

Notice of Decision of the Northern Ireland Social Care Council's Fitness to Practise Committee

REDACTED

Name: **Conor Paul Steele**

SCR No: **6004089**

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **30 and 31 May 2023**, made the following decision about your registration with the Northern Ireland Social Care Council:

The Committee found the facts proved;

The Committee found that your fitness to practise is impaired by reason of your misconduct.

The Committee decided to make an Order suspending your registration for a specified period of two years ('a Suspension Order').

Particulars of the Allegation:

That, whilst being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst working as a Qualified Social Worker - Senior Practitioner for Belfast Health and Social Care Trust (employer): -

- | | |
|----|--|
| 1. | On or between 27 September 2020 and 9 November 2020, you exchanged explicit and inappropriate text messages with a Service User. |
| 2. | You sent an explicit and inappropriate image, which is dated 04 June 2020, to a Service User on a date unknown. |
| 3. | You sent five further explicit and inappropriate images to a Service User on dates unknown. |
| 4. | You sent three explicit and inappropriate videos to a Service User. |
| 5. | You conducted an inappropriate relationship with a Service User. |

And your actions as set out above show that your fitness to practise is impaired by reason of your misconduct.

Preliminary Matters

The Registrant was in attendance and represented himself. The Council was represented by Mr Kevin Hegarty, Solicitor, Tughans Solicitors.

Declarations of Conflict of Interest

The Chair of the Committee advised that none of the Committee Members had any conflict of interest with this case.

Application to Admit Hearing Bundle

The Committee accepted the hearing bundle into evidence, and marked it as Exhibit 1.

Application for the Hearing to be Conducted in Private

The Committee heard an application from the Registrant for the entirety of the hearing to be conducted in private. The Registrant stated that this was because, in the course of the hearing, the Committee would hear evidence which touched upon his private life and health.

Mr Hegarty did not oppose the application, but submitted that it was appropriate for the Committee to convene in private only when considering the Registrant's private life and health. He submitted that the remainder of the hearing should be conducted in public.

The Committee heard and accepted the Legal Adviser's advice. In the course of that advice, the Legal Adviser referred the Committee to Paragraph 10 of Schedule 2 of the Northern Ireland Social Care Council Fitness to Practise (Amendment) Rules 2019 ('the Rules'). The Legal Adviser reminded the Committee of the need to balance the Registrant's interests together with the public interest. He also referred the Committee to the 'open justice' principle when considering the Registrant's application.

The Committee, having carefully considered the matter, decided that it would be appropriate to sit in private in the course of the proceedings when the Registrant's private life and health were being considered. However, having accepted the Legal Adviser's advice, the Committee was of the view that the remainder of the hearing should be conducted in public.

Evidence

The Registrant told the Committee that he admitted the facts of the Allegation.

Mr Hegarty referred the Committee to the Agreed Statement of Facts, signed by the Registrant and the Council, which stated:

- 1. The Registrant is registered on Part 1 of the Register as a qualified Social Worker. The Registrant was employed as a Social Worker by the Belfast Health and Social Care Trust during the relevant period in respect of the Particulars of Allegation. He was based in Arches Wellbeing and Treatment Centre, Westminster Avenue North, Belfast, BT4 1QQ, and had been a BHSCCT employee since 2016, holding the*

post of Senior Practitioner since January 2020. The work focus was working with families and children in need, children on the child protection register and Looked After Children.

2. *During the period that the Registrant was the appointed Social Worker for the Service User and her child, the Registrant engaged in an inappropriate relationship with the Service User and sent the Service User material, in the form of text messages, images and videos, which was explicit and inappropriate.*
3. *Copies of the text messages exchanged between the Registrant and the Service User between 27 September 2020 and 9 November 2020 are attached to this Statement of Facts and marked Appendix 1.*
4. *The Registrant sent an image of himself to the Service User, which was dated 4 June 2020, which was explicit and inappropriate. A description of this image is contained at Appendix 2 to this Statement of Facts, the image being noted as image one. A copy of the image is contained within the bundle of images at Appendix 3, noted as image one.*
5. *On dates unknown, the Registrant sent a further 5 images and 3 videos to the Service User which were explicit and inappropriate. Descriptions of these images and videos are contained at Appendix 2 to this Statement of Facts, numbered images 2-6, and videos 1-3. A copy of the images numbered 2-6 can be found within Appendix 3.*
6. *The Registrant's actions as set out at paragraph 2 - 5 above amount to misconduct.*

Finding of Facts

The Committee heard and accepted the Legal Adviser's advice and, in particular, his advice in relation to the proper approach to considering the Agreed Statement of Facts.

