material times. He submitted that there was no evidence that Ms Onigbanjo had informed either council that she was concurrently receiving benefit from the other. He also referred to the Kingston housing benefit application, in which Ms Onigbanjo was specifically asked about receipt of other benefits, and submitted that, despite being asked questions which should have elicited that information, there was no evidence that she informed Kingston Council that she was receiving housing benefit elsewhere. Mr Edwards submitted that, when the documentary evidence was considered together,

there was a proper evidential basis upon which the panel could ultimately determine whether the conduct alleged at allegations 1 and 2 was dishonest.

61. In relation to the DBS application, Mr Edwards submitted that there was similarly a proper evidential basis for the dishonesty allegation. On Ms Onigbanjo's own account, she had signed the form notwithstanding her assertion that it was blank when she signed it. The declaration confirmed that the information provided was complete and true. The application did not disclose her previous legal names or the addresses at which she had lived during the relevant 5-year period, matters which she necessarily knew as facts about herself. Mr Edwards submitted that those circumstances were capable of supporting a finding that the conduct was dishonest by the standards of ordinary decent people.

62. Mr Edwards submitted, in conclusion, that much of the application made on behalf of Ms Onigbanjo invited the panel to prefer one possible view of the evidence, or one possible explanation for events, over another. He submitted that this was not the proper exercise at the no case to answer stage. Save for allegations 1(b) and 1(c), which Social Work England conceded could not be sustained on the evidence, there was evidence upon which the panel, properly directed, could find the remaining allegations proved. He therefore invited the panel to reject the no case to answer application in respect of those allegations.

Legal advice:

63. The panel accepted the advice of the legal adviser. The legal adviser advised that the panel was entitled to determine the no case to answer application pursuant to rules 32(a) and 32(b)(ii) of the Rules, and should apply the principles in *R v Galbraith [1981] 1 WLR 1039,* appropriately adapted to professional regulatory proceedings and the civil standard of proof, together with the guidance in *Tutin v General Medical Council [2009] EWHC 553 (Admin) and R (Sharaf) v General Medical Council [2013] EWHC 3332 (Admin)*. The burden of proof remained throughout on Social Work England and did not shift to Ms Onigbanjo.

64. The legal adviser advised that the panel was not, at this stage, determining whether the allegations were proved. The question was whether, taking Social Work England's evidence at its highest, there was evidence which a properly directed panel could accept, and which was capable of proving the allegation or particular on the balance of probabilities. Where there was no evidence capable of supporting the relevant finding, or where the evidence was so weak, vague, tenuous or inherently unsatisfactory that it could not properly support such a finding, there was no case to answer. Conversely, where there was evidence upon which a properly directed panel could find the allegation proved, the application should be rejected. The question was whether the panel could make the relevant finding, not whether it ultimately would.

65. The panel was advised to consider each allegation and any severable particular separately and by reference to the conduct actually pleaded. It should not undertake the ultimate fact-finding exercise prematurely. Where the strength of the evidence

depended upon resolving genuine conflicts, choosing between competing accounts, or assessing credibility or reliability, those matters would ordinarily fall to be determined at the conclusion of the fact-finding stage. The panel could consider alternative explanations arising from Social Work England's evidence and could draw reasonable inferences, but any inference required a proper evidential foundation, and an evidential gap could not be filled by speculation or assumption. The panel was reminded not to reverse the burden of proof or require Ms Onigbanjo to fill any gap in Social Work England's case.

66. In relation to hearsay evidence, the legal adviser advised that its hearsay character did not, of itself, determine whether there was a case to answer. The question remained whether, considered with the other evidence and taken at its highest, it was capable of supporting the relevant factual finding, while avoiding a premature final assessment of its weight or reliability.

67. In relation to dishonesty, the panel was advised to have regard to *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*. It should consider whether there was evidence capable of establishing the underlying conduct and Ms Onigbanjo's actual knowledge or belief as to the relevant facts and, if so, whether a properly directed panel could subsequently conclude that the conduct was dishonest by the objective standards of ordinary decent people. There had to be a proper evidential foundation for the necessary knowledge or belief and dishonesty; those matters could not be established by speculation or assumption.

68. Finally, the legal adviser advised that rejection of a no case to answer application amounted only to a determination that there was sufficient evidence for the allegation or particular to proceed and was not a provisional finding that it was proved. The panel should give sufficient reasons for its decision while avoiding premature findings on credibility, reliability, weight or disputed facts which remained to be determined.

Panel's decision and reasons on no case to answer:

69. The panel carefully considered the no case to answer application made on behalf of Ms Onigbanjo, the written and oral submissions of Ms March, the submissions of Mr Edwards on behalf of Social Work England, and the evidence adduced by Social Work England. The panel accepted the advice of the legal adviser. It reminded itself that the burden of proof remained throughout on Social Work England and that Ms Onigbanjo was not required to give evidence or otherwise fill any gap in Social Work England's case.

70. The panel further reminded itself that it was not determining at this stage whether any allegation was proved. Its task was to consider each allegation and particular separately and determine whether, taking Social Work England's evidence at its highest, there was evidence upon which a properly directed panel could find the matter proved on the balance of probabilities. If there was no evidence capable of supporting an essential element of an allegation, or if the evidence was so weak, vague, tenuous or inherently unsatisfactory that it could not properly support the relevant finding, there

was no case to answer. Conversely, where there was evidence capable of supporting the allegation and the issues raised required the resolution of competing accounts, the evaluation of evidence or the drawing of properly founded inferences, those matters were ordinarily for determination at the conclusion of the fact-finding stage.

71. In relation to allegation 1(a), the panel considered whether there was evidence capable of establishing that, between 27 May 2012 and 12 January 2014, Ms Onigbanjo received housing benefit in respect of both Property A and Property B concurrently when she was not entitled to do so.

72. The panel was satisfied that there was evidence capable of establishing concurrent receipt during at least part of the period alleged. The panel took into account Ms Onigbanjo's written response in which she stated that, having seen the rule relied upon, she accepted that payments made in respect of Property A after approximately 27 May 2013 were not payments which she was entitled to receive. The panel did not treat that statement in isolation as determinative of the legal question of entitlement. However, when considered together with the payment evidence and the other evidence relied upon by Social Work England, it provided evidence capable of supporting Social Work England's case that there was a period of concurrent receipt falling within the dates pleaded.

73. The panel carefully considered Ms March's submission that Ms Onigbanjo's statement concerning entitlement had been made on the basis of the evidence then available to her, including the evidence provided by Ms Buley. It also considered the submission that Ms Buley had been unable in cross-examination to identify any other law or internal policy in force at the material time concerning concurrent housing benefit claims and that the *Shelter* guidance was not contemporaneous with the events. The panel also considered Mr Edwards' response that entitlement was governed by the applicable law and his reliance upon the relevant housing benefit regulations which had been provided to the panel.

74. The panel considered that these matters did not demonstrate a fundamental evidential gap in Social Work England's case. There was evidence capable of supporting the contention that Ms Onigbanjo had received housing benefit concurrently in respect of Properties A and B during a period falling within allegation 1(a), together with evidence capable of supporting Social Work England's case that she was not entitled to do so. The proper application of the entitlement provisions, the significance of the exception relied upon by Ms Onigbanjo arising from her asserted fear of violence, and the factual circumstances surrounding her occupation of and intention in relation to Property A were matters requiring evaluation of the evidence rather than matters which could properly be resolved on a no case to answer application.

75. The panel also considered the evidence relied upon by Social Work England concerning the timing of Ms Onigbanjo's move, the police material and the other surrounding circumstances. It considered that the significance to be attached to that evidence, including whether it supported or undermined the explanation advanced by Ms

Onigbanjo, required consideration of the evidence as a whole. The panel did not consider that it could properly choose between those competing interpretations at this stage.

76. The panel specifically reminded itself that its decision could not depend upon whether Ms Onigbanjo subsequently chose to give evidence. Social Work England's case had to be capable of standing on the evidence already adduced. Having considered that evidence at its highest, the panel was satisfied that there was a sufficient evidential foundation upon which allegation 1(a) could be found proved. The evidence was not so weak, vague, tenuous or inherently unsatisfactory that the allegation was incapable of proof.

77. The panel therefore rejected the no case to answer application in respect of allegation 1(a).

78. In relation to allegations 1(b) and 1(c), the panel considered that the evidential position was materially different. Social Work England expressly conceded that there was no case to answer in respect of those particulars. The panel nevertheless considered the evidence independently and was satisfied that the concession was properly made.

79. An essential component of each particular was concurrent receipt of housing benefit in respect of Property A and the other property during the periods alleged. The payment evidence did not establish that housing benefit remained in payment in respect of Property A between 12 January 2014 and 1 June 2014 for the purposes of allegation 1(b), or between 2 June 2014 and 5 October 2014 for the purposes of allegation 1(c). The evidence indicated that housing benefit in respect of Property A had ceased from 12 January 2014 and did not resume until 27 October 2014.

80. The panel considered that this amounted to a genuine evidential gap concerning an essential element of those particulars. This was not a matter which could properly be overcome by choosing between competing accounts, assessing credibility or drawing an inference from other evidence. To permit the particulars to proceed in the absence of evidence capable of establishing concurrent receipt during the relevant periods would require the panel to fill that gap by speculation or assumption.

81. The panel therefore upheld the no case to answer application in respect of allegations 1(b) and 1(c).

82. In relation to allegation 2, the panel considered whether there was evidence capable of establishing that, between 24 September 2012 and 5 October 2014, Ms Onigbanjo claimed council tax exemption on two properties concurrently when she was not entitled to do so.

83. The panel considered that there was evidence capable of establishing concurrent claims for exemption. Ms Onigbanjo had acknowledged in her written response that she had received student council tax exemption on two properties concurrently between 24 September 2012 and 5 October 2014. There was also documentary evidence relating to the applications for exemption.

84. The panel carefully considered Ms March's submission that Ms Onigbanjo was not liable for council tax at Property A after 1 October 2012 and that, notwithstanding the exemption having been granted, this left only a 7-day period between 24 September and 1 October 2012. The panel also considered Mr Edwards' response that the allegation, as pleaded, concerned whether Ms Onigbanjo had claimed council tax exemption on 2 properties concurrently when she was not entitled to do so, rather than whether she was ultimately liable to pay council tax or whether the council had suffered any financial loss.

85. The panel considered it significant for the purposes of the present application that, even on the position advanced by Ms March, there remained a period of overlap during which there was evidence of concurrent claims for exemption. The fact that the period might be limited to seven days did not mean that there was no evidence capable of supporting the allegation. The panel also had evidence before it concerning entitlement to claim the exemption. The relationship between council tax liability and entitlement to exemption, the significance of the period of overlap and the effect of the applicable provisions were matters requiring proper evaluation when determining the facts.

86. The panel was therefore satisfied that Social Work England's evidence, taken at its highest, was capable of supporting a finding that Ms Onigbanjo had claimed council tax exemption concurrently on two properties when she was not entitled to do so. Whether Social Work England would ultimately establish the allegation over the period alleged, or at all, remained a matter for final determination.

87. The panel therefore rejected the no case to answer application in respect of allegation 2.

88. In relation to allegation 3, the panel considered whether there was evidence capable of establishing that, on or about 31 July 2015, Ms Onigbanjo failed to provide accurate and/or complete information for a DBS application by failing to provide all of her known names and her previous addresses as alleged.

89. The DBS application itself was before the panel. It did not record the previous names and addresses identified in the allegation. Ms Onigbanjo acknowledged that those names and addresses were absent from the application, and there was evidence that the application bore her signature.

90. The panel carefully considered Ms March's submission that this acknowledgement was not an admission of wrongdoing and did not amount to an admission that Ms Onigbanjo had herself completed the form. The panel did not treat the acknowledgement as an admission of the allegation. It also considered the evidence concerning the circumstances in which the form came to be completed, including Ms Onigbanjo's account that she had signed a blank form and the alternative explanation advanced as to how the omissions may have occurred.

91. The panel considered, however, that those matters did not demonstrate an absence of evidence capable of supporting allegation 3. There was evidence that information

required by the DBS application was absent, that the omitted information concerned Ms Onigbanjo's own previous names and addresses, and that the application bore her signature. The panel also noted that there was evidence requiring further consideration as to the circumstances in which the form had been completed. The competing accounts and explanations concerning responsibility for the omissions were matters requiring evaluation and could not properly be resolved by preferring one possible account at the no case to answer stage.

92. Taking Social Work England's evidence at its highest, the panel was satisfied that there was evidence capable of supporting allegation 3. It therefore rejected the no case to answer application in respect of that allegation.

93. The panel then considered allegation 4 concerning dishonesty. It did so separately in relation to each of the underlying factual allegations which it had determined had a case to answer.

