



NOTICE OF DECISION OF THE CONDUCT COMMITTEE

To: Ms Julie Andrews

Registration No: 1019722

To:

- (1) The Registrant**
- (2) The General Social Care Council**
- (3) The Complainant**
- (4) The Employer (if any)**

NOTICE IS HEREBY GIVEN THAT the Conduct Committee of the General Social Care Council at its meeting on 22 September 2009 made the following decision about the Registrant's Registration with the General Social Care Council:

Allegation

That on 3rd November 2008, you [the Registrant] were convicted of:

1. Obtaining property by deception
2. Dishonestly making a false representation

And in relation to the above, you have committed misconduct.

STAGE 1: PRELIMINARIES

Application to hear evidence in public or private

Prior to the commencement of the Hearing, the Registrant had indicated to both the Presenting Officer and the Legal Adviser that she wished to raise issues regarding whether her health had caused or substantially contributed to the misconduct.

FINDINGS OF FACT

The Registrant admitted the facts in the allegation. The Committee found all the facts in the allegation proven.

STAGE 2: MISCONDUCT

The Committee accepted the Registrant's admission that her conviction on 3 November 2008 for obtaining property by deception and dishonestly making a false representation for gain amounted to misconduct. The Committee noted that Paragraph 2.1 of the General Social Care Council (GSCC – 'the Council') Codes of Practice refer to a social care worker as being honest and trustworthy. This conviction which covered offences committed over a period of two and a half years and which was described by the sentencing Judge as a "carefully considered and planned fraud", went fundamentally to the Registrant's honesty and trustworthiness.

Once that admission had been made, the Registrant requested that the Hearing take place in private.

Advice from the Legal Adviser on the application for hearing in private:

The Committee could exercise its power pursuant to Schedule 2, Paragraph 9 of the 2008 (Conduct) Rules to exclude any persons not connected with the Hearing whilst the Parties make their respective submissions on whether the Health or Conduct Procedure should be followed.

The Committee's decision is as follows:

The Committee accepted this advice and excluded any person not connected with the Hearing from being present whilst submissions were made on whether the Conduct or Health Procedure should be followed.

Advice from the Legal Adviser on Conduct or Health Procedure:

The Committee must be satisfied that the misconduct has been caused by, or substantially contributed to by, the Registrant's physical or mental ill-health before it can proceed with the Health Procedure. This is an exercise of judgement as there is no formal burden or standard of proof at this stage.

The Committee's decision is as follows:

Both the Presenting Officer and the Registrant took the Committee to a medical report, pre-sentence report, letter written to the Judge by the Registrant and the Judge's sentencing remarks. Both Parties made submissions on the question of whether the misconduct was caused by, or substantially contributed to by, the Registrant's ill-health.

The Committee decided that it would follow the Conduct Procedure at this stage. The Committee noted that the conviction related to dishonesty between June 2005 and March 2008. It had heard no evidence nor seen any material which supported the contention that the misconduct was caused, or substantially contributed to, by the Registrant's ill-health.

STAGE 3: MITIGATION AND SANCTION

Advice from the Legal Adviser:

The Committee is entitled to have regard to the Indicative Sanctions Guidelines including the aggravating and mitigating factors set out therein. These factors are not definitive but give the Committee an indication of the considerations that they ought to bear in mind when arriving at any conclusion on the appropriate sanction to impose today.

The Council points to the high value, the high frequency and the planned nature of the dishonesty as aggravating the misconduct. The Registrant points to the fact that the dishonesty was unrelated to her work, that she has demonstrated insight into her behaviour and changed her behaviour as a result, the fact that she has at least offered to pay back the money and that she did not deliberately target vulnerable individuals as mitigating factors. Although the Registrant submits that the dishonesty was not planned, the Committee is bound by virtue of Schedule 2, paragraph 11(5) of the 2008 Rules by any findings of fact of any UK criminal court.

The Committee must take into account the following four factors when determining sanction:

1. The seriousness of the Registrant's misconduct
2. The protection of the public
3. The public interest in maintaining confidence in social care services
4. Proportionality.

The Committee should adopt a "bottom-up" approach by considering first whether no sanction is appropriate. It is only if no sanction is considered inappropriate that the Committee should then go on to consider admonishment. Likewise, only once the Committee has concluded that either admonishment or suspension is insufficient should the Committee make an Order for removal of the Registrant.

The Committee should bear in mind that the Registrant has no disciplinary record and the testimonials, including an addendum by the Registrant's son, which have been provided.

Having accepted this legal advice, the Committee's decision was as follows:

The Committee decided to make a removal order

The reasons for the Committee's decision are as follows:

The Council submitted that there were a number of aggravating features in this case. In particular, the Council points to the high value, the high frequency and the planned nature of the dishonesty as aggravating the misconduct. The Council referred to a number of paragraphs from the Codes of Practice when highlighting the incompatibility of the Registrant's continued registration. The Council submitted that the misconduct was towards the higher end of the spectrum and that the only appropriate sanction was removal from the Register.

The Committee heard evidence from the Registrant, some of it in private session, and read a number of documents submitted in support of the Registrant including a medical report, pre-sentence report and testimonials. The Registrant pointed to the fact that the dishonesty was unrelated to her work, that she has demonstrated insight into her behaviour and changed her behaviour as a result and that she did not deliberately target vulnerable individuals as mitigating factors.

The Committee took into account, in favour of the Registrant, the positive testimonials, her clean disciplinary record, her commitment to the profession, the work that she has done through the New Deal with a local Citizens Advice Bureau and her recent employment as an outreach worker, her remorse and personal background.

However, the offences of dishonesty were serious. The sentencing Judge found as a fact that the offences were committed over a period of two and a half years, that this was a carefully considered and planned fraud upon the local authority involving the submission of false financial information in order to maintain the pretence that funds were being used to pay for carers when they were not. The fraud amounted to over £25,000 and the Judge found that the Registrant was not entitled to have that money.

The Codes of Practice govern all social workers. Paragraph 2.1 required the Registrant to be honest and trustworthy and paragraph 5.8 required the Registrant not to behave in a way, in work or outside work, which would call into question her suitability to work in social care services.

The Committee noted that the Registrant remains on licence until April 2010 (i.e. when her fifteen month custodial sentence expires). Many users of social

care services rely on local authority benefits and are likely to view the Registrant's misconduct with particular concern. The Committee considered that the nature and degree of the dishonest conduct by the Registrant was fundamentally incompatible with continuing to be a registered social worker.

Bearing in mind all of the above, the Committee concluded that suspension was inappropriate and that removal was the only suitable order. In particular, the Committee considered that such an order was necessary in order to maintain public confidence in social care services, and was the only proportionate order to make in the circumstances.

This sanction shall take immediate effect.

This decision shall take effect immediately, in accordance with paragraph 25(4) of Schedule 2 to the Rules.

The effect of this decision is that you are removed from the Register and must not practise as a social worker, or purport to be a registered social worker able to practise while the order is in place. To do so may result in prosecution. This is in accordance with Part IV(61) of the Care Standards Act 2000.

The Registrant has a right to appeal to the Health, Education and Social Chamber of the First-tier Tribunal against this Decision no later than 28 days of service of Notice of it.

(Service is treated as having taken place on the day after this Notice was posted by registered post or recorded delivery)

Signed.....

Clerk to the Conduct Committee

Dated.....