In accordance with Paragraph 19 of Schedule 2 of the Rules, the Committee found the facts of the Allegation proved by reason of the Agreed Statement of Facts, which it marked as Exhibit 2.

Adjournment Application - 30 May 2023

Following the handing down of its decision on the facts, but prior to considering the question of impairment, the Registrant made an adjournment application to the Committee. The Registrant accepted that he had not given the proceedings a proper consideration and had felt overwhelmed by them. Having considered his position at the hearing, the Registrant indicated that he wished for the Committee to have the fullest possible picture about him before deciding the question of impairment. In that regard, the Registrant advised the Committee that he would require time to prepare written submissions. In addition, the Registrant indicated that he wanted to contact a professional social work colleague, acquainted with his practice, to provide a written character reference on his behalf.

Mr Hegarty opposed the adjournment application. He referred the Committee to the relevant provisions in the Rules, which obliged a registrant to serve documentation to be relied upon at a substantive hearing at least 21 days prior to the hearing. This provision was also brought to the Registrant's attention in the Notice of Hearing,

dated 21 May 2023, served upon him in this case by the Council. Mr Hegarty also queried whether the character reference referred to by the Registrant in his submissions was appropriate at this stage. He suggested that it might be better submitted at the sanction stage of the proceedings. Being mindful of the need to conduct the hearing fairly, Mr Hegarty stated that the Council would be agreeable to a short adjournment of several hours on today's date to enable the Registrant to compile his written submissions.

The Committee heard and accepted the Legal Adviser's advice. In the course of that advice, the Legal Adviser reminded the Committee of Paragraphs 9 and 14 of Schedule 2 of the Rules. In essence, these provisions permit a significant degree of discretion and the Legal Adviser reminded the Committee of its need to act fairly. The Legal Adviser also referred the Committee to the factors identified in CPS v Picton (2006) EWHC 1108, in respect of the proper approach to be adopted when considering adjournment applications.

The Committee, on balance, decided to grant an adjournment of the hearing. While the decision to adjourn the hearing was regrettable, the hearing having been scheduled for two days, the Committee considered that fairness to the Registrant, who was unrepresented, was a prime consideration. The Committee concluded that a failure to adjourn at this stage of the proceedings could give rise to a real prejudice, and prevent the Registrant from presenting his case to best effect. However, the Committee was mindful of the need to act in the public interest and to conduct the hearing expeditiously. Balancing those factors, the Committee decided that it was appropriate to grant the adjournment with the following conditions:

1. Any written submissions, and any character references on the question of impairment, should be emailed by the Registrant to the Council no later than by 9 am on Wednesday 31 May 2023; and
2. The hearing will re-commence promptly at 9.30 am on Wednesday 31 May 2023.

Fitness to Practise

Mr Hegarty submitted that on grounds of public protection and in the public interest, the Committee should make a finding that the Registrant's fitness to practise is currently impaired by reason of his admitted misconduct.

The Committee accepted a written submission from the Registrant, [REDACTED], and marked it as Exhibit 3. The Committee also heard evidence from the Registrant. He described the inappropriate contact which he had with the service user in question, which formed the basis of the Allegation. [REDACTED].

Presently, the Registrant stated that he was not working in a social work setting. He had spent some time working in an office with no public interaction. [REDACTED].

As a social worker he was aware of the need, both inside and outside the working environment, to adhere in future to the highest professional standards. The Registrant acknowledged that his actions had the potential to cause serious damage to the reputation of the social work profession and undermine proper professional standards. [REDACTED].

The Committee accepted the advice of the Legal Adviser. He referred the Committee to Paragraph 24 of Schedule 2 of the Rules, and the requirements as set out in the case of Cohen v GMC [2008] EWHC 581. He

also referred the Committee to the cases of Roylance v GMC No 2 [2001] AC 311 and CHRE v NMC & Grant [2001]EWHC 927.

The Committee considered whether the Registrant's fitness to practise was currently impaired by reason of his misconduct, as set out in the Particulars of the Allegation.

The Committee, in considering the issue of current impairment of fitness to practise, took account of Paragraph 24 (3) of Schedule 2 of the Rules which states that it should have regard to:

- (a) whether it is satisfied as to the reason for the alleged impairment of fitness to practise;
- (b) the Standards of Conduct and Practice issued by the Council under Section 9 of the Act;
- (c) whether the impairment is capable of remediation;
- (d) whether the impairment has been remediated;
- (e) the risk of repetition; and
- (f) the public interest.