94. The panel reminded itself of the 2-stage approach in *Ivey*. It was first necessary to establish the actual state of Ms Onigbanjo's knowledge or belief as to the relevant facts. Once that factual state of mind had been established, the question whether the conduct was dishonest was to be determined by applying the objective standards of ordinary decent people. Ms Onigbanjo's own view as to whether her conduct was dishonest was not determinative. At this stage, however, the panel was not required to make either of those final determinations. It was required only to decide whether there was a proper evidential foundation upon which those findings could subsequently be made.

95. In relation to allegation 1(a), the panel considered that there was evidence concerning the concurrent housing benefit claims, Ms Onigbanjo's knowledge of the properties and claims, the information provided to the relevant authorities, and the timing and circumstances surrounding her move. Social Work England also relied upon the police material and other documentary evidence as part of its circumstantial case. Taken at its highest, that evidence was capable of providing a basis from which the panel could subsequently determine what Ms Onigbanjo actually knew or believed concerning the relevant factual circumstances and, depending upon those findings, whether her conduct was dishonest by the standards of ordinary decent people. The explanations advanced concerning fear of violence, entitlement and the information provided to the authorities were matters requiring final evaluation and did not eliminate that evidential basis at this stage.

96. In relation to allegation 2, the panel considered that there was evidence concerning the concurrent council tax exemption claims, Ms Onigbanjo's knowledge of those claims and the information provided in connection with them. That evidence was capable, if ultimately accepted, of providing a factual basis upon which the panel could determine Ms Onigbanjo's actual knowledge or belief and thereafter apply the objective test of dishonesty. The panel considered that Ms March's submissions concerning council tax liability and the limited period of overlap were matters relevant to the ultimate

assessment of the evidence but did not render the dishonesty allegation incapable of proof at this stage.

97. In relation to allegation 3, there was evidence that the DBS application omitted Ms Onigbanjo's previous names and addresses, that those were facts necessarily known to her, and that the application bore her signature. There was therefore evidence capable of informing a subsequent finding as to her actual knowledge or belief concerning the accuracy and completeness of the information contained in the application. The competing evidence as to whether she signed a blank form, how the form was completed and how the omissions occurred required evaluation before her actual state of mind could be determined. The panel considered that it would be premature to resolve those matters at this stage. If the relevant factual circumstances and knowledge were ultimately established, there was evidence upon which a properly directed panel could go on to consider whether the conduct was dishonest according to the standards of ordinary decent people.

98. The panel was therefore satisfied that there was a proper evidential foundation for allegation 4 to proceed insofar as it related to allegations 1(a), 2 and 3. It emphasised that it had made no finding that Ms Onigbanjo possessed the knowledge or belief alleged by Social Work England and no finding that any of her conduct was dishonest.

99. The position was necessarily different in relation to allegations 1(b) and 1(c). Having determined that there was no case to answer on the underlying factual particulars, there was no factual foundation upon which the associated allegation of dishonesty could continue.

100. The panel therefore rejected the no case to answer application in respect of allegation 4 insofar as it related to allegations 1(a), 2 and 3. No allegation of dishonesty remained in respect of allegations 1(b) and 1(c).

101. Accordingly, the panel upheld the no case to answer application in respect of allegations 1(b) and 1(c) and rejected it in respect of allegations 1(a), 2 and 3 and allegation 4 insofar as it related to those surviving factual allegations.

102. The panel emphasised that its rejection of the application meant only that Social Work England had adduced evidence which, taken at its highest, was capable of supporting the relevant findings. It was not a provisional finding that any of the remaining allegations was proved. The panel had made no final determination as to credibility, reliability, weight, Ms Onigbanjo's actual knowledge or belief, or dishonesty. Those matters remained to be determined on the balance of probabilities after consideration of all of the evidence properly before the panel.

Panel's decision and reasons on the application to amend the introductory wording of the allegations:

103. The panel, of its own motion, raised a concern regarding the introductory wording of the allegations, which stated, "Whilst registered as a social worker". The panel noted that

the dates specified in allegations 1 and 2 related to conduct alleged to have occurred before Ms Onigbanjo became a registered social worker on 4 July 2015, whereas allegation 3 concerned conduct alleged to have occurred following her registration. The panel therefore invited Mr Edwards, on behalf of Social Work England, to address the apparent inconsistency between the introductory wording and the dates of the alleged conduct, and to consider whether an application to amend the allegations was necessary.

Social Work England:

104. In response, Mr Edwards made an application on behalf of Social Work England to amend the introductory wording of the allegations from "Whilst registered as a social worker" to **"Whilst registered as a social worker/prior to registration as a social worker"**. He submitted that the proposed amendment was a minor technical correction intended to reflect accurately the periods during which the alleged conduct had occurred. It did not alter the substance, nature or particulars of the allegations. He emphasised that Social Work England's case had always proceeded on the basis that allegations 1 and 2 concerned conduct predating Ms Onigbanjo's registration, while allegation 3 concerned conduct occurring after she had become registered.

105. Mr Edwards referred the panel to Article 22(3) of the Health Professions Order 2001 and regulation 25(2) of the Social Workers Regulations 2018. He submitted that the relevant legislative framework expressly contemplated fitness to practise proceedings concerning conduct occurring before an individual became registered, provided that the applicable public interest requirement was satisfied. He explained that both legislative frameworks were relevant because the alleged events arose during the period when social workers were regulated by the Health and Care Professions Council, whereas the proceedings were now being conducted under Social Work England's regulatory framework.

106. Mr Edwards submitted that the question of jurisdiction, including whether it was in the public interest to pursue allegations concerning conduct predating registration, had already been considered by the case examiners in February 2023. He stated that the case examiners' decision contained a specific section addressing jurisdiction and that the relevant public interest assessment had been undertaken at that stage. Accordingly, he submitted that the panel was not being asked to revisit that determination but to decide whether the introductory wording of the allegations should be amended to reflect the case which had already been referred for hearing.

107. Mr Edwards further submitted that Ms Onigbanjo had been on notice since February 2023 that the proceedings concerned alleged conduct occurring before her registration. Although he acknowledged that the introductory wording in the statement of case disclosed in 2026 had incorrectly referred only to conduct occurring whilst registered, he maintained that the dates and particulars of the allegations had consistently identified the conduct relied upon. He submitted that the error had remained in the

wording until it was raised by the panel, but that it had not affected the substance of Social Work England's case, or the matters Ms Onigbanjo was required to answer.

108. Mr Edwards also referred to the response advanced on Ms Onigbanjo's behalf, which he understood to accept that the proposed amendment would not change the substance of the allegations. He submitted that this was an important consideration when assessing fairness and prejudice. In his submission, the amendment would neither introduce a new allegation nor change the factual case against Ms Onigbanjo. He therefore maintained that she would suffer no unfair prejudice and that the panel had the power to permit the amendment, including of its own motion.

109. Addressing the panel's concern about the application of professional standards to conduct occurring before registration, Mr Edwards accepted that Ms Onigbanjo had not been subject to those standards at the time of the earlier alleged conduct. However, he submitted that the legislative provisions permitted such conduct to be considered in fitness to practise proceedings where the public interest requirement was satisfied. He argued that the professional standards could provide guidance when assessing the seriousness of conduct relevant to the integrity and reputation of the profession, notwithstanding that the individual had not yet been registered. He submitted that the implications for misconduct and impairment would fall to be considered at the appropriate subsequent stages, should the panel make the necessary findings.

The social worker:

110. Ms March, on behalf of Ms Onigbanjo, made the following submissions in response to Mr Edwards' application to amend the introductory wording of the allegations.

111. Ms March accepted that the proposed amendment would not alter the substance of the allegations. However, she submitted that the central issue was one of jurisdiction, and that it was for the panel to determine whether it had jurisdiction to consider allegations relating to conduct which occurred before Ms Onigbanjo became a registered social worker.

112. Ms March submitted that the Health Professions Order 2001, relied upon by Mr Edwards, was neither relevant nor applicable to the present proceedings. She argued that Ms Onigbanjo was not subject to that order at the time of the conduct alleged in particulars 1 and 2 and, in any event, the proceedings were being brought by Social Work England rather than the Health and Care Professions Council.

113. Ms March further submitted that Social Work England was required to demonstrate that bringing proceedings concerning conduct predating registration was in the public interest. Although Mr Edwards had relied upon the case examiners' decision as establishing that the public interest had already been considered, that decision was not before the panel. She therefore submitted that it should be produced and made available to the panel before any determination of the application.

114. Ms March referred to the authorities of *Roylance v General Medical Council* and *Remedy UK Ltd v General Medical Council* concerning serious professional misconduct. She acknowledged that conduct occurring outside the exercise of professional duties, including conduct in a practitioner's private life, could amount to serious professional misconduct. However, she submitted that those authorities concerned individuals who were already registered members of their respective professions at the time of the relevant conduct.

115. Ms March emphasised that this was the fundamental distinction in the present case. Unlike the practitioners considered in those authorities, Ms Onigbanjo was not registered as a social worker when the conduct alleged in particulars 1 and 2 occurred. She submitted that Ms Onigbanjo could not have brought the social work profession into disrepute at a time when she was not a member of that profession. Accordingly, she maintained that the panel was required to determine whether it had jurisdiction to consider the pre-registration allegations, notwithstanding that the proposed amendment did not alter their substance.

Legal advice:

116. The panel accepted the advice of the legal adviser, who advised that 2 distinct issues required consideration: whether the statutory framework permitted proceedings concerning conduct predating Ms Onigbanjo's registration, and whether allowing the proposed amendment at this stage would be fair.

117. The legal adviser referred to Article 22(3) of the Health Professions Order 2001 and Regulation 25(2) of the Social Workers Regulations 2018, advising that pre-registration conduct could fall within the regulator's jurisdiction, subject to the applicable public interest requirement. The panel was advised to consider the relevant case examiners' determination and statutory provisions when assessing whether that requirement had previously been addressed. The legal adviser emphasised that jurisdiction to consider pre-registration conduct was distinct from whether such conduct amounted to misconduct. Professional obligations could not be imposed retrospectively, and questions of misconduct and impairment remained matters for subsequent determination.

118. The legal adviser referred to rule 32(a) of the Rules, and the principles in *PSA v HCPC and Doree* [2017] EWCA Civ 319 and *G v Social Work England* [2024] EWHC 3 (Admin). The panel was advised that amendments could be permitted, even at an advanced stage, provided they did not cause unfair prejudice. It was required to consider whether the proposed amendment merely corrected the introductory wording to reflect the existing allegations or materially altered the factual or legal case, and whether the amended wording clearly distinguished pre-registration from post-registration conduct.

119. The legal adviser emphasised that fairness was paramount, particularly as Social Work England had concluded its evidence. The no case to answer application had been considered, and Ms Onigbanjo was giving evidence. The panel was advised to assess any practical prejudice arising from the amendment, including its effect on Ms

Onigbanjo's understanding of the case, preparation and presentation of her defence, previous cross-examination, evidence already given, earlier procedural decisions and the substantial passage of time. Neither the lateness of the application nor prior knowledge of the relevant dates was determinative.

120. The legal adviser advised that the panel could allow the amendment if satisfied that it did not materially change the case, that Ms Onigbanjo had adequate notice of the allegations and that no unfair prejudice would arise. Otherwise, it should refuse the application or consider whether any prejudice could be addressed through appropriate procedural directions. The panel was reminded that allowing the amendment would not determine the facts, misconduct or impairment, and that it must reach an independent, reasoned decision having regard to the statutory framework, documentary evidence, both parties' submissions and the overriding requirement of fairness.

Panel decision and reasons:

121. The panel carefully considered Social Work England's application to amend the introductory wording of the allegations from "Whilst registered as a social worker" to "Whilst registered as a social worker / prior to registration as a social worker". In reaching its decision, the panel considered the submissions of both parties, the relevant statutory provisions, the case examiners' determination and the advice of the legal adviser, which it accepted. The panel addressed both the jurisdictional issue and whether the proposed amendment could be permitted without unfair prejudice to Ms Onigbanjo.

122. In relation to jurisdiction, the panel considered regulation 25(2) of the Social Workers Regulations 2018, which permits matters occurring before registration to constitute grounds for fitness to practise proceedings where the regulator considers it to be in the public interest. The panel examined the documentary evidence of the case examiners' determination and was satisfied that the case examiners had expressly considered the public interest in pursuing the allegations concerning Ms Onigbanjo's pre-registration conduct. The panel was therefore satisfied that the statutory public interest consideration had been undertaken by the regulator and that a fresh determination of that issue was not required for the purpose of the present application. Accordingly, the fact that allegations 1 and 2 concerned pre-registration conduct did not, of itself, prevent the panel from considering those allegations or permitting the proposed amendment.

123. The panel then considered the nature and effect of the proposed amendment. It noted that allegations 1 and 2 had always concerned conduct occurring before Ms Onigbanjo became a registered social worker, including a period before she commenced her social work studies, whereas allegation 3 concerned conduct following her registration. Although the introductory wording had been inaccurate, the dates and particulars of the allegations had consistently identified the relevant conduct. The panel was satisfied that the proposed amendment would not introduce new allegations, extend the

relevant periods or materially alter the factual case Ms Onigbanjo was required to answer.

