



**NOTICE OF DECISION OF THE CONDUCT COMMITTEE**

**To:**

Name: Mr Charles Godfrey Place

Address:

Registration No: 1045414

**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 from 2 September 2010 to 3 September 2010 to consider the following Allegation against you "the Registrant" as follows:

**It is alleged that:**

**Whilst you were employed by the Children and Family Court**

**Advisory and Support Service ("CAFCASS"):**

- 1. On 31 October 2008, you posted a message on the CAFCASS Google Group Forum in which you:**

- (a) referred to a member of staff of CAFCASS as "this unfortunate";**

- (b) criticised the Head of Safeguarding at CAFCASS by implying that she did not care whether or not a member of staff had seen or used a welfare checklist;**
  - (c) stated that CAFCASS had refused judicial proposals to set a longer, more realistic filing time;**
  - (d) implied that CAFCASS had been unable to find agency workers because potential recruits were unwilling to accept CAFCASS conditions of work;**
  - (e) implied that a member of staff, or members of staff, of CAFCASS were dishonest; and**
  - (f) referred to the medical circumstances of a CAFCASS service manager.**
- 2. On 11 November 2008, you sent an e-mail to a group, which included employees of CAFCASS, in which you:**
  - (a) advised the group not to complete an OFSTED questionnaire promptly or at all;**
  - (b) encouraged the group not to cooperate with an OFSTED inspection;**
  - (c) implied that colleagues could not rely on managers in CAFCASS for support during the OFSTED process.**
- 3. In relation to the message referred to in paragraph 1 above and/or the e-mail referred to in paragraph 2 above, the contents, or some of the contents, were**
  - (a) offensive;**
  - (b) insulting;**
  - (c) in particular those referred to in paragraphs 1(c) and 1(d) above, made without your knowing the relevant facts or circumstances;**
  - (d) in particular those referred to in paragraph 1(f) above, inappropriate and/or in breach of confidentiality;**

**(e) in particular those referred to in paragraph 2 above, potentially obstructive to the OFSTED process;**

**(f) in particular those referred to in paragraph 1 above, contrary to guidance provided by your employer in letters dated 17 July 2007 and 3 July 2008.**

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

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## **STAGE 1: PRELIMINARIES – 2 September 2010**

### **1. Application to amend the Formal Allegation**

#### Advice from the Legal Adviser:

In accordance with Paragraph 17 of Schedule 2 of the General Social Care Council Conduct Rules 2008, "the Rules", and subject to the requirements of a fair hearing, the Committee may amend the Formal Allegation at any stage prior to the finding of Misconduct.

Before deciding whether the Formal Allegation should be amended the Committee should first hear representations from the Parties.

In deciding whether to allow the amendment requested the Committee should take into account:

- The reason why the amendment is requested
- The reason why it is requested at this time
- The representations made by the parties
- The nature and extent of the amendment requested and whether it is likely to cause prejudice to the Registrant

#### The Committee's decision:

The Committee allowed the amendment.

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

The Registrant did not object to the amendment which reflected that which was actually written in the email of 13 October 2008. The Committee was satisfied it would not prejudice the Registrant and therefore allowed the amendment. The amendment was as follows:

1. (a) referred to a children's Guardian as "this unfortunate".

## **STAGE 1: FINDINGS OF FACT – 2 September 2010**

Advice from the Legal Adviser:

In accordance with Paragraph 12(1) & (2) of Schedule 2 of the General Social Care Council Conduct Rules 2008 "the Rules", the burden of proof to prove the facts alleged in the Formal Allegation rests on the Council and the standard of proof is on the balance of probabilities.