The Committee first considered whether the facts found proved amount to misconduct. The Committee determined that the facts admitted and found proved involved the Registrant sending explicit images and videos to a service user in his care. He had engaged in an inappropriate relationship with the same service user. By his actions, the Committee was satisfied that the Registrant had breached the following Standards of Conduct:

Standard 1: As a social worker, you must protect the rights and promote the interests and wellbeing of service users and carers. This includes:

- 1.2 Treating people with consideration, respect and compassion; and
- 1.8 Respecting and maintaining the dignity and privacy of service users.

Standard 2: As a social worker, you must strive to establish and maintain the trust and confidence of service users and carers. This includes:

- 2.2 Communicating in an appropriate, open, accurate and straightforward way; and
- 2.8 Declaring issues that might create conflicts of interest and making sure that they do not influence your judgement or practice.

Standard 3: As a social worker, you must promote the autonomy of service users while safeguarding them as far as possible from danger or harm. This includes:

- 3.4 Bringing to the attention of your employer or the appropriate authority, without delay, resource or operational difficulties that might get in the way of the delivery of safe practice;
- 3.7 Recognising and using responsibly with service users and carers, the power that comes from your work role.

Standard 5: As a social worker, you must uphold public trust and confidence in social work services. In particular you must not:

- 5.1 Abuse, neglect or harm service users, carers or colleagues;
- 5.2 Exploit service users, carers or colleagues in any way;
- 5.3 Abuse the trust of service users and carers or the access you have to personal information about them or to their property, home or workplace;
- 5.4 Form inappropriate personal relationships with service users;
- 5.5 Discriminate unlawfully or unjustifiably against service users, carers or colleagues;
- 5.7 Put yourself or other people at unnecessary risk;
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services;
- 5.9 Use social media or social networking sites or other forms of electronic communication in a way that contravenes professional boundaries, organisational guidelines or NISCC standards.

Standard 6: As a social worker, you must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills. This includes:

- 6.1 Meeting relevant standards of practice and working in a lawful, safe and effective way;
- 6.5 Informing your employer or the appropriate authority in a timely manner about any personal difficulties that might affect your ability to do your job competently and safely;
- 6.7 Seeking assistance from your employer or the appropriate authority if you do not feel able or adequately prepared to carry out any aspect of your work, or you are not sure about how to proceed in a work matter;
- 6.10 Making service users and carers aware of your responsibilities within the NISCC standards of conduct;
- 6.11 Being open and honest with people if things go wrong, including providing a full and prompt explanation to your employer of what has happened.

The Committee considered that the Registrant's actions, which were serious, fell significantly below the standards to be expected of a registered social worker in the circumstances, and amounted to misconduct.

The Committee first considered whether the Registrant's misconduct was capable of remedy. In principle, with evidence of full insight and remediation, the Committee accepted that the type of misconduct in which the Registrant had engaged was capable of remedy.

The Committee next considered whether, in fact, the Registrant had remedied his misconduct. The Committee had careful regard to the Registrant's evidence. It was clear that the Registrant understood the very serious

nature of the misconduct in which he had engaged. He recognised that his actions had caused harm to the service user and had the potential to undermine the public interest, which included the need to maintain proper standards and the reputation of the social work profession. There was also some evidence [REDACTED]. Taking these factors into consideration, the Committee concluded that the Registrant had demonstrated some evidence of insight into the gravity of his misconduct. However, whilst he was [REDACTED], the Committee noted that the Registrant had provided written submissions only after the substantive hearing had commenced. The Committee concluded that, whilst insightful, the Registrant's insight was still developing.

The Committee also carefully considered the risk of repetition of the Registrant's misconduct. The Committee noted the Registrant's limited insight, and that for a considerable period he had not been in a busy or stressful working environment. [REDACTED]. On that basis, the Committee could not be sure that if confronted with similar stressful circumstances in the future, the Registrant would not repeat his misconduct. Accordingly, the Committee was of the view that there was a real risk of repetition in this case.

The Committee concluded that a finding of current impairment of the Registrant's fitness to practise was needed to protect the public in general, and service users in particular.

The Committee also considered the public interest, which included public protection but also comprised broader concepts such as the need to declare and uphold proper standards of conduct and maintain the reputation of the social work profession. Having regard to the seriousness of the misconduct established in this case, the Committee was of the view that a failure to make a finding of current impairment of the Registrant's fitness to practise would undermine the public's trust and confidence in the social work profession. Further, not to make a finding of current impairment on public interest grounds would also fail to declare and uphold proper standards of conduct in the social work profession.