124. The panel gave careful consideration to whether the amendment would cause unfair prejudice, particularly given the advanced stage of the proceedings. It noted that the evidence, documentary material and questioning of witnesses had addressed Ms Onigbanjo's circumstances before registration, including the period before she became a social work student. The panel was satisfied that the case had been advanced and defended on that basis throughout the hearing. It therefore concluded that the amendment would not alter the case Ms Onigbanjo had understood or prepared to meet, undermine the cross-examination already undertaken or otherwise prejudice the presentation of her defence.

125. The panel acknowledged the concern that the statement of case had not expressly distinguished the period before Ms Onigbanjo commenced her social work studies. However, it was satisfied that the relevant chronology and circumstances were apparent from the evidence and had formed part of the case addressed by both parties. The panel also considered the considerable passage of time since the alleged events but was not persuaded that correcting the introductory wording would create any additional evidential disadvantage.

126. The panel further considered the clarity of the proposed wording and was satisfied that, when read alongside the dates and particulars of the individual allegations, it sufficiently distinguished conduct occurring before registration from conduct occurring whilst registered.

127. The panel recognised the distinction between the regulator's jurisdiction to consider pre-registration conduct and whether such conduct could properly amount to misconduct. In particular, it acknowledged that Ms Onigbanjo was not subject to the professional obligations of a registered social worker before her registration. The panel considered that the significance of this distinction, including the nature and seriousness of any conduct found proved, would fall to be addressed when determining misconduct, if that stage were reached, rather than determining the present procedural application.

128. Having considered all the circumstances, the panel was satisfied that the proposed amendment corrected the introductory wording to reflect the allegations already advanced, that Ms Onigbanjo had adequate notice of the case against her and that no unfair prejudice would arise. The panel therefore determined that it was fair and appropriate to allow the amendment.

129. Accordingly, the panel granted Social Work England's application to amend the introductory wording of the allegations to read:

> **"Whilst registered as a social worker / prior to registration as a social worker".**

130. The panel's determination was confined to the amendment of the allegations and did not prejudge any outstanding question of fact, misconduct or impairment, which would be determined separately in accordance with the evidence and applicable legal principles.

Finding and reasons on facts:

Social Work England:

131. Mr Edwards, on behalf of Social Work England, made closing submissions in relation to the factual allegations and dishonesty. He indicated that Social Work England relied substantially upon its earlier submissions made during the no case to answer application, insofar as they remained relevant. However, he acknowledged that the panel was now required to determine whether the outstanding allegations were proved on the balance of probabilities, rather than applying the test applicable at the no case to answer stage.

132. In relation to allegations 1(a) and 2, Mr Edwards submitted that the panel was required to consider 2 principal issues: firstly, whether there was an ongoing claim and concurrent receipt of the relevant benefit, and secondly, whether Ms Onigbanjo was entitled to receive that benefit. Allegation 1(a) concerned housing benefit in respect of Property A, while allegation 2 concerned council tax exemption in respect of 2 properties.

133. Addressing entitlement, Mr Edwards submitted that the evidence was clear and compelling. He relied upon the evidence of both Social Work England witnesses, which he submitted had not been challenged on the relevant matters. He also referred to the council tax guidance contained in the service and supplementary bundle, which he submitted had been available on Croydon Council's website at the material time. He maintained that there had been no substantive challenge to the applicability of that guidance.

134. In relation to housing benefit, Mr Edwards relied upon the *Shelter* guidance and the underlying housing benefit regulations subsequently provided to the panel. He acknowledged that questions had arisen concerning whether the *Shelter* guidance reflected the position at the material time but submitted that the relevant regulations supported its applicability. He further relied upon evidence that Ms Onigbanjo had repaid the housing benefit received in respect of Property A in its entirety. He submitted that this was relevant to the question of entitlement and supported Social Work England's case that the benefit had been received without entitlement.

135. Mr Edwards referred to the documentary evidence of payments and paragraph 33 of Ms Onigbanjo's defence statement. He submitted that Ms Onigbanjo had acknowledged receiving payments to which she was not entitled. Although this was not presented as a formal admission of the allegation, he argued that it constituted evidence upon which the panel could rely. He submitted that this evidence was sufficient to establish allegation 1(a) on the balance of probabilities, having regard to the wording of the

allegation and the relevant date range. He maintained that the panel could reach that conclusion independently of its assessment of Ms Onigbanjo's explanation concerning her fear of violence.

136. In respect of allegation 2, Mr Edwards relied upon paragraph 34 of Ms Onigbanjo's defence statement, which he submitted contained an acknowledgment that council tax exemption had been received concurrently in respect of 2 properties. Although he accepted that this was not a formal admission, he submitted that it was evidence capable of supporting a finding that allegation 2 was proved on the balance of probabilities.

137. Turning to allegation 3, Mr Edwards submitted that it was not disputed that the DBS application form did not contain the information identified in the allegation. He further submitted that, even on Ms Onigbanjo's own account of the documents she had taken with her, the relevant information could not have been provided. He argued that the absence of the required information from the DBS application was established by the documentary evidence and was not materially disputed. He submitted that this was sufficient for the panel to find allegation 3 proved on the balance of probabilities.

138. Addressing dishonesty, Mr Edwards referred the panel to paragraphs 57 onwards of Social Work England's statement of case and his earlier opening submissions. He submitted that those materials set out the basis upon which Social Work England alleged that Ms Onigbanjo had acted dishonestly.

139. Mr Edwards acknowledged Ms Onigbanjo's position that she had been unaware of the rules governing entitlement to housing benefit and council tax exemption, including whether benefits could be claimed concurrently in respect of 2 properties. However, he submitted that this explanation was undermined by the documentary evidence, particularly the declaration she had signed in 2010. He submitted that the declaration demonstrated Ms Onigbanjo's awareness of her obligation to notify the relevant authority of changes in circumstances affecting her benefit entitlement. He argued that this evidence was inconsistent with her assertion that she did not understand the relevant requirements.

140. Mr Edwards also relied upon the evidence concerning Ms Onigbanjo's reports to the police. He submitted that those reports demonstrated an awareness of the circumstances in which housing benefit could be claimed in respect of 2 properties. He further argued that the evidence supported an inference that the reports had been made for the purpose of securing additional housing benefit. In support of that submission, he referred to the police documentation and the fact that Ms Onigbanjo had not wished to support the allegations initially reported to the police by providing a witness statement. He submitted that the observations recorded in the police documents supported Social Work England's interpretation of the purpose of those reports.

141. Mr Edwards addressed Ms Onigbanjo's reliance upon correspondence with the relevant councils as demonstrating transparency in her dealings with them. He invited the panel

to examine that correspondence carefully but submitted that its contents did not necessarily support the conclusion advanced on her behalf. By way of example, he referred to correspondence in which Ms Onigbanjo requested exemption from council tax payments and to a separate communication in which she requested the continuation of housing benefit at a particular address following notification of a change of address. He submitted that those communications demonstrated an understanding of the process for making and maintaining benefit claims.

142. Mr Edwards characterised the correspondence relied upon by Ms Onigbanjo as self-serving. He submitted that, although she had provided information to the councils when seeking or maintaining benefits, there was no corresponding evidence that she had volunteered information which might adversely affect her entitlement. He submitted that this distinction was significant when considered alongside the declaration signed in 2010, which required changes in circumstances to be notified. He argued that Ms Onigbanjo appeared to recognise the relevance of an ongoing police investigation to her benefit claims but had not similarly notified the relevant authority when that investigation concluded.

143. Mr Edwards submitted that this selective disclosure was inconsistent with a genuine lack of understanding of the reporting requirements and supported Social Work England's case that Ms Onigbanjo was aware of the circumstances affecting her entitlement. He invited the panel to consider the evidence cumulatively, including the 2010 declaration, the police reports, the correspondence with the councils, the receipt of benefits and the information which he submitted had not been disclosed. He argued that these matters demonstrated an awareness of the relevant requirements and supported a finding of dishonesty in relation to allegations 1(a) and 2.

144. Turning to dishonesty in relation to allegation 3, Mr Edwards submitted that Ms Onigbanjo had provided inconsistent accounts of the circumstances surrounding the DBS application. He argued that those inconsistencies undermined the reliability and credibility of her evidence. He acknowledged that a considerable period had elapsed since the relevant events and that Ms Onigbanjo had relied upon the passage of time to explain differences between her accounts. However, he submitted that the panel should consider the fact that an account had been provided substantially closer to the events during an interview with Croydon Council.

145. Mr Edwards also referred to the hearsay evidence of Ms Osborne, which had been introduced through one of Social Work England's witnesses. He submitted that the panel was entitled to consider that evidence and attach such weight to it as it considered appropriate. He argued that Ms Osborne's account was consistent with an earlier account provided by Ms Onigbanjo.

146. Mr Edwards maintained that, notwithstanding the differences between the accounts, the documents which Ms Onigbanjo said she had taken with her when completing the DBS application could not have provided the information required by the form. He further relied upon the declaration signed by Ms Onigbanjo confirming that the

information provided in support of the application was complete and true. He submitted that this declaration was inconsistent with the omission of the relevant information and supported Social Work England's allegation that the application had been completed dishonestly.

147. Mr Edwards submitted that, having regard to the information omitted, the declaration signed and the explanations provided, an ordinary person applying the relevant standards of honesty would regard the conduct as dishonest.

148. Following the closing submissions, Mr Edwards made a further submission concerning paragraph 45 of Ms March's written submissions, which he indicated he had only recently had an opportunity to consider. He acknowledged that the matter would ordinarily have been raised before the legal adviser's advice but considered it necessary to address the point before the panel commenced its deliberations.

149. Mr Edwards challenged the inference advanced in paragraph 45 that Ms Onigbanjo had provided her deed poll documents to council staff when the DBS application was completed. He submitted that, although his initial understanding had been that the documents were provided on that day, Ms Onigbanjo had clarified during cross-examination that they were supplied several days later. He further reminded the panel that no questions had been put to Social Work England's witnesses concerning how or when the council obtained those documents, and that the matter had therefore not been explored with them. He submitted that evidence of the council subsequently possessing the deed poll documents did not establish that they had been provided at the time of the DBS application. Accordingly, he invited the panel not to draw the inference suggested in paragraph 45, which he maintained was inconsistent with Ms Onigbanjo's own evidence.

150. In conclusion, Mr Edwards invited the panel to consider the documentary evidence, witness testimony, relevant guidance and regulations, Ms Onigbanjo's defence statements and her explanations in the round. He submitted that Social Work England had established allegations 1(a), 2 and 3 on the balance of probabilities. He further submitted that the evidence demonstrated dishonesty in relation to those allegations, including Ms Onigbanjo's knowledge of the relevant benefit requirements, the information disclosed or withheld from the councils, and the circumstances surrounding the DBS application.

151. Mr Edwards accordingly invited the panel to find the outstanding factual allegations, including the associated allegations of dishonesty, proved on the balance of probabilities.

The social worker:

152. Ms March, on behalf of Ms Onigbanjo, made the following written submissions in response to the closing submissions advanced by Mr Edwards on behalf of Social Work England.

"The Panel is invited to consider the obvious fact that the investigations carried out by Croydon Council were far wider-ranging that the particulars of allegation in the instant case. The Panel is respectfully invited to treat with caution evidence which is not directly related to the particulars of charge, as they stand today.

It is understood that there has been no criminal prosecution or legal action taken by any other authority in respect of the matters which fall outside the scope of the particulars.

The Panel is also invited to consider that there were obviously issues between the Registrant and Croydon Council once she became an employee, and that these may be relevant on the basis of why certain evidence is being advanced, or presented in a particular way.

Further, whilst the Registrant was interviewed under caution by Croydon Council, in 2017, this was several years after the events which this Panel must now focus its mind and that recollections can and do change over time. The Panel should therefore look to contemporaneous documents, or a lack of such, to provide the broader context from which inferences can safely be drawn.

Charge 1 - Between May 2012 and October 2014, you claimed housing benefit on at least two properties as set out in Schedule A, concurrently, when you were not entitled to do so

Registrant's fear of violence at Property A

[PRIVATE].

It was noted in the police report that, 'the victim has asked the Council to be re-homed, claiming she is in fear of her life and does not feel safe where she is.' It further records that 'the Victim is extremely upset' and that, 'she is fearful of going outside' (p49 to 50, SWE Bundle).

The Registrant has, in her live evidence, provided the Panel with a clear picture of the threats she believed to be under should she have continued to reside at Property A. [PRIVATE].

Thinking back to this time was clearly distressing for the Registrant, bringing back those feelings of fear even with the extensive length of time that has passed. The Panel is invited to give significant weight to this, and to her detailed description of the surrounding context, when considering whether the Registrant was in fear of violence.

It is submitted that these events were genuinely frightening to the Registrant, [PRIVATE]. She felt that it was not safe for her to remain living at Property A at the time.