The Committee can attach such weight as it believes appropriate to the evidence it has heard. The Committee is not bound by the ordinary rules of evidence applicable in civil and criminal proceedings and may therefore consider hearsay evidence. The fact that evidence is hearsay may well affect the weight to be attached to that evidence. Where hearsay evidence is in the form of written documents, particularly business documents, more weight may attach to that evidence than overheard or passed on conversations. The Committee may well attach more weight to such written documents in the absence of any evidence to contradict them. The Committee should treat with caution any documents relied on by the parties where the provenance of the document is not known and/or the document has not been formally produced by a witness.

The Committee should not speculate. The Committee is, however, entitled to draw inferences from the evidence it has heard. That is to say the Committee may come to common sense conclusions from the evidence put before it and draw proper inferences from that evidence.

The Committee do not have to find every part of the formal allegation proved. The Committee must consider each disputed part and decide whether, on the evidence it has heard, that part has been proved or not.

The Committee's decision:

**The Committee found the following Parts of the Allegation proved:**

The stem of Part 1, 1(a) (as amended), 1(c), 1(d), 1(e) and 1(f).

The stem of Part 2 and 2(c).

Part 3(c), 3(d) and 3(f).

The reason for the Committee's decision is as follows:

The Registrant admitted the Parts of the Allegation outlined above and in accordance with Paragraph 18 (2) of Schedule 2 of The Rules the Committee finds those facts proved.

**The Committee found the following Parts of the Allegation not proved:**

Part 1(b)  
Part 2(a) and 2(b)  
Part 3(a), 3(b) and 3(e)

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

In relation to the remaining Parts of the Allegation that were contested, the Committee heard evidence from Peter Mitchell, Head of Service CAF/CASS South West, on behalf of the GSCC and also from the Registrant. The Committee was impressed by Mr Place and found him to be a credible, frank and articulate witness.

The Committee has concluded as follows:

Part 1 (b) – the words “appears to be relatively relaxed” do not suggest “does not care” and the Committee found this part not proved.

Part 2 (a) – on receiving the invitation to complete a questionnaire on behalf of OFSTED, the Registrant was concerned about NAPO members doing this for very valid reasons, including the fact that this was a new part of the OFSTED process. As the elected representative of the Trade Union NAPO, he wanted an opportunity for his members to debate the form before completing it. They had 10 days in which to complete the form and his advice was “do not complete the questionnaire yet”. This did not amount to advising the group not to complete the questionnaire promptly or at all and thus this is not proved.

Part 2 (b) – there was no evidence that the Registrant encouraged the group not to cooperate with the OFSTED inspection and this is not proved.

Part 3 (a) & (b) in so far as it relates to Part 1 (a), the Committee considered this remark was neither offensive nor insulting. This Part is not proved.

Part 3 (e) the Committee was satisfied that the Registrant did nothing that was potentially obstructive to the OFSTED process and even went so far as to request a meeting with the lead inspector to discuss his concerns. This Part is not proved.

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## **STAGE 2: MISCONDUCT – 3 September 2010**

Advice from the Legal Adviser:

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.

The issue of misconduct is an exercise of judgement or assessment of the Committee on the basis of the facts found proven.

In accordance with Paragraph 23(2) of the Rules, in deciding upon the issue of Misconduct the Committee shall have regard to the Code of Practice issued by the Council.

The Committee's decision:

**The Committee decided that the facts found proved did not amount to Misconduct.**

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

Misconduct is conduct which calls into question the suitability of a Registrant to remain on the Register. The Committee considered that there was nothing that the Registrant had admitted that called into question his suitability to remain on the Register.

The Registrant was clearly passionate about his work and candidly admitted that at times he allowed his passion to get the better of him, accepting that some of what he wrote in the posting on the private CAFCASS Google forum was regrettable. He demonstrated insight and empathy and the Committee felt that he would be more cautious in the future when joining in such debates. The debate in this instance had been triggered by the posting of Takki Sulaiman, Head of Communications at CAFCASS on behalf of Elizabeth Hall, Head of Safeguarding at CAFCASS, and the Registrant was one of a number who responded to it. The posting raised issues about the Welfare Check List.