The Committee concluded that a finding of current impairment of the Registrant's fitness to practise was required in order to uphold and protect the public interest.

For these reasons, the Committee has decided, on public protection and public interest grounds, that the Registrant's fitness to practise is currently impaired by reason of his misconduct.

Sanction

The Committee heard a submission from Mr Hegarty on behalf of the Council on the question of what sanction, if any, should be imposed on the Registrant's registration.

Mr Hegarty submitted that given the seriousness of the misconduct, the only appropriate and proportionate sanction to impose was a Removal Order.

The Registrant submitted that a Suspension Order was the more appropriate sanction to impose. In that regard, he asked the Committee to take into account the circumstances against which the misconduct arose, operative issues in his private life at the time and the rehabilitative steps which he had taken to ensure that there was no repetition of the misconduct.

The Committee heard and accepted the Legal Adviser's advice. He set out the range of available sanctions which were provided for by Paragraph 26 of Schedule 2 of the Rules. In summary, the Committee could impose no sanction, warn the Registrant for a period of up to five years, make a Conditions of Practice Order not to exceed three years, make a Suspension Order not to exceed two years, or make a Removal Order. The Legal Adviser also reminded the Committee to pay due regard to the Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees 2017 ('the Guidance') published by the Council.

The Committee was reminded that the purpose of a sanction was not to be punitive, although a sanction could have a punitive effect. Instead, in its consideration of a sanction, the Committee should have at the forefront of its mind the need to protect the public and the public interest. The Legal Adviser also reminded the Committee that it should act proportionately, and that any measure taken to restrict the fundamental right of the Registrant to practise in the social care setting should be no more than what was necessary in the public interest.

The Committee carefully considered all of the available documentary material, together with the oral submissions of Mr Hegarty and the Registrant.

At the outset of its deliberations, the Committee considered the mitigating and aggravating factors.

The Committee identified the following aggravating factors:

- The misconduct was not isolated – it occurred over a prolonged period, was premeditated and deliberate;
- There was evidence of actual harm caused to the service user;
- Abuse of position / trust;
- Serious disregard for applicable Standards; and
- The misconduct took place in the course of the Registrant's employment.

The Committee identified the following mitigating factors:

- Previous good history / good character;
- Co-operation and engagement in disciplinary and regulatory proceedings, which included availing of the Trust's counselling service;
- Early admission of facts, misconduct and impairment at the hearing;
- Evidence of developing insight;
- Genuine expression of regret and remorse for actions; and
- Evidence that issues connecting to the Registrant's private life had contributed to the misconduct.

Having considered the aggravating and mitigating factors, the Committee went on to consider the range of available sanctions in ascending order of severity.

No sanction - the Committee was in no doubt that it would be inappropriate to impose no sanction in this case. To adopt such a course, in the Committee's view, would be wholly inadequate to protect the public and to uphold the public interest.

Warning - the Committee considered the issue of a Warning in this case. Issuing a Warning would permit the Registrant to return immediately to unrestricted practice. Such a sanction was recognised to be appropriate in relation to misconduct at the lowest end of the spectrum of seriousness. This was not such a case. Imposing a Warning would be inadequate to protect the public and insufficient to uphold the public interest.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. The Committee noted the Guidance at Paragraph 4.13, which states that conditions may be appropriate in cases involving particular areas of a registrant's performance, and where a Committee is satisfied that a registrant had displayed insight into their failings, and that there is potential for that registrant to respond positively to remediation, re-training or supervision of their work. In this case, the regulatory concern did not involve any deficiency in the ability of the Registrant to practise effectively. The Committee, therefore, concluded that a Conditions of Practice Order was inappropriate to address the misconduct established in this case. In addition, the Committee decided that the seriousness of the misconduct was such that the public would not be protected, nor would the public interest be upheld, by the imposition of a Conditions of Practice Order.

Suspension Order – the Committee next considered a Suspension Order. The Committee took into account the Guidance, at Para 4.19 which states: '*Suspension from the Register may be an appropriate sanction for impairment which while very serious, is not so serious as to justify removal from the Register; for example, where there has been an acknowledgment of failings and where a committee is satisfied that the behaviour is unlikely to be repeated*'.