It is further submitted that even though the police did not find enough evidence to suggest that there was a risk to the Registrant's life, this does not mean that the fear

that she felt was not real or reasonable. The Registrant was told by an officer that, despite not being able to support a Council arranged house move, that she should still consider moving and renting privately if she does not feel safe.

For the avoidance of doubt, it is submitted that Croydon Council's evidence is predicated on the fact that the Registrant's reports to the police were not genuine, and that this may be a crucial point which the Panel needs to establish, considering the evidence provided by the police, which goes to the Registrant's actual state of knowledge and belief at the time.

Particular 1(a) Between 27 May 2012 to 12 January 2014, you received housing benefit for both Property A and Property B

It is clear from the documentary evidence that there was overlap in housing benefit payments in relation to Property A and Property B during these dates. The Registrant accepts this. What is not accepted is that she was not entitled to these concurrent benefits.

The period of overlap amounts to a total of 596 days.

The Registrant contacted Croydon Council by telephone on 29 May informing them that she had requested payment on two properties. The telephone attendance note states (p990 SWE Exhibits Bundle):

Clmnt has a rent liability at both properties and is requesting payment on 2 homes. Advised to put request in writing and provide proof of rent liability at both addresses.

Fear of violence 'exemption'

The Panel has some evidence before it detailing the circumstances in which Shelter advises people that it is permissible to claim housing benefit for two homes at one time (p1033, SWE Exhibits Bundle). During the hearing, further evidence on this was provided by Social Work Englland; a copy of section 7 of the Housing Benefit Regulations 2006. If a person leaves their usual home temporarily due to a fear of violence, but intends to return to their usual home, they are entitled to claim housing benefits for both properties for up to one year.

Shelter's advice states that the fear of violence can be in relation to domestic abuse, but does not need to be. It can include the fear of violence from others (p1034, SWE Exhibits Bundle).

It is submitted that, due to the circumstances set out above, the Registrant was in genuine fear of violence if she remained living at Property A. She has consistently explained that, whilst the police did not support a house move facilitated by Croydon Council, she was separately advised by an officer that if she did not feel safe, she should consider moving and renting privately.

It is of note that the police did not support a house move on the basis that 'the police do not feel that Enitan's life is in danger' (p52, SWE Bundle). The relevant question in

regards to the housing benefit is whether or not the Registrant had a fear of violence, she did not need to anticipate that her life was in danger.

It is submitted that the Registrant acted on the advice given to her by the police, and, due to her genuine fear of violence towards her and [PRIVATE] if she remained at Property A, she secured privately rented alternative accommodation; Property B.

On 4 July 2012, after moving to Property B, the Social Worker advised the police that, 'she has moved from the area [around Property A] because she no longer feels safe.' (p.86, SWE Exhibits Bundle).

It is submitted that Property B was privately rented student accommodation, however, this does not negate the Registrant's reasons for moving. She moved in order to escape the fear of violence that she felt at Property A.

For the avoidance of doubt, and to address any concerns that the Panel might have in relation to the Registrant moving to Property B in order to be closer to her University, the Registrant has set out at paragraph 12 of her statement, that this was not the case, and in any event, Property A was only up to an hour away from her University, and therefore within a workable commuting distance.

The Registrant intended to move back to Property A as her usual home, and did so gradually from January 2014. She confirmed this in her evidence under oath.

There is no evidence that the Registrant did not intend to return. Where at para 24 of Ms Buley's statement she claims that the Registrant stated in July 2012 "that she had no intention to return" to Property A, the Panel is invited to note what is actually recorded on the attendance note is quite different: Clmt has not returned to the property due to domestic violence

It is submitted that the Registrant was entitled to continue to claim her housing benefit on Property A whilst living in Property B for a period of one year. This makes the payments received between 27 May 2012 and 26 May 2013 perfectly acceptable as an exception was in place.

The remaining overlap

The remaining period of overlap not covered by the one year 'fear of violence' exemption is between 27 May 2013 and 12 January 2014. This is a period of 231 days.

The Registrant was also under the impression, given by Gary Fantie in her meeting with him on 6 September 2012, that it was reasonable for her to have a term-time address. It is submitted that this advice must have been given with the knowledge that the Social Worker needed to claim housing benefit to be able to afford accommodation of any sort, in any location.

It is SWE's case that this meeting did not in fact take place. The Registrant fundamentally disputes this, and set this out to the Panel in her evidence. The Panel

has not heard from Mr Fantie on this matter, and only seen an email written by him in 2017, that the Registrant did not attend. This is weak evidence and the Panel is invited to attach more weight to the Registrant's account, given under oath, than to this.

It is submitted that the above mentioned period of 231 days is likely explained by her meeting with Mr Fantie on 6 September 2012, following her letter of 29 May 2012, at p652 of the SWE Exhibits Bundle. Although Ms Buley denies that there was any policy in place, hence it not featuring anywhere in her investigation, it is submitted that it is implausible, given the Council's other documentation, that there would be no detailed guidance or policy on a situation such as that of the Registrant, if such a double claim is as egregious as Ms Buley makes out.

Particular 2 - Between 24 September 2012 and 5 October 2015, you claimed Council Tax exemption on two properties concurrently when you were not entitled to do so

The Registrant accepts that she received Council Tax exemption on two properties concurrently between 24 September 2012 and 5 October 2014 (p132, para 34, SW Response Bundle). This is a total of 741 days.

Riona Buley confirms in her statement that, 'it was ultimately decided that she was only liable for Council Tax at [Property A] between 29 May 2012 and 1 October 2012, but not from 2 October 2012 to 2 July 2017' (p27, para 46, SWE Statements Bundle).

It appears that according to Ms Buley, Croydon Council accepts that the Registrant's [PRIVATE], also a student, was resident at Property A from 1 October 2012, and was the liable party in relation to any Council Tax due.

It is submitted therefore, that the only period within the dates alleged, that the Registrant was liable for Council Tax at Property A was between 24 September 2012 and 1 October 2012. This is a period of seven days.

The Panel has also heard the Registrant's evidence on this matter. She did not make an application specifically for exemption from Council Tax, rather, she updated the Councils as to her student status and asked for her entitlement to be recalculated. She was then informed that she was not required to pay Council Tax.

Particular 3 - On or about 31 July 2015, you failed to provide accurate and/or complete information for a DBS application, in that you did not provide: a. All of your known names as required; and/or b. Your previous addresses as set out in Schedule B.

The Registrant accepts that she herself did not record her previous name or previous address on the form.

The Registrant has explained that she did not complete this form herself. She signed a blank form and handed this to Clare Osborne to complete. The Registrant now understands that she should not have signed the blank form, and was upfront about

this in her evidence. She explained that she could not now recall precisely what information or documents were given to Ms Osborne at the time, but assured the Panel that she would not have withheld information.

The internal interview record of Katie Wallace states that she spoke with Ms Osborne, who, 'could confirm she had never undertaken a DBS in that manner', (p224, SWE Bundle). However, the Panel has not heard from Ms Osborne on this matter, nor has it seen a statement from her. This statement is untested hearsay and the Panel should consider the appropriate weight to attach to it. The Panel is invited to conclude that the Social Worker's own evidence, given under oath, carries significantly more weight than a single remark reported by a third party.

The Panel is invited to consider the statement of Ms Wallace at para 8, p151 of the SWE Bundle, where she clearly states that "one of the recruitment team members would then sit with the applicant and fill out the form by asking the questions the form required to be completed". It is submitted that this makes abundantly clear that a member of Croydon Council staff would complete the form. Ms Wallace goes on to say at para 10: the applicant would read through the form and then sign the declaration box.

And whilst at para 9, Ms Wallace says that the applicant is not required to provide and documents to prove her name or address, in the SWE Exhibits bundle, the deed poll documents are supplied, immediately adjacent to the application form - p218, at p.216 and p.217 of the SWE Exhibits Bundle.

The Registrant explains in her statement, and confirmed in her evidence that she had been kept waiting by Ms Osborne, and as such was running low on time left on her parking permit, which was not able to be extended. She explained during the internal investigation that 'as Claire was running late she took photocopies of the information and Claire completed the form herself'. (p224, SWE Bundle).

As the Registrant did not complete the form herself, it cannot be said that she failed to include all of the relevant information. The Panel will also note at p.79, p.80 and p.81 of the Registrant Response Bundle, emails from Yvonne Green, dated 23 August 2016, stating: Jason Singh contacted us by telephone to inform us that they have reviewed your DBS and that a mistake has been made and the error is on their part and that you have nothing to worry about.

No further explanation is provided, however, based on the dates contained in the body of the emails, it is submitted that the Panel may infer from this that the proper protocol was not followed by the staff member completing the form when completing the 2015 application and that Mr Singh accepted that there was no fault on the part of the Registrant.

The Panel will note that it has before it the completed form at p.788 of the SWE Exhibits Bundle, however it is submitted that it is impossible to tell whether or not the Registrant completed all of the sections, or whether this was done by someone

else. The only final DBS certificate can be found at p285 of the SWE Bundle, dated 26 July 2017, where the Registrant's other names do appear, but there are no details of any addresses where the Registrant was said to reside. The Panel is invited to consider the deed poll document, at p788 of the SWE Exhibits Bundle, and although there is no direct link between the application and that page, it is being advanced by the same witness in respect of the application made. The Panel may then wish to draw the inference that it was indeed provided to the Council's staff when they were completing the form.

Particular 4 – Dishonesty

Due to the extensive period of time that has passed since the allegations were alleged to have taken place, it is submitted that the Registrant's recollection of events may not be as fresh as they once were. The Registrant has been frank with the panel during her evidence when she could not remember something, and this should not be taken as any indication of a lack of honesty. It is submitted that the Registrant has provided an account which is as full and accurate as possible after such a considerable amount of time.

Particular 1

The Panel will note that at p.652, the Registrant wrote to Croydon Council on 29 May 2012 informing them of her move to another property in another borough due to fears over her safety. The Registrant also asks that her Housing Benefit claim continues for Property A.

This makes clear that the Council was aware that the Registrant had left the property, and in the absence of any further correspondence produced by Social Work England, via Ms Buley, the Panel is invited to conclude that had the Registrant's intention been dishonest, it would be unlikely that she would inform Croydon Council of her move.

As set out above, regardless of the interpretation of the police investigation and outcome by Croydon Council, this does not alter the fear experienced by the Registrant at the time of the complained of incidents and the necessity for her to leave Property when she subjectively felt in danger.

At p.685 of the SWE Exhibits Bundle, a note made by PC Holmes suggests that he or she would speak to the Registrant's housing officer the following day. A further entry dated 30 May 2012 reports that PC Holmes left a message for Gary Fantie to call back should he wish to speak to the officer. It is submitted that this offers further clarification that Croydon Council was aware of the Registrant's intention to move from Property A.

The Registrant relies on evidence of a meeting scheduled for 6 September 2012, at p.111 of the Registrant Response Bundle, with Mr Fantie, which she says did go ahead. Whether or not the meeting took place, it is submitted that as a housing officer, Mr Fantie, having been informed by letter and through contact from the

police, would or should have investigated any concerns at that stage, or at least confirmed with the Registrant where she was residing at the time. Further questions as to Mr Fantie's evidence are set out below.

Returning to the witness statement of Ms McPartland, at para 19, she clearly states that she did not collect any other documentary evidence of contact between Croydon Council and the Registrant in relation to what she may or may not have been told about her eligibility to claim. Given that the Registrant was only able to obtain the meeting invitation letter from Mr Fantie to the Registrant, via a subject access request (see p.111 Registrant Response Bundle), it is submitted that the Panel ought to weigh carefully the absence of contemporaneous documentary evidence which may have been pertinent to the dishonesty point. Further, that in what can only be described as a 'thorough' and detailed investigation, it is perhaps surprising that the only evidence not being advanced is that which might have an exculpatory effect.

The Panel is also invited to consider the handwritten note at p.748 of the SWE Exhibits Bundle, where the Registrant asks Croydon Council to re-calculate her entitlement. It is submitted that with the knowledge already held by the Croydon Council, the onus was on the Council to properly calculate the entitlement, particularly if it knew that the Registrant was potentially not living at the property full time.

At p.947 of the SWE Exhibits Bundle, the Registrant sets out in her application form to Kingston Council some of the circumstances in which she moved and elsewhere in the form has noted her Croydon address.

The question of why certain boxes of this application form were left blank was put to the Registrant during cross examination, specifically the questions asking whether the applicant was in receipt of, or waiting to hear about any other claims for benefits. The Registrant was clear in her response that she filled this form out online, and did not have sight of the full form and all potential questions. The Registrant asserted that she was only shown the questions that were deemed necessary for her to fill in based on her answers to previous questions. She explained that she was never shown the questions around other benefit claims, and would certainly not have left anything blank. She also pointed out to the panel that the form itself, at page 937 SWE Exhibits Bundle, states 'That's all. You don't have to answer any more questions on this page' suggesting that she was not required in any event to complete the questions on claiming other benefits.

