



Extract from our commentary on the conduct case of Mr G

“The arguments for continuing proceedings against someone who wishes to leave the register appear to be twofold, one about protecting the public, the other about sanctioning the registrant. Both seem illusory on scrutiny. The GSCC has a duty not to re-register a person who is “not of good character”¹ and its investigatory powers in these circumstances are certainly broad enough to refuse to re-register someone who has left the register voluntarily following an allegation. Our criminal justice system operates an effective system both of plea-bargaining and of offering more lenient sentences in return for a guilty plea. In doing so, it recognises the benefit to the State of avoiding a trial of someone who is willing to proceed straight to being sanctioned. If this is considered to serve justice, and the public, in the case of those whose conduct is considered criminally culpable, it is hard to see why the same principles could not be applied to those whose conduct is considered professionally culpable.

Instead, the GSCC in the middle of these proceedings took on extended powers to artificially maintain people on the register for the purpose of putting them through a conduct process that it cannot foreshorten. These powers² now apply, as they did not before, to anyone who is “the subject of a Complaint”, an amendment that allows any Complainant to effectively put someone’s lives on hold. Most social workers are probably unaware of the extended grip the Council and the Complainant have on their futures in such circumstances.

Unable to see that these proceedings were necessary, either to sanction him or to prevent him from practising, our client is left with the impression that the Council is using the hearing itself “to satisfy public demand for blame or punishment“, which should not be the purpose of regulation.”

1. Section 58(1)(a) [Care Standards Act 2000](#), and see paragraph 8 of [Bradford v The General Social Care Council \[2007\] EWCST 792\(SW-SUS\) \(19 January 2007\)](#), in which it was canvassed that the GSCC’s powers extended to removing someone from the register solely on the grounds that they were no longer of good character, without the need also to make out a public interest or public protection case.

2. Rule 6(4) [General Social Care Council \(Registration\) Rules 2008](#) from 4th March 2008.

CORRESPONDENCE TO: DOLPHIN HOUSE 54 COVENTRY RD BIRMINGHAM B10 ORX

SKYPE: CELTIC-KNOT ♦ TEL: 0121 286 8785 ♦ E-MAIL: CELTIC-KNOT@PHONECOOP.COOP

CELTIC KNOT IS REGULATED BY THE SOLICITORS REGULATION AUTHORITY ♦ ITS SOCIAL WORKERS ARE REGISTERED WITH THE GENERAL SOCIAL CARE COUNCIL
ALLAN NORMAN - PRINCIPAL SOLICITOR, SOCIAL WORKER ♦ FAITH RYAN - ASSOCIATE SOLICITOR ♦ YASMEEN QAZI - ASSOCIATE SOLICITOR, SOCIAL WORKER
CELTIC KNOT AIMS TO BE A SUSTAINABLE VIRTUAL BUSINESS