The Registrant engaged, over a prolonged period, in seriously reprehensible behaviour. He exchanged messages of a sexually explicit and inappropriate nature with a vulnerable service user in his care. The Registrant's trusted position as a social worker permitted him to have contact with the service user. He abused the trust placed in him to conduct himself in a manner which crossed the professional boundary which ought to have existed between him and the service user. Rather than report his actions to his employer, the Registrant instead persisted in his actions and, at least initially, attempted to deny that he had acted inappropriately when the matter was the subject of an investigation by his employer. Set against this, however, the Registrant gave evidence that, at the material time, a combination of factors [REDACTED] had contributed significantly to his actions. The Registrant provided evidence as to steps which he would take to avoid a repetition of the misconduct in the future, and the Committee found that he had demonstrated limited, although developing, insight into the seriousness of his failings. The Committee also placed some weight on the fact that, with the exception of this extremely serious episode, there was no evidence to contradict the Registrant's assertion that he was otherwise a safe and effective practitioner.

By a narrow margin, the Committee decided that the Registrant's conduct, while extremely serious, was not such as to be fundamentally incompatible with continuing to be a registered as a social worker. The Committee was of the view that a Suspension Order would properly mark the seriousness of the Registrant's failings. In addition, a Suspension Order would convey a clear public message to the Registrant, the social work profession and the public as to the importance of adhering to fundamental standards of professional conduct at all times in the future.

To reflect the seriousness of the misconduct, the Committee decided that the appropriate duration for the Suspension Order was for a period of two years. In addition, during this time the Committee considered that, at any review of the Suspension Order, a future reviewing Committee would be assisted by the Registrant providing [REDACTED] evidence to demonstrate his remediation and ability to cope appropriately in a stressful working environment. Any such review would also be assisted by a written reflection undertaken by the Registrant in relation to the seriousness of the misconduct in this case, and steps put in place by the Registrant to prevent repetition. Although this Committee has no power under the Rules to order a mandatory review of the Suspension Order which it has made, it seemed clear to the Committee that any such review ought to be undertaken by a Committee, given the seriousness of the misconduct identified in this case.

Removal Order - the Committee considered whether a Removal Order would be appropriate. In so doing, the Committee recalled that a Removal Order was the sanction of last resort, in circumstances where no lesser sanction would be appropriate to protect the public and uphold the public interest. The Committee noted that while some of the factors listed in the Guidance which would make a Removal Order appropriate were present in this case, the lesser sanction of suspension would protect the public and uphold the public interest while, at the same time, affording the Registrant the opportunity to address the deficiencies identified by the Committee in advance of any review of the Suspension Order.

Having considered the matter very carefully, the Committee was persuaded, on balance, that a Removal Order at this stage would not be appropriate or proportionate.

The Committee also decided that the Interim Suspension Order currently in place should be revoked and replaced with a Suspension Order with immediate effect.

You have the right to appeal this decision to the Care Tribunal. Any appeal must be lodged in writing within 28 days from the date of this Notice of Decision.

You should note that the Fitness to Practise Committee's decision takes effect from the date upon which it was made.

The effect of this decision is that your entry in the Register has been suspended for a specified period of two years and you may not practise as a social worker during the period 31 May 2023 to 30 May 2025 inclusive.

It is compulsory for all qualified social workers to be registered with the Northern Ireland Social Care Council in order to work. If you practise as a qualified social worker while the Order is in place, you will be guilty of an offence pursuant to Article 8 of the Health and Personal Social Services Act (Northern Ireland) 2001. Article 8 states that if a person who is not registered as a social worker in any relevant Register takes or uses the title of social worker or any description implying that s/he is registered as a social worker, or in any way holds him/herself out as registered, s/he is guilty of an offence.

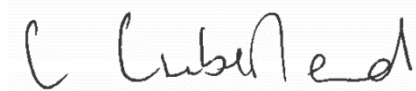
Early Review

The Fitness to Practise Committee may, at your request, review the Order before the end of the period for which the suspension has been imposed if there has been a material change of circumstances since the Order was imposed. The Committee may, after reviewing a Suspension Order, revoke that Order or replace that Order with a Conditions of Practice Order.

Review at Conclusion of Sanction

A review of your fitness to practise will be undertaken towards the end of the period for which the Suspension Order has been imposed. The Council will write to you no later than 12 weeks before the expiry of the Order to invite you to submit any information or documentation which you would like to have considered as part of the review process. The review will consider the particular concerns which have been outlined above by the Fitness to Practise Committee, and will seek to ascertain what remedial steps you have taken during the period of your suspension.

Following the Council's review, the matter may be referred for review by the Fitness to Practise Committee. If the Committee reviews the Order and it is satisfied that your fitness to practise remains impaired, it may impose a further Order to commence upon expiry of the existing Order, or it may impose a Conditions of Practice Order to commence upon expiry of the existing Order, or it may vary the terms of the existing Order, or it may revoke the existing Order and impose a Removal Order.



Committee Manager

06 June 2023

Date