At p948 of the SWE Exhibits Bundle, although the form does not appear to have a physical signature, it confirms that it was submitted 29 May 2012 at 09:

The declaration in the middle of the forms makes clear that any information provided may be verified against any other claims being made with other organisations including other Local Authorities. It also goes on to say that the

applicant agrees that the information provided to process the Housing Benefit and Council Tax claim may be checked.

Further, as previously referenced, at p.990 of the SWE Exhibit's bundle, there appears a telephone attendance note dated 29 May 2012, detailing a call made by the Registrant to Croydon Council, which states specifically:

Clmnt has a rent liability at both properties and is requesting payment on 2 homes. Advised to put request in writing and provide proof of rent liability at both addresses.

It is submitted that this is evidence of yet another occasion when the Registrant communicated her circumstances to Croydon Council. There follows a letter dated 19 June 2012, from Croydon Council, acknowledging the change of circumstances and no change to the benefit payment at present. Another telephone attendance note, this time from 20 July 2012, the Registrant appears to confirm that she has still not returned to the property.

It is nothing less than astonishing that if Croydon Council believed that the Registrant was over claiming, based on what she had disclosed to them, particularly that she had not yet returned to the property, was not then subject to any further action, or consideration by the Council at that time.

It is alleged that the Registrant did not attend the planned meeting with Mr Fantie on 6 September 2012. It is submitted that this would have been an opportunity for Croydon Council to obtain any additional evidence that might be necessary for it to take action one way or another. The Registrant is sure that she attended the meeting, while Mr Fantie in an that the meeting took place, stating in an email dated 14 March 2017, so some two and a half years later, at p1449 of the SWE Exhibits Bundle:

I just checked my appraisal 121 of the time, which took place on the 13 September 2012 and there is no mention of this meeting or any other action I would have needed to have taken, which would have been the case if such a meeting had taken place.

The Panel's attention is drawn to the email trail, working backwards from p.1451 of the SWE Exhibits Bundle, where Gail Campbell who was investigating a much wider case against the Registrant, emails Mr Fantie, his manager, Margaret Padmore and another colleague Biddy Sobamiwa, effectively putting them on notice of the evidence that Ms Campbell requires, it is submitted, to support conclusions that have already been drawn as part of the investigation.

If the Registrant did not attend the meeting, again, it is surprising that Croydon Council did not attempt any follow up or review of the Registrant's claims at the time.

Croydon Council's later assertions in relation to the Registrant are that the Registrant's reports to the police were not genuine and that the Registrant had to be

in fear of domestic violence. As stated previously, the exhibit of Ms Buley, at p.1033 of the SWE Exhibits Bundle, guidance from the homelessness charity Shelter, in what appears to be a document printed on 3 May 2023, which states justification as being only "fear of violence" and which includes from family members or others. The Panel may wish to consider why the witness has chosen to exhibit guidance from an external organisation, and not the specific policy that Croydon Council had in place at the time. There is no suggestion that the Registrant sought advice from Shelter or any other organisation, but was in contact with Croydon Council. The Registrant's case was that she received various advice from staff at Croydon Council and relied upon this.

Further, at p.1044 of the SWE Exhibits bundle, and undated 'conditions of tenancy' document is advanced by Ms Buley, although it is not dated with no reference as to when this document was in force. It is not signed by the Registrant, nor is there any evidence that the Registrant had sight of this document.

Particular 2

The Registrant explained in her evidence that due to being in receipt of housing benefit, she had not previously needed to pay Council Tax, and so was not aware of the rules around this. When she became a student, she informed both Councils, and asked for her entitlement to be recalculated. In its response, the Council informed her that as she was a student, she was exempt from paying Council Tax. It was therefore the Registrant's understanding that she did not need to pay Council Tax.

Particular 3

In relation to the DBS application, as set out above, the Panel is invited to conclude that the deed poll document at p788, was provided to Croydon Council staff at or around the time of completing the application, and that both former and current names are included, even if they are not both mentioned on the application form itself.

A further deed poll document is before the Panel at p795 of the SWE Exhibits Bundle, and is exhibited by Ms Buley and was, it is submitted therefore in the Council's possession. In considering whether it finds dishonesty in relation to this particular, the Panel should consider, per the cases of Uddin and Lavis, whether there is an alternative explanation, not amounting to dishonesty, for example that both the Registrant and Ms Osborne were rushed and that it could have been a simple clerical error on either side.

In the Registrant Response Bundle, at p.79, an email from Yvonne Green to Jason Singh at Croydon Council alerts him to the fact of a problem with a DBS application completed by Claire. The email is dated 23 August 2016, and in the body refers to 30 July and 23 August. It is submitted that the two dates in the body of the email refer to the application the previous year. At p.81 of the Registrant Response Bundle, Ms Green contacts the Registrant and confirms that whatever error was being referred

to was on the part of Croydon Council and specifically that the Registrant has "nothing to worry about."

It is submitted that this makes clear that however the application was compiled, even Croydon Council at that time did not consider there to be any wrongdoing on the part of the Registrant.

The Registrant was clear that she could not recall the precise details of her interaction with Ms Osborne. She could not remember what questions she was or was not asked, and could not remember exactly what information she gave to her, although she was clear of the fact that she did not provide misleading information. The Registrant was upfront about the fact that she should not have signed a form without reading it through thoroughly, however, a lack of care is not the same as dishonestly withholding information, and should not be considered as such.

In relation to the Registrant's previous addresses being omitted, the Registrant has explained in her statement and in her evidence that she was under a misunderstanding as to what was required. She also explained that the certificate does not return with addresses on, so she was not aware that any were missing. It is submitted that even if she had filled in this part of the form incorrectly, this was a genuine misunderstanding, and not indicative of dishonesty.

CONCLUSION

On the basis of the above, the Panel is invited to conclude that SWE has not met the evidential burden, and accordingly none of the facts are found proven.

153. Ms March made brief further submissions in response to the closing submissions advanced by Mr Edwards on behalf of Social Work England. She indicated that she did not intend to repeat or expand upon her earlier detailed submissions, which she continued to rely upon, but wished to address 2 particular matters raised by Mr Edwards.

154. First, Ms March addressed Mr Edwards' reliance upon what he characterised as Ms Onigbanjo's acknowledgment that she was not entitled to continue receiving housing benefit after the expiry of the one year fear of violence exemption. She submitted that such an acknowledgment was not, of itself, sufficient to establish the entirety of allegation 1(a). She emphasised that the panel was required to consider the evidence carefully and identify precisely which aspects of the allegation, including the relevant periods, it found proved or not proved.

155. Ms March submitted that the applicability and duration of the fear of violence exemption remained material to the panel's factual determination. She argued that there was a significant distinction between finding that overlapping housing benefit claims continued for 596 days and finding that the relevant period was limited to 231 days. She submitted that the distinction was particularly important because the extent and duration of any proven conduct would be relevant to the panel's subsequent consideration of misconduct and impairment, should those stages be reached.

156. Similarly, in relation to the council tax allegation, Ms March submitted that the panel should distinguish between a finding of overlapping entitlement or exemption for 7 days and a finding encompassing the entire period alleged. She emphasised that the duration of any proven overlap could materially affect the seriousness of the conduct and should therefore be expressly addressed in the panel's reasons.

157. Secondly, Ms March challenged Mr Edwards' submission that Ms Onigbanjo had notified the relevant councils of changes in circumstances when doing so was beneficial to her claims but had failed to provide information which might adversely affect her entitlement. Ms March submitted that Mr Edwards had not identified precisely what information Ms Onigbanjo had failed to disclose which would have been detrimental to her claims.

158. She further submitted that, during cross-examination, Ms Onigbanjo had been questioned about matters which she had not reported to the councils and had provided clear and detailed explanations as to why she did not consider certain information relevant or necessary to disclose at the material time. Ms March maintained that those explanations should be considered in their proper context when assessing the evidence and Ms Onigbanjo's state of knowledge.

159. Ms March submitted that it would therefore be unfair to characterise Ms Onigbanjo's conduct as involving a deliberate pattern of disclosing information only when it was advantageous to her while withholding information that might adversely affect her benefit entitlement. She invited the panel to consider the actual content of the communications, the explanations provided by Ms Onigbanjo and the absence of any clearly identified material omission relied upon by Mr Edwards.

160. Ms March concluded by reiterating her reliance upon her earlier substantive submissions and invited the panel to assess the evidence carefully, distinguish between the different periods and circumstances alleged, and provide clear and sufficiently particularised reasons for any findings of fact made.

Legal advice:

161. The panel accepted the advice of the legal adviser, who advised that its task at this stage was confined to determining the disputed facts, separately from any subsequent consideration of misconduct, impairment or sanction.

162. The legal adviser advised that the burden of proof rested throughout on Social Work England and that the applicable standard was the balance of probabilities. Each allegation and its particulars must be considered separately, having regard to the evidence as a whole. The social worker was not required to disprove any allegation or establish an alternative explanation. Facts formally admitted could be treated as proved.

163. In assessing the evidence, the panel should distinguish between the credibility and reliability of witnesses, recognising that an honest witness may nevertheless be

mistaken. Caution should be exercised when assessing demeanour, and witness accounts should be considered alongside contemporaneous documents, previous accounts, undisputed facts and other reliable evidence. Documentary evidence should be assessed according to its provenance, context, accuracy and completeness. Rejecting part of a witness's evidence did not necessarily require the rejection of their evidence in its entirety.

164. In relation to hearsay evidence, the legal adviser referred to rule 32(b)(vii) of the Rules, and the principles established in *Bonhoeffer*, *Ogbonna*, *Thorneycroft* and *El Karout*. The panel was advised that admissibility and weight were distinct considerations and that fairness was paramount. In determining the weight to attach to hearsay evidence, the panel should consider its source, reliability, consistency, contemporaneity, corroboration and whether it had been tested through cross-examination. Particular caution was required where untested hearsay constituted the sole or decisive evidence supporting a disputed allegation. Such evidence was not automatically incapable of carrying weight but required careful scrutiny, taking account of the available safeguards and any resulting prejudice.

165. In relation to dishonesty, the legal adviser referred to *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67. The panel was advised first to determine the social worker's actual knowledge or belief concerning the relevant facts at the material time. Although the reasonableness of an asserted belief could assist in assessing whether it was genuinely held, the question was what the social worker actually knew or believed. The panel must then determine whether the conduct was dishonest according to the objective standards of ordinary decent people. It was unnecessary to establish that the social worker appreciated that her conduct would be regarded as dishonest.

166. The panel was further advised that any inference drawn must have a proper evidential foundation and must not be based on speculation, assumption or hindsight. The quality, reliability and cogency of the evidence, rather than the number of witnesses or documents, were determinative.

167. Finally, the panel was advised to provide clear and sufficiently detailed reasons for its findings on each allegation and particular, identifying the material evidence relied upon and explaining how significant conflicts had been resolved. Where hearsay evidence materially influenced a finding, the panel should explain the weight attached to it and why. Where dishonesty was found proved, the reasons should demonstrate the application of both stages of the *Ivey* test.

Panel's decision and reasons on facts:

168. The panel carefully considered all the evidence before it, including the oral evidence of the witnesses, witness statements, documentary evidence, admitted hearsay evidence and the written and oral submissions made on behalf of Social Work England and Ms Onigbanjo. In assessing the evidence, the panel considered its reliability, consistency and the weight properly to be attached to it, having regard to the evidence as a whole.

169. The panel heard oral evidence from Ms Annette McPartland, Head of Day Operations at Croydon Council, and Ms Riona Buley, Fraud Investigator at Croydon Council. The panel also received the hearsay evidence of Ms Katie Wallace, Head of Recruitment at Croydon Council, which had been admitted into evidence. Ms Onigbanjo also gave oral evidence on oath.

170. The panel considered Ms McPartland to be a reliable witness in relation to the collation and production of documentary evidence arising from the council's investigations. However, it recognised that her evidence was principally concerned with the documentation assembled for the proceedings and that her personal knowledge of the underlying events and relevant housing arrangements was limited.

171. In relation to Ms Buley, the panel considered that she endeavoured to provide straightforward evidence within the limits of her knowledge. She had participated in three interviews under caution alongside her colleague, Ms Campbell, and had produced relevant investigative documentation. However, the panel noted that she was unable to answer a number of questions concerning housing benefit entitlement and the council's relevant policies and procedures. In particular, she had been unable to identify a Croydon council policy concerning concurrent housing benefit claims arising from a fear of violence. Instead, she had located guidance published by *Shelter*, while the relevant statutory provisions were subsequently provided during the hearing.

172. The panel further noted that Ms Buley's understanding of certain matters was based upon information provided by Ms Campbell, who had not given evidence. Ms Buley had acknowledged that some questions fell outside her knowledge and would be better addressed by Ms Campbell. The panel considered that the absence of Ms Campbell, together with Mr Fantie and Ms Osborne, meant that potentially relevant evidence concerning disputed matters had not been available for examination or cross-examination. The panel also noted that neither Ms McPartland nor Ms Buley was able to provide definitive answers to certain questions relating to housing benefit and council tax arrangements. These limitations were relevant to the weight the panel could attach to the evidence on those matters.

