

Social worker: Sarah L Whellans
Registration number: SW54216
Fitness to practise:
Final hearing

Date of hearing: Tuesday 20 October – Thursday 22 October 2020

Hearing Venue: Social Work England Remote hearing

Hearing outcome: Removal order

Interim order: Interim suspension