



NOTICE OF DECISION OF THE CONDUCT COMMITTEE

To:

Name: Paul Martin Carney

Address:

Registration No: 1148878

To:

(1) The Registrant

Copied to:

(2) The General Social Care Council

(3) The Complainant

(4) The Employer (if any)

The meeting was held at:

The General Social Care Council, Goldings House, Hay's Lane, London, SE1 2HB

NOTICE IS HEREBY GIVEN THAT the Conduct Committee of the General Social Care Council met on 20 July 2010 to consider the following Allegation against you "the Registrant" as follows:

Between 2 May 2009 and 30 October 2009 you were employed as a Social Worker in the Family Support Team at the Family Support Centre, Civic Centre, Reading.

- 1. Between around 2 May 2009 and 30 May 2009 at Padworth in the County of Berkshire you caused Ms A to fear that violence would be used against her by your course of conduct.**
- 2. You knew or ought to have known that the course of conduct at (1) above would cause fear of violence to Ms A.**

3. **On 6 January 2010 at Reading Magistrates Court you were convicted, following a guilty plea, of Harassment, contrary to section 4(1) and (4) of the Protection from Harassment Act 1997.**
4. **You were sentenced to:**
 - a. **a community order;**
 - b. **a restraining order.**

And in relation to the above facts, you are guilty of Misconduct

STAGE 1: FINDINGS OF FACT – 20 July 2010

Advice from the Legal Adviser:

The Committee was advised that the burden of proof was on the presenting officer and the standard of proof was the balance of probabilities.

The Committee's decision:

The Committee has found the allegation proved.

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

The Registrant admitted all the facts in the allegation and the Committee therefore found that these facts were proved.

STAGE 2: MISCONDUCT – 20 July 2010

Advice from the Legal Adviser:

1. Misconduct is defined in Paragraph 2(1) of Part 1 of the Rules as conduct which calls into question the suitability of a Registrant to remain on the Register.
2. In accordance with Paragraph 23(2) of the Rules, in deciding upon misconduct the Committee shall have regard to the Code of Practice issued by the Council.

The Committee's decision:

The Committee has found Misconduct proved.

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

The Committee found that the facts proved amounted to a course of conduct which involved threats of extreme violence and abusive language towards his wife and her sons and considered this was conduct which called into question

the suitability of the Registrant to remain on the register, and therefore amounted to misconduct.

In reaching this finding the Committee took into account the Code of Practice for Social Care Workers, in particular 5.8 of the Code.

STAGE 3: MITIGATION AND SANCTION – 20 July 2010

Advice from the Legal Adviser:

1. In accordance with Paragraph 25(2) of Schedule 2 of the Rules, the Committee in deciding what sanction is to be imposed upon the Registrant must take into account the following:

1. The seriousness of the proven misconduct;
2. The protection of the public;
3. The public interest in maintaining confidence in social care services;
and
4. The issue of proportionality

2. The Committee should refer to the Indicative Sanctions Guidance in every case after having found misconduct, at the stage when they are considering what sanction, if any, to impose on the Registrant.

3. The Committee should consider each sanction from the least serious before deciding the appropriate sanction in any given case.

The Committee's decision:

The Committee has decided to admonish the Registrant and directs that a record of the admonishment be placed on the Registrant's entry on the Register for a period of 5 years.

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

The Committee took the view that this was serious misconduct, involving as it did a course of conduct of serious threats, including threats to kill his wife and her children.

While this was undoubtedly persistent and deliberate conduct, the Committee considered that this was an uncharacteristic episode of behaviour which took place against the background of the breakdown of the Registrant's marriage, which appears adversely to have affected him. On the evidence it heard, the

Committee did not take the view that this was behaviour that was likely to be repeated.

The Committee did not accept the presenting officer's assertion that the registrant's actions involved, in some way, a way a breach of trust.

On the other hand the Committee noted that Mr Carney had practised as a social worker for 31 years and has an unblemished record. Indeed a character witness called on his behalf, Mr Christopher Kuye, the Registrant's team-manager from Brent Social Services, where he is currently employed, spoke of his experience, professionalism, integrity and good judgment; and said that he was being considered for promotion. The committee also took account of the other testimonials provided by the Registrant.

The Registrant expressed remorse and shame about his actions which the Committee considered to be genuine. The Committee took the view that he had some insight into the nature of his behaviour, albeit not full insight.

Considering the hierarchy of sanctions, the Committee took the view that the misconduct in this case was too serious for it not to impose any sanction. Conversely, the Committee did not consider that this was a case where the nature of the misconduct was such as required the registrant to be removed from the register. In reaching this conclusion the committee considered there were other ways in which the public could be protected other than by removal from the register.

The Committee took the view that the sanctions it ought properly to consider were admonishment and suspension.

Having given the matter close consideration, the Committee decided that suspension was not appropriate in this case. Whereas this was a serious instance of misconduct, the committee observed that there was no evidence of repetition of behaviour and that the registrant had some insight into his conduct. The Committee did not consider that a suspension order was necessary for the protection of the public; or that it was otherwise in the public interest.

Rather the Committee considered that the appropriate sanction in this case was admonishment; and this was proportionate and appropriate. The maximum period of admonishment – 5 years – was considered to be suitable. In reaching this decision the Committee took account of the Registrant's long service and the fact that he was under close supervision by his current employers, Brent Council. The Committee also observed that the Registrant was already subject to stringent conditions following his criminal conviction in January 2010.

You should note that the Conduct Committee's decision took effect from the date upon which it was made.

Independent Safeguarding Authority (ISA)

The ISA has been created to help prevent unsuitable people from working with children and vulnerable adults.

In accordance with the Safeguarding Vulnerable Groups Act 2006 it is the GSCC's duty to refer information to the ISA in relation to certain conduct cases. The GSCC will notify you following the outcome of your hearing if we have referred you to the ISA.

Right of Appeal

The Registrant has a right to appeal to the Health, Education and Social Care 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.....

Chair to the Conduct Committee

Dated.....

Signed.....

Clerk to the Conduct Committee

Dated.....