173. In assessing Ms Onigbanjo's evidence, the panel considered that she was making a genuine effort to provide an accurate account of events to the best of her recollection. Her oral evidence was consistent with her understanding of the benefit system which she had maintained throughout the investigations and proceedings. In particular, she had consistently explained that there had been no change of circumstances to notify to the council. She had sought assistance from the relevant authorities, provided information concerning her circumstances and believed that the councils would assess her entitlement and inform her if she was not eligible to receive particular benefits. She had notified the council when she started to receive her student loan which she understood was counted as income and asked the council to reassess her benefit in light of this change.

174. The panel noted that Ms Onigbanjo had produced documentary evidence supporting aspects of her account. It also considered that she was prepared to acknowledge matters which she accepted she had handled incorrectly, including signing the DBS application without checking its contents. The panel did not consider that she had sought deliberately to mislead it in giving her evidence. Nevertheless, it recognised the importance of assessing her account alongside the other evidence rather than relying solely upon its assessment of her credibility.

175. The panel also considered the considerable passage of time since the events in question, which dated back approximately 11 to 14 years. It recognised that this had affected the ability of all witnesses to recall events accurately. In Ms Onigbanjo's case, the panel considered that the subsequent investigations and information provided to her over the intervening years had made it difficult at times to distinguish her present understanding of the applicable rules and procedures from what she had actually known or believed at the material time.

176. The panel therefore considered it important to assess the evidence in its proper historical context, with particular regard to contemporaneous documentation, the consistency of the accounts and the limitations arising from the absence of witnesses with direct knowledge of certain matters. These considerations informed the panel's assessment of the evidence and its findings in relation to the individual allegations, including dishonesty.

Allegation 1:

> *"Between 27 May 2012 and 5 October 2014, you claimed housing benefit on at least two properties as set out in Schedule A, concurrently, when you were not entitled to do so in that:*
>
> *a. Between 27 May 2012 to 12 January 2014, you received housing benefit for both Property A and Property B; and/or"*

177. The panel carefully considered the documentary evidence, Ms Onigbanjo's oral evidence and the submissions advanced by Mr Edwards on behalf of Social Work England and Ms March on behalf of Ms Onigbanjo. It was not disputed that Ms Onigbanjo had received housing benefit concurrently in respect of Property A and Property B during the period identified in allegation 1(a). The central issue was whether she was entitled to receive those payments throughout that period.

178. The panel considered Mr Edwards' submissions challenging Ms Onigbanjo's entitlement to concurrent housing benefit and Ms March's submissions concerning the statutory exception applicable where a person had temporarily left their home because of a fear of violence while intending to return.

179. The panel accepted Ms Onigbanjo's evidence that she had left Property A because she genuinely feared violence. It noted that she had reported her concerns to the police and had been in contact with the relevant authorities concerning her circumstances. The

contemporaneous evidence supported her account that she had been distressed and concerned for her safety. The panel did not consider that the absence of a formal police statement or a police assessment that her life was in immediate danger undermined her account. The relevant consideration was whether she genuinely feared violence, rather than whether an actual threat to her life had been established.

180. The panel also considered Mr Edwards' submission that the move was connected with Ms Onigbanjo's university arrangements. It was not persuaded that her decision to obtain accommodation in Kingston was inconsistent with her stated reasons for leaving Property A. The panel considered that a person leaving accommodation because of a fear of violence might reasonably choose alternative accommodation that also met their practical needs.

181. The panel then considered whether Ms Onigbanjo intended to return to Property A. It noted that she had entered into a tenancy agreement for Property B for one year. However, it accepted that Ms Onigbanjo, in interview, had explained that obtaining suitable temporary accommodation could be difficult, particularly in her circumstances at the time, including being in receipt of benefits. The panel did not consider that entering into a one-year tenancy necessarily demonstrated an intention to abandon Property A. The panel also noted that the relevant legislation recognised that up to 52-weeks could be temporary. It attached significance to the fact that Ms Onigbanjo had consistently maintained an intention to return and had subsequently returned to that property.

182. Having considered the relevant statutory provisions and the evidence as a whole, the panel was satisfied that Ms Onigbanjo met the requirements of the fear of violence exception permitting concurrent housing benefit payments for a maximum period of 52-weeks. Accordingly, it was not satisfied that she had received payments to which she was not entitled during the initial 52-week period commencing on 27 May 2012.

183. However, the panel noted that the statutory exception was limited to 52-weeks. The documentary evidence established, and Ms Onigbanjo accepted, that she continued receiving housing benefit for both properties until 12 January 2014. The panel was therefore satisfied that the concurrent payments received after the expiry of the initial 52-weeks, namely from 27 May 2013 to 12 January 2014, fell outside the statutory exception.

184. The panel considered the submissions concerning Ms Onigbanjo's understanding of her entitlement and the absence of clear advice from the council regarding the duration of the exception. It recognised that those matters were relevant to whether her conduct was dishonest and to any subsequent consideration of misconduct. They did not, however, alter the statutory limitation on the period of entitlement.

185. Accordingly, the panel found allegation 1(a) proved in part, limited to the period from 27 May 2013 to 12 January 2014. It was not proved in respect of the preceding period.

Dishonesty in relation to allegation 1:

186. The panel separately considered whether Ms Onigbanjo had acted dishonestly in relation to her housing benefit claims, applying the 2-stage test established in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.

187. In determining her actual knowledge and belief at the material time, the panel accepted that Ms Onigbanjo genuinely feared violence and had approached Croydon Council for assistance with her housing circumstances. It noted the contemporaneous evidence of her contact with the council, including the telephone record of 29 May 2012, which recorded that she had disclosed her rental liability for 2 properties and sought assistance with both. The panel considered this disclosure inconsistent with an intention to conceal the existence of either property. The panel further noted that, at the time, Croydon Council had discussed with the police the basis of Ms Onigbanjo's fears and had continued to pay housing benefit after she had told them she was leaving Property A.

188. The panel also accepted that Ms Onigbanjo had consistently understood that, having disclosed her circumstances, the relevant authorities would determine her entitlement and inform her if she was not eligible for assistance. Her evidence on this issue was consistent with her earlier accounts and supported by correspondence in which she sought clarification or reassessment of her benefits, including when her financial circumstances changed.

189. The panel attached particular significance to the absence of evidence that Ms Onigbanjo had been informed of the 52-week limitation or that she knew her entitlement to concurrent housing benefit had expired. It noted that Ms Buley had been unable to identify a relevant Croydon Council policy concerning the exception and its duration. The panel was not satisfied that Ms Onigbanjo knew the detailed statutory requirements when there was no evidence that they had been explained to her.

190. The panel also considered the housing benefit application relied upon by Mr Edwards in support of his submission that Ms Onigbanjo had failed to disclose relevant information. Having examined the form and its instructions, the panel accepted Ms Onigbanjo's explanation that the application directed her to particular sections and did not require her to complete the additional questions relied upon by Social Work England. It was not satisfied that the form demonstrated deliberate concealment or the provision of false information.

191. The panel further noted that Ms Onigbanjo's circumstances had not materially changed at the point when the initial 52-week period expired. There was no sufficient evidence that she appreciated that the expiry of that period, without any other change in her circumstances, brought her entitlement to an end. The panel also took account of her subsequent repayment of the overpayment once she was informed that she had not been entitled to receive it.

192. Having considered the evidence as a whole, the panel accepted that Ms Onigbanjo genuinely believed that she was entitled to continue receiving the housing benefit

payments authorised by the council. It was not satisfied that she knew or believed that those payments had become unauthorised.

193. Applying the objective standards of ordinary decent people to the facts as Ms Onigbanjo genuinely understood them, the panel concluded that her conduct was not dishonest. She had disclosed her circumstances, sought assistance and continued receiving payments without having been informed of the statutory time limitation.

194. Accordingly, the panel found dishonesty in relation to allegation 1 not proved.

Allegation 2:

> *"Between 24 September 2012 and 5 October 2014, you claimed Council Tax exemption on two properties concurrently when you were not entitled to do so".*

195. The panel considered the documentary evidence relating to the council tax exemptions applied to Property A and Property B, together with Ms Onigbanjo's evidence and the submissions of both parties.

196. The panel noted that Ms Onigbanjo accepted that council tax exemptions had been applied concurrently in respect of the 2 properties. The relevant council tax records supported that evidence.

197. The panel also considered the evidence concerning Ms Onigbanjo's [PRIVATE], who was a student and occupied Property A. It noted Ms Buley's evidence that the council had accepted that he was the person liable for council tax in respect of that property during the relevant period.

198. The panel recognised that the allegation covered a considerably longer period than the period of overlap established by the evidence. It was satisfied that the evidence demonstrated a period during which exemptions were applied concurrently when Ms Onigbanjo was not entitled to claim both exemptions. However, it was not satisfied that the allegation was established throughout the entire period pleaded.

199. In reaching its conclusion, the panel relied upon Ms Onigbanjo's acceptance that concurrent exemptions had been applied, supported by the relevant council tax documentation. It distinguished the factual question of entitlement from the separate question of whether Ms Onigbanjo knew or believed that she was acting improperly.

200. Accordingly, the panel found allegation 2 proved in part, limited to the period of concurrent exemption established by the documentary evidence, i.e. one week between 24 September 2014 and 5 October 2014.

Dishonesty in relation to allegation 2:

201. The panel considered Ms Onigbanjo's knowledge and understanding of council tax exemptions at the material time. It accepted her evidence that she had limited familiarity with council tax arrangements and that, having become a full-time student, she had sought assistance and informed the relevant authorities of her circumstances.

202. The panel noted her evidence that she had been informed that she qualified for an exemption but had not been given a clear explanation of the particular exemption applied or the limitations governing concurrent exemptions. It also recognised that Ms Onigbanjo's later understanding of the different exemption categories had developed during the investigations and should not be treated as knowledge she possessed at the material time.

203. The panel considered the published information concerning council tax exemptions for properties occupied by full-time students. It noted that the guidance did not clearly explain the position where a student was associated with more than one property. The panel considered that a person unfamiliar with the detailed rules could reasonably misunderstand the scope of the exemption.

204. The panel also took account of the evidence concerning Ms Onigbanjo's [PRIVATE] occupation of Property A and his council tax liability. It considered that the circumstances surrounding the exemptions were not straightforward and that the evidence did not establish that Ms Onigbanjo knowingly claimed an exemption to which she understood she was not entitled.

205. The panel accepted that Ms Onigbanjo genuinely believed that the exemptions had been applied following the council's assessment of her disclosed circumstances. It was not satisfied that she had provided any false information or concealed material facts to obtain them.

206. Applying the objective standards of ordinary decent people to the facts as Ms Onigbanjo understood them, the panel concluded that her conduct was not dishonest.

207. Accordingly, the panel found dishonesty in relation to allegation 2 not proved.

Allegation 3:

> *"On or about 31 July 2015, you failed to provide accurate and/or complete information for a DBS application, in that you did not provide:*
>
> *a. All of your known names as required; and/or*
>
> *b. Your previous addresses as set out in Schedule B."*

208. The panel considered the DBS application, the documentary evidence relating to its completion, Ms Onigbanjo's oral evidence and the submissions of both parties.

209. The panel noted that the DBS application did not contain all of Ms Onigbanjo's previous names and addresses. Ms Onigbanjo accepted that the application was incomplete and acknowledged that she had signed it without properly checking the information recorded.

210. The panel considered the evidence concerning the process adopted by Croydon Council for completing DBS applications. It noted that the council's practice was for a member of its recruitment team to complete the application using information obtained

from the applicant. Ms Onigbanjo explained that Ms Osborne had completed the form and that both had been under time pressure. The panel accepted that Ms Onigbanjo could no longer recall precisely which questions had been asked or which documents she had provided, although she recalled producing her driving licence.

211. The panel considered the hearsay evidence of Ms Wallace concerning information attributed to Ms Osborne. It noted that Ms Osborne could not recall the particular application and had indicated only that she would not ordinarily have completed a form in the manner described. The panel attached limited weight to that account because it did not establish what had actually occurred during the meeting, what questions had been asked or what information Ms Onigbanjo had supplied. Ms Osborne had not attended to give evidence and could not be questioned about those matters.

212. The panel also considered the correspondence referred to in Ms March's submissions concerning a possible error in the council's handling of the DBS application. It recognised that the correspondence raised questions about the application process but did not establish the precise nature of any error. The panel therefore did not treat it as conclusive evidence of how the omissions had arisen.

213. The panel nevertheless considered that the application itself demonstrated that required information concerning Ms Onigbanjo's previous names and addresses was missing. This was consistent with her acknowledgment that she had signed the form without ensuring that it was complete.

214. The panel distinguished between the allegation that information was incomplete and the allegation that inaccurate information had been provided. It found no sufficient evidence that any information actually entered on the application was false. The failure to include all required information did not, of itself, establish that inaccurate information had been supplied.

