



NOTICE OF DECISION OF THE CONDUCT COMMITTEE

To:

Name: Mr Steve Simpson

Address:

Registration No: 1044709

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:

CCT Venues-Smithfield, 2 East Poultry Avenue, Smithfield, London, EC1A 4PT

NOTICE IS HEREBY GIVEN THAT the Conduct Committee of the General Social Care Council met on Monday 26 July 2010 to consider the following Allegation against you "the Registrant" as follows:

While employed by Sandwell Metropolitan Borough Council, between 31 July 2008 and 1 December 2008, you:

- 1. Repeatedly used Sandwell Metropolitan Borough Council's computer system to browse websites not required for work purposes, in excess of the limited and responsible personal usage allowed by the Council's Electronic Communications Policy;**
- 2. Repeatedly used Sandwell Metropolitan Borough Council's computer system to access, or attempt to access, websites containing sexually explicit material and images; and,**

3. In relation to allegation 2 above, that accessing or attempted access, was:

- a) Contrary to the Council's Electronic Communications Policy, and,**
- b) Sexually motivated**

And, by virtue of the above, you have committed misconduct.

STAGE 1: PRELIMINARIES – 26 July 2010

1. Attendance at the Hearing

Advice from the Legal Adviser:

The Committee was referred to Rule 14 (1) and (2) of Schedule 2 of the General Social Care Council (Conduct) Rules 2008 (the Rules).

14 (1) Where the Registrant fails to attend and is not represented at the hearing, the Chair of the Committee shall:

- a) require evidence that the Registrant has been served with the Notice of Hearing in accordance with these rules, and that reasonable efforts have been made to inform the Registrant of the hearing; and
- b) inquire whether any reasons for the Registrant's non-attendance have been communicated to the Clerk to the Committee or to the Council

(2) Where the Committee is satisfied that the Notice has been duly served on the Registrant, and that reasonable efforts have been made to inform the Registrant of the hearing it may:

- a) hear and determine the case in the absence of the Registrant; or
- b) adjourn the hearing and give directions.

A Registrant always has a choice as to whether to attend a conduct hearing or not.

The Committee's decision:

The Registrant did not attend the hearing today nor was he represented.

The Committee was satisfied that the Registrant was aware of the hearing today and change of venue. The Registrant had sent in submissions dated 30 June 2010 and also confirmed in a letter dated 14 July 2010 that he would not be attending the hearing today.

The Committee decided to proceed in the absence of the Registrant.

2. The Bundle

Advice from the Legal Adviser:

The bundle had been served upon the Registrant, no objection had been received from him and the Committee is entitled under paragraph 11 of Schedule 2 of the Rules to admit evidence which is or appears relevant to its consideration of the case. It would therefore be entirely appropriate for the Committee now to be provided with the bundle. The weight to be attached to the evidence contained therein will be a matter for the Committee in due course.

The Committee's decision:

The Committee decided to admit the bundle and took time to read the contents.

STAGE 1: FINDINGS OF FACT – 26 July 2010

Advice from the Legal Adviser:

The Committee was reminded of the following provisions:

1. The burden of proof to prove the facts alleged in the Formal Allegation rests on the Council. The standard of proof is on the balance of probabilities: Paragraph 12(1) and (2) of Schedule 2 of the Rules.
2. The Committee can attach such weight as it believes appropriate to the evidence it has heard.
3. The Committee should take particular care when considering the position of the Registrant who has not attended at this hearing and who is not represented. In that regard the Committee should carefully consider any documentary evidence within the bundle that deals with the Registrant's case.

The Committee's decision:

The Committee found each part of the allegation proved.

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

The Committee heard evidence from two witnesses called on behalf of the GSCC: Harry Clarke, who was the Investigation Officer appointed by Sandwell Metropolitan Borough Council (SMBC) to carry out an internal investigation in respect of the Registrant's activities, and Diane McKinley, who was the Registrant's line manager at the relevant time.