Although he responded to that issue, the Registrant's principle concern was that the information being provided by CAFCASS was misleading in relation to the delays involved in filing court reports. In the paper "CAFCASS at Risk", NAPO had asserted that "*Court reports on disputes between two individuals, normally parents, not involving the local authority, can take six months to compile.*" In the CAFCASS response to the NAPO paper, dated 28 October 2008, it was said that "*no single team in CAFCASS files reports in over 24 weeks, so this contention is misleading*". Although the Registrant did not have access at that time to comprehensive evidence to support his views that CAFCASS was wrong about that, he had been able to obtain such evidence subsequently in the form of emails from Judges and lawyers practising in the Family Court arena in Bristol. They made it very clear that delay was a real problem. He had also been able to obtain statistics from the CAFCASS database showing that in Avon over 30% of reports were taking more than 6 months to file, supporting his assertion that CAFCASS was not being honest about the delays. This was the most serious allegation against the Registrant, but the facts supported the stance taken by the Registrant that CAFCASS had put a dishonest spin on the scale of the problems it faced. Accordingly, this cannot amount to Misconduct and it was legitimate for the Registrant to be critical on this private forum.

Dealing with the specific facts admitted, the Committee found as follows:

1(a) The reference to a children's Guardian as "this unfortunate" was regrettable, as acknowledged by the Registrant, but did not amount to Misconduct.

1(c) The reference to CAFCASS refusing judicial proposals to set a longer, more realistic filing time was a view honestly held by the Registrant and based on a conversation he had with a Family Court Judge in Bristol. He raised it on the CAFCASS Google Forum as a legitimate concern of his. Membership of the Forum was by invitation only. It was a forum established for people working in child care including CAFCASS staff, social workers, Judges, lawyers and academics. The Forum was very carefully moderated to ensure nothing offensive, inappropriate or insulting was posted and this email had clearly passed this test. As already mentioned, the Registrant felt passionate about the issue of delay, and felt that this was a legitimate forum in which to raise his concerns. The Committee agreed and decided that this did not amount to Misconduct.

1(d) The Committee heard from the Registrant that the reference in 1(d) to CAFCASS being unable to find agency workers because potential recruits were unwilling to accept CAFCASS conditions of work, was based on information provided to him by two agency workers who *had* been employed. They had approached the Registrant in his capacity as a NAPO representative because they had concerns about their conditions of employment. This clearly did not amount to Misconduct.

1(e) This has been dealt with in detail above and does not amount to Misconduct.

1(f) The Registrant acknowledged that the reference by him to the medical circumstances of an unnamed CAFCASS service manager was inappropriate and not something he would do again. He had sought the particular manager out to apologise to him but in fact the manager was not remotely concerned and even gave evidence to that effect at the disciplinary hearing held by CAFCASS into the Registrant's behaviour. In any event the reference to health had been a relatively insignificant reference and amounted to no more than saying that a very experienced service manager had been lost to work related stress. The Committee decided that this did not amount to Misconduct.

2(c) The Committee was satisfied that the Registrant had sent the email dated 11 November 2008 in his capacity as an elected NAPO representative to members of NAPO and the advice he had given was entirely appropriate. The Committee decided that this did not amount to Misconduct.

3(c) Since the Committee has concluded that parts 1(c) and 1(d) do not amount to Misconduct, it follows that this part cannot amount to Misconduct either.

3(d) The Registrant accepted that referring to the health of a service manager was not the best thing to do, but in all the circumstances the Committee found that this did not amount to Misconduct.

3(f) The Registrant accepted that he had not entirely followed the guidance given by his employer in 2007 and 2008 in relation to postings in forums. However he said he had learned from that guidance and had tempered his language and was more mindful of his choice of words when posting his comments later in 2008. He showed impressive insight into his behaviour saying that his choice of some words had been regrettable and he would not use them again. The Committee decided this did not amount to Misconduct.

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**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.

*(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.....