215. Accordingly, the panel found allegation 3(a) and 3(b) proved insofar as Ms Onigbanjo failed to provide complete information concerning her previous names and addresses. The allegation was not proved insofar as it alleged that she had provided inaccurate information.

Dishonesty in relation to allegation 3:

216. The panel considered whether Ms Onigbanjo's failure to provide complete information concerning her previous names and addresses, and her signature on the incomplete DBS application, amounted to dishonesty.

217. The panel accepted Ms Onigbanjo's evidence that the application had been completed with the assistance of Ms Osborne, in circumstances where both were under time pressure, and that she had signed it without properly checking its contents. The panel considered that this demonstrated a significant lack of care, which Ms Onigbanjo herself acknowledged, but that carelessness did not necessarily establish dishonesty.

218. The panel noted that Ms Onigbanjo had previously undergone DBS checks and understood that her former names were already associated with her DBS records. It also accepted her explanation that she understood the purpose of the application to be the identification of relevant criminal history or safeguarding concerns and that she knew there were no such matters to conceal.

219. The panel considered whether there was any apparent reason for Ms Onigbanjo deliberately to omit her previous names or addresses. It noted that the omitted addresses were within the same police force area and that the evidence did not demonstrate that the omissions prevented the identification of relevant criminal information. The panel also noted that the council already held information concerning her previous names and addresses.

220. The panel attached limited weight to the hearsay account attributed to Ms Osborne because she could not recall the particular application and there was no direct evidence establishing what questions had been asked or what answers Ms Onigbanjo had given. The panel was not satisfied that Social Work England had established that Ms Onigbanjo had been asked for the omitted information and had deliberately withheld it.

221. The panel also considered the evidence concerning the council's procedure for completing DBS applications and the correspondence suggesting that an error had occurred during the application process. It regarded these matters as relevant to the possibility that the omissions had arisen through error rather than deliberate concealment, while recognising that the precise circumstances could not now be established.

222. The panel accepted Ms Onigbanjo's explanation that she had signed the application in haste without adequately checking its contents. It considered that this was a credible explanation for the omissions and was consistent with her acknowledgment that she should not have signed the form without ensuring that it was complete.

223. The panel was satisfied that Ms Onigbanjo had acted carelessly but was not satisfied that she had deliberately withheld information or intended to deceive. Applying the objective standards of ordinary decent people to the facts as she genuinely understood them, the panel concluded that her conduct did not amount to dishonesty.

224. Accordingly, the panel found dishonesty in relation to allegation 3 not proved.

Allegation 4:

"Your actions at paragraphs 1, 2 and 3 above were dishonest."

225. Having considered the allegation of dishonesty separately in relation to each of the factual allegations, the panel stood back and assessed the evidence as a whole, applying the 2-stage test in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.

226. The panel took account of Ms Onigbanjo's consistent explanations, the contemporaneous documentary evidence, the limitations of the witnesses' knowledge, the weight properly attributable to the hearsay evidence and the considerable passage of time since the events. It recognised that findings that certain factual allegations were proved did not, without more, establish dishonesty.

227. For the reasons set out under allegations 1, 2 and 3, the panel was not satisfied, on the balance of probabilities, that Ms Onigbanjo had acted dishonestly in relation to her housing benefit claims, council tax exemptions or DBS application.

228. Accordingly, the panel found allegation 4 not proved.

Finding and reasons on grounds:

Social Work England:

229. Mr Edwards, on behalf of Social Work England, submitted that the allegations found proved, whether considered individually or cumulatively, amounted to misconduct.

230. He invited the panel to have regard to Social Work England's overarching objective of public protection and its three distinct regulatory objectives: protecting, promoting and maintaining the health, safety and well-being of the public; promoting and maintaining public confidence in social workers; and promoting and maintaining proper professional standards for social workers. He submitted that, although these objectives fell within the overarching purpose of public protection, each required separate consideration.

231. Mr Edwards acknowledged that there was no burden or standard of proof at the misconduct stage and that whether the facts found proved amounted to misconduct was a matter for the panel's professional judgment.

232. Referring to *Roylance v General Medical Council*, Mr Edwards submitted that misconduct was a broad concept encompassing an act or omission falling short of what would be proper in the circumstances. He noted that the required standard of propriety could be identified by reference to the professional rules and standards ordinarily applicable to practitioners.

233. Mr Edwards also relied upon *Remedy UK Ltd v General Medical Council*, submitting that misconduct could arise either from sufficiently serious conduct in the exercise of professional practice or from morally culpable, dishonourable or otherwise disgraceful conduct occurring outside professional practice which brought the profession into disrepute. He emphasised that misconduct need not be directly connected with the exercise of professional skills.

234. Mr Edwards accepted that the threshold for misconduct was high. Referring to *PSA v HCPC and Howd*, he submitted that misconduct must involve conduct of sufficient gravity and would not ordinarily encompass matters that were trivial, inconsequential, a temporary lapse, or otherwise excusable or forgivable. He further submitted that the

panel should assess the conduct by reference to the circumstances prevailing at the time, rather than with the benefit of hindsight.

235. Turning to the applicable professional standards, Mr Edwards acknowledged that the conduct predated December 2019 and that some of the events occurred before Ms Onigbanjo's registration as a social worker. Nevertheless, he submitted that the relevant standards either applied at the material time or represented standards to which Ms Onigbanjo should reasonably have been held, particularly as she was undertaking social work training.

236. He referred to the HCPC Standards of Conduct, Performance and Ethics (2012), particularly standard 3, requiring high standards of personal conduct, and standard 13, requiring honesty and integrity and conduct which did not undermine public confidence in the profession. He also relied upon standard 3.1 of the HCPC Standards of Proficiency for Social Workers in England (2012), concerning the maintenance of high standards of personal and professional conduct.

237. Mr Edwards also referred to the earlier public interest decision that the matters should proceed to a hearing and invited the panel to have regard to the relevant principles set out in Social Work England's statement of case.

238. Mr Edwards acknowledged the panel's finding that dishonesty had not been proved. However, he submitted that the panel could nevertheless consider whether the conduct demonstrated a lack of integrity, having regard to its factual findings and the applicable professional standards.

239. In relation to allegation 1(a), Mr Edwards submitted that Ms Onigbanjo had received housing benefit concurrently in respect of two properties for a substantial period after her entitlement had expired. He acknowledged the panel's finding that her understanding of the entitlement, together with the absence of clear evidence that the council had explained the 52-week limitation, was relevant to dishonesty and the subsequent assessment of misconduct. However, he submitted that those circumstances did not alter the fact that she had received housing benefit to which she was not entitled for approximately 8 months.

240. In relation to allegation 2, Mr Edwards acknowledged that the panel had confined its finding to a considerably shorter period of concurrent council tax exemption than originally alleged. Nevertheless, he submitted that Ms Onigbanjo had obtained an exemption to which she was not entitled.

241. Mr Edwards submitted that the conduct established under allegations 1 and 2 involved the receipt of public funds or exemptions through a system intended to assist those in need. He argued that the conduct exposed the council to a risk of financial loss and, notwithstanding the absence of dishonesty, was capable of undermining public confidence in the social work profession and bringing it into disrepute. He submitted that the seriousness of the conduct should be assessed in the context of the panel's findings, including the duration of the housing benefit overpayment.

242. Turning to allegation 3, Mr Edwards referred to the panel's finding that Ms Onigbanjo had failed to provide complete information concerning her previous names and addresses on her DBS application. He placed particular reliance on the panel's characterisation of her conduct as demonstrating a significant lack of care.

243. He submitted that the DBS process performed an important safeguarding function by assisting employers in making safe and compliant recruitment decisions, particularly where individuals would be working with vulnerable children or adults. He argued that Ms Onigbanjo knew, or ought reasonably to have known, the importance of ensuring that the information supplied was complete and accurate, particularly given her previous experience of DBS applications.

244. Mr Edwards submitted that the significant lack of care identified by the panel went beyond a trivial or inconsequential failing, a mere temporary lapse, or conduct that could properly be regarded as excusable or forgivable. He maintained that the omission was sufficiently serious to cross the threshold for misconduct, notwithstanding the panel's finding that it was not dishonest.

245. In conclusion, Mr Edwards submitted that the facts found proved, viewed both individually and cumulatively, represented a significant departure from the professional standards applicable at the material time, or from those reasonably expected of a person training to become a social worker. He invited the panel to find that the conduct amounted to misconduct, having regard to its seriousness, its potential impact on public confidence and the importance of maintaining proper professional standards.

The social worker:

246. Ms March, on behalf of Ms Onigbanjo, submitted that the facts found proved did not amount to misconduct and invited the panel to find that the threshold for serious professional misconduct had not been met.

247. Ms March submitted that misconduct must be sufficiently serious to justify regulatory intervention and that the relevant question was whether fellow professionals would regard the conduct as deplorable. Referring to *Roylance v General Medical Council*, she emphasised that misconduct was qualified in 2 respects: first, it must be professional misconduct, and secondly, it must be serious. Not every departure from professional standards would therefore amount to misconduct.

248. Ms March also relied upon *Remedy UK Ltd v General Medical Council*, acknowledging that conduct outside professional practice could amount to misconduct where it was morally culpable or otherwise disgraceful and brought the profession into disrepute. However, she submitted that where conduct arose entirely within a registrant's private life, a particularly high degree of seriousness was required before it could properly be characterised as professional misconduct.

249. Ms March emphasised that allegations 1 and 2 concerned Ms Onigbanjo's personal circumstances and were wholly unrelated to the exercise of her professional responsibilities. Furthermore, both allegations concerned events which occurred

before she was registered as a social worker. She submitted that an important question was whether conduct occurring before registration, when the individual was not subject to professional regulation, was capable of amounting to professional misconduct. In her submission, the authorities did not clearly establish that such conduct could be treated in the same way as private conduct occurring during registration. She argued that Ms Onigbanjo could not, at the material time, have brought into disrepute a profession of which she was not yet a registered member.

250. Turning to allegation 1, Ms March submitted that the panel had accepted that Ms Onigbanjo genuinely feared violence when she left Property A and that the statutory exception permitted concurrent housing benefit payments during the initial 52-weeks. Consequently, the period during which she received housing benefit without entitlement had been reduced from the 596 days originally alleged to 231 days.

251. Ms March submitted that this substantially reduced the seriousness of the allegation. She placed particular reliance on the panel's finding that Ms Onigbanjo had not acted dishonestly and had genuinely believed that she was entitled to continue receiving housing benefit. She argued that an overlapping housing benefit claim arising from an honest misunderstanding of entitlement, particularly before registration as a social worker, could not reasonably be characterised as serious professional misconduct or conduct bringing the profession into disrepute.

252. In relation to allegation 2, Ms March submitted that the panel had confined its finding concerning concurrent council tax exemptions to approximately one week. She emphasised that Ms Onigbanjo had been a full-time student and that the panel had accepted that she genuinely believed she was entitled to the exemptions. The panel had again rejected dishonesty.

253. Ms March submitted that an honest mistake concerning council tax exemption over such a limited period was neither deplorable nor sufficiently serious to amount to professional misconduct. She reiterated that the conduct occurred in Ms Onigbanjo's private life and before her registration as a social worker.

254. Turning to allegation 3, Ms March acknowledged the panel's finding that the DBS application had been incomplete because not all of Ms Onigbanjo's previous names and addresses had been recorded. She emphasised that Ms Onigbanjo had openly accepted her failure to check the application properly, including before the panel made its findings of fact.

255. Ms March submitted that no harm had resulted from the omissions. She referred to the fact that all of Ms Onigbanjo's previous names appeared on the DBS certificate, which, she argued, demonstrated that sufficient information had been available to enable the DBS to identify Ms Onigbanjo and undertake the necessary checks.

256. She also emphasised the distinction drawn by the panel between incomplete and inaccurate information. Although the panel had found that the application was

incomplete, it had not found that Ms Onigbanjo had provided inaccurate information or acted dishonestly.

257. Ms March accepted that the failure to check the application could be characterised as careless. However, she submitted that such carelessness, in the absence of dishonesty or resulting harm, was not sufficiently serious to constitute professional misconduct. She argued that the omission could not reasonably be regarded as deplorable conduct.

258. Addressing the allegations collectively, Ms March submitted that the conduct remained insufficiently serious to cross the threshold for misconduct. Although allegation 3 concerned a DBS application connected with Ms Onigbanjo's employment, allegations 1 and 2 were entirely unrelated to her professional practice and had occurred before registration. She maintained that the additional seriousness required to elevate private conduct into professional misconduct was absent.

259. Ms March placed particular emphasis on the panel's findings that dishonesty had not been proved in respect of any allegation. She submitted that the conduct found proved amounted to honest mistakes rather than deliberate wrongdoing. Referring again to *Remedy UK Ltd v General Medical Council*, she argued that honest mistakes of the nature established in this case did not meet the threshold for serious professional misconduct.

260. The panel also had before it the documents submitted on behalf of Ms Onigbanjo, including her detailed reflective statement and reflections upon the matters giving rise to the proceedings, together with positive testimonials from colleagues and senior colleagues. These materials were available for the panel's consideration alongside the submissions concerning the nature and seriousness of the facts found proved.

261. In conclusion, Ms March submitted that the allegations, whether considered individually or cumulatively, did not demonstrate conduct sufficiently serious to amount to professional misconduct. She maintained that the findings concerned honest mistakes, without dishonesty, arising predominantly in Ms Onigbanjo's private life and, in respect of allegations 1 and 2, before her registration as a social worker. She invited the panel to conclude that the threshold for misconduct had not been met and to find no misconduct.

Legal advice:

262. The panel accepted the advice of the legal adviser, who advised that whether the facts found proved amounted to misconduct was a matter for the panel's independent professional judgment, rather than a matter subject to a burden or standard of proof, as established in *Council for the Regulation of Health Care Professionals v GMC and Biswas* [2006] EWHC 464 (Admin).

263. The legal adviser reminded the panel that Social Work England's overarching objective was the protection of the public, which included protecting, promoting and maintaining

public health, safety and well-being, promoting and maintaining public confidence in social workers, and promoting and maintaining proper professional standards.

264. The panel was referred to *Roylance v GMC (No 2)* [2000] 1 AC 311, which described misconduct as an act or omission falling short of what would be proper in the circumstances, with the applicable standard of propriety often identified by reference to the relevant professional rules and standards. However, not every departure from professional standards amounted to misconduct. The conduct must be sufficiently serious to justify such a finding.

265. The legal adviser referred to *Solicitors Regulation Authority v Day and Others* [2018] EWHC 2726 (Admin), emphasising the relevance of seriousness, reprehensibility and culpability when assessing professional misconduct. The panel was further reminded of the high threshold of gravity, as reflected in *Khan v Bar Standards Board*, and that trivial or inconsequential behaviour, a mere temporary lapse, or conduct otherwise excusable or forgivable would not ordinarily amount to misconduct.

266. In exercising its judgment, the panel should consider the nature and seriousness of the facts found proved, the relevant professional standards applicable at the material time, whether the conduct was isolated or repeated, its duration, the degree of culpability, and any actual or potential impact on public protection, public confidence and professional standards. The panel should distinguish deliberate or reckless conduct from negligence or inadvertent error and consider whether the conduct represented a sufficiently serious departure from the standards expected of a social worker.

267. The panel was reminded to assess the facts actually found proved, taking account of the circumstances at the material time and without treating allegations not proved, including dishonesty, as established. It should consider the conduct both individually and cumulatively, give appropriate weight to the submissions and evidence, and provide clear reasons for its determination.

268. During its private deliberations, the panel also sought and accepted further advice from the legal adviser concerning *Calhaem v General Medical Council* [2007] EWHC 2606 (Admin), particularly paragraph 39. The legal adviser advised that mere negligence does not ordinarily amount to misconduct, although a particularly serious negligent act or omission may do so. A single negligent act is generally less likely to constitute misconduct than repeated failings, but an isolated incident may nevertheless be sufficiently serious. The panel was reminded that negligence and deficient professional performance are distinct from misconduct, and that the decisive question was whether the particular facts found proved, assessed in their full circumstances, crossed the threshold of seriousness required for misconduct. The absence of dishonesty did not automatically exclude misconduct, just as a finding of carelessness did not automatically establish it.

Panel's decision and reasons on grounds:

269. The panel carefully considered all the evidence and documentation before it, including its findings of fact and the reasons for those findings, the oral submissions of Mr Edwards on behalf of Social Work England and Ms March on behalf of Ms Onigbanjo, and the documents submitted on her behalf, including her detailed reflective statement and positive testimonials from colleagues and senior colleagues.

270. The panel accepted the advice of the legal adviser and reminded itself that whether the facts found proved amounted to misconduct was a matter for its independent professional judgment, rather than a matter subject to a burden or standard of proof, as established in *Council for the Regulation of Health Care Professionals v GMC and Biswas*.

271. The panel had regard to Social Work England's overarching objective of public protection, including protecting, promoting and maintaining the health, safety and well-being of the public, promoting and maintaining public confidence in social workers in England, and promoting and maintaining proper professional standards for social workers in England.

272. The panel considered the principles in *Roylance v GMC*. It recognised that not every departure from professional standards constituted misconduct and that conduct outside professional practice could amount to misconduct where it was sufficiently serious, morally culpable or otherwise disgraceful and capable of bringing the profession into disrepute.

273. The panel also had regard to the high threshold of seriousness required for a finding of misconduct. It recognised that the nature and seriousness of the facts found proved, the degree of culpability and the surrounding circumstances were relevant to its assessment. It further recognised that the absence of dishonesty did not automatically preclude a finding of misconduct.

274. The panel considered each allegation individually before determining whether the facts found proved, viewed cumulatively, amounted to misconduct.

Allegation 1 – Housing benefit:

275. The panel considered its finding that Ms Onigbanjo had received concurrent housing benefit payments without entitlement between 27 May 2013 and 12 January 2014, following the expiry of the statutory 52-week exception.

276. The panel recognised that the receipt of public funds without entitlement was a matter of potential seriousness. Applying the principles in *Remedy UK Ltd v GMC*, it considered whether the facts found proved demonstrated conduct sufficiently morally culpable or otherwise disgraceful to bring the social work profession into disrepute, notwithstanding that the conduct arose outside professional practice.

277. The panel attached particular significance to its findings that Ms Onigbanjo had genuinely feared violence when she left Property A, had been entitled to concurrent housing benefit during the initial 52-weeks and had consistently throughout the whole

period intended to return to that property. It had also accepted that she genuinely believed she remained entitled to the payments after the statutory exception expired.

278. The panel recalled that Ms Onigbanjo had disclosed her circumstances to the council, including her liability for 2 properties, and that there was no evidence she had been informed of the 52-week limitation. It had not found that she made a further claim after that period or knowingly continued receiving payments to which she understood she was not entitled.

279. The panel also noted that, when the overpayment was brought to her attention, Ms Onigbanjo accepted the position and repaid the money in full. It considered this relevant to its assessment of her understanding and culpability.

280. The panel further considered that the original claim commenced before Ms Onigbanjo had begun social work training and arose entirely within her private circumstances, unrelated to the exercise of professional responsibilities. It recognised that pre-registration conduct was not necessarily incapable of amounting to misconduct, but considered that the nature of the conduct and its seriousness remained decisive.

281. Applying the principles in *Roylance* and *Remedy UK*, the panel concluded that the facts found proved did not demonstrate the degree of moral culpability, disgraceful character or seriousness necessary to constitute misconduct. The overpayment arose from a genuine misunderstanding of entitlement rather than deliberate wrongdoing, and the panel was not satisfied that the circumstances were sufficiently serious to bring the profession into disrepute.

282. Accordingly, the panel determined that allegation 1 did not amount to misconduct.

Allegation 2 – council tax exemption:

283. The panel considered its finding that Ms Onigbanjo had received concurrent council tax exemptions without entitlement for a limited period of approximately one week.

284. The panel recognised that the receipt of exemptions without entitlement could potentially raise concerns about public confidence and professional standards. However, applying the principles in *Roylance* and *Remedy UK*, it was required to determine whether the particular facts found proved demonstrated sufficiently serious, morally culpable or disgraceful conduct to constitute misconduct.

285. The panel attached significance to the limited duration of the overlap and its findings that Ms Onigbanjo was a full-time student who genuinely believed she was entitled to the exemptions following the council's assessment of her circumstances. It recalled the evidence concerning her [PRIVATE] occupation of Property A and his council tax liability, together with the uncertainty surrounding the applicable exemptions.

286. The panel had not found that Ms Onigbanjo deliberately misrepresented her circumstances, concealed relevant information or knowingly obtained an exemption to which she was not entitled. It had expressly rejected dishonesty.

287. The panel also noted that the matter arose in Ms Onigbanjo's private life before registration and was unrelated to the exercise of social work responsibilities.

288. Having considered the nature of the facts found proved, the absence of deliberate wrongdoing and the limited period involved, the panel concluded that the conduct did not cross the high threshold of seriousness required for misconduct. It was not satisfied that the circumstances demonstrated morally culpable or disgraceful conduct capable of bringing the profession into disrepute.

289. Accordingly, the panel determined that allegation 2 did not amount to misconduct.

Allegation 3 – DBS application:

290. The panel considered allegation 3 with particular care, recognising that it arose in connection with Ms Onigbanjo's employment as a newly qualified social worker and concerned the DBS process, which performs an important safeguarding function.

291. The panel recalled its finding that the application was incomplete because not all of Ms Onigbanjo's previous names and addresses had been recorded. It had found that she signed the application without adequately checking its contents, demonstrating a significant lack of care. However, it had not found that she provided inaccurate information or acted dishonestly.

292. The panel recognised the importance of ensuring that DBS applications contained complete information and that applicants were responsible for checking the accuracy and completeness of documents before signing them. It did not minimise the seriousness of signing an incomplete application, particularly in a professional setting involving safeguarding responsibilities.

293. The panel considered whether the significant lack of care it had identified was sufficiently serious to constitute misconduct. It recognised that the importance of the DBS process meant that the omission could not simply be dismissed as trivial or inconsequential.

294. In assessing the degree of culpability, the panel attached considerable weight to the circumstances in which the application had been completed. Ms Onigbanjo was newly qualified and entering her first social work role. The council's established procedure involved an HR employee completing the DBS application on behalf of the applicant, and Ms Osborne had assisted Ms Onigbanjo with that process.

295. The panel considered that Ms Onigbanjo could reasonably have placed some reliance upon the assistance and guidance provided by the employer's recruitment staff. It also recalled the accepted evidence that the process had been undertaken under time pressure. Although those circumstances did not remove her personal responsibility to check the application, they were relevant to assessing the seriousness of her omission.

296. The panel also recalled that Ms Osborne had not given oral evidence and could not recall the particular application. Consequently, it had not been possible to establish precisely what questions had been asked, what information had been provided or how

the omissions arose. The panel did not attribute responsibility for the omissions to Ms Osborne or the council, but considered the employer-led process and the evidential limitations to be relevant contextual factors.

297. The panel acknowledged that Ms Onigbanjo should not have signed the application without checking it and that her failure represented a significant lack of care. It also noted that she had openly accepted this failing and expressed regret.

298. Applying the principles in *Calhaem v General Medical Council*, the panel considered whether Ms Onigbanjo's significant lack of care in signing the incomplete DBS application amounted to negligence of sufficient gravity to constitute misconduct. The panel concluded that her failure was an isolated act of negligence which, although significant given the safeguarding importance of the DBS process, had to be assessed in its particular circumstances.

299. The panel attached weight to the fact that Ms Onigbanjo was a newly qualified social worker participating in an employer-managed application process under time pressure. It also considered her acknowledgment of responsibility, expression of regret and the absence of any finding of dishonesty or deliberate concealment. The panel recognised that neither the absence of dishonesty nor the absence of demonstrated harm was determinative, and that a single negligent act could constitute misconduct if sufficiently grave.

300. Having assessed the nature and seriousness of the omission, the degree of culpability and the surrounding circumstances, the panel concluded that, although Ms Onigbanjo's conduct fell below the standard of care expected of a social worker, it did not cross the high threshold required for professional misconduct.

301. Accordingly, the panel determined that allegation 3 did not amount to misconduct.

302. Having considered each allegation individually, the panel stood back and considered whether the facts found proved, taken cumulatively, amounted to misconduct.

303. The panel recognised the importance of public confidence, proper professional standards, the responsible receipt of public benefits and the integrity of safeguarding processes. However, it considered that the seriousness of the facts found proved had to be assessed in light of its findings concerning Ms Onigbanjo's genuine beliefs, the absence of dishonesty and the circumstances surrounding each allegation.

304. In relation to allegations 1 and 2, the panel concluded that the facts found proved arose from honest misunderstandings concerning entitlement, within Ms Onigbanjo's private circumstances and before her registration as a social worker. Applying *Remedy UK*, it was not satisfied that those matters demonstrated the moral culpability or seriousness required to constitute misconduct.

305. In relation to allegation 3, the panel found that Ms Onigbanjo's failure to check the DBS application amounted to an isolated act of negligence. However, applying the

principles in *Calhaem*, it concluded that the omission, assessed in its particular circumstances, was not sufficiently grave to constitute misconduct.

306. The panel considered whether the combination of the established matters altered its assessment. It concluded that, even when viewed cumulatively, the facts found proved did not demonstrate a sufficiently serious departure from the standards expected of a social worker or conduct sufficiently serious to bring the profession into disrepute.

307. Having exercised its independent professional judgment, and taking account of all the evidence, submissions, applicable legal principles and professional standards, the panel determined that the facts found proved, whether considered individually or cumulatively, did not amount to misconduct.

The Professional Standards Authority:

308. 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.