The Committee found in respect of both Harry Clarke and Diane McKinley that each was a truthful and accurate witness.

The Registrant, whilst choosing not to attend the hearing, did make a number of points in writing which were considered by the Committee. From this, it was apparent that he accepted that he had made excessive use of the SMBC's computer system to browse non-work related websites. However, the Registrant did not accept that he had either accessed or attempted to access websites containing sexually explicit material.

The Committee was satisfied on the balance of probabilities that the Registrant had spent an excessive amount of time browsing non-work related websites. The evidence gathered by Mr Clarke made it plain that the Registrant would not have needed to spend more than perhaps 30 minutes of his working day involved in internet access. The SMBC computer system had monitoring software installed, which revealed that between August and November 2008, the Registrant had accessed the internet for varying periods, some very short, but on other occasion for periods as long as five hours and 26 minutes in any one day.

The Committee noted that in his letter dated 29 March 2010, addressed to the Clerk to the Conduct Committee, the Registrant said,

"As I have indicated from the beginning of this matter, I did use (the computer system) to browse websites not required for work purposes, in excess of the limited usage allowed by the council's electronic communications policy".

Mr Clarke explained the log-on procedures applicable to the Registrant and he also highlighted the fact that when the Registrant was on holiday his log-in was not used at all. In addition Mr Clarke drew attention to the pattern and nature of the sites visited. The Committee was satisfied, on the balance of probabilities, that in light of this evidence, the attempts (some successful) to access sexually inappropriate websites as set out in the "Schedule of Internet Browse Times" dated 14 April 2010, were in fact made by the Registrant. The Committee was satisfied on the evidence adduced at the hearing that this was the only proper inference to draw.

STAGE 2: MISCONDUCT – 26 July 2010

Advice from the Legal Adviser:

1. Misconduct is defined in Rule 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 concluded that the Registrant's activities, particularly in accessing or trying to access sexually explicit websites plainly placed him in breach of paragraph 5.8 of the Code of Practice for Social Care Workers.

STAGE 3: MITIGATION AND SANCTION – 26 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. It is a central function of the Conduct Committee to promote the interests of people who use services and to protect them by ensuring the suitability of Registrants.

4. 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 suspend the Registrant for a period of two years.

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

The Committee had regard to the Indicative Sanctions Guidance for Conduct Committees 2008 and kept in mind the aims of protecting the public, promoting high standards of practice and the need to safeguard public trust and confidence in social care services.

The Committee considered that there were no exceptional circumstances in the case sufficient to justify imposing no sanction at all.

The Committee considered that an admonishment, being the least severe sanction available, was not appropriate, primarily because the behaviour under consideration was not an isolated incident, but a course of conduct spanning at least three months.

The Committee next considered suspension, recognising that this sanction may be used to signal to the social care worker, the profession, and indeed the public, that certain behaviour is simply unacceptable.

The Committee concluded that the Registrant had involved himself over at least a three month period in repeated and on occasions prolonged periods of inappropriate use of his computer. It is right to note that the GSCC has not been able to establish clearly exactly how much time was spent pursuing this activity but it was plainly both excessive and wholly inappropriate.

Throughout the period covered by the allegation the Registrant repeatedly sought to access sexually explicit websites and succeeded in viewing on 61 occasions material found at one particular pornographic website and an escort website 101 times.

The GSCC has not suggested that any user of social care services was put at risk or that any direct harm was caused by the Registrant's activities. He must however have not been able to devote proper attention to his workload. The Committee noted that the Registrant asserted in his written submission that his excessive usage of the internet was partly due to his insufficient workload. However, the Committee did not view this as an acceptable excuse for his conduct.

In all of the circumstances, the Committee concluded that suspension was the proportionate and appropriate sanction to impose.

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

The effect of this decision is that you are suspended from the Register for two years 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.

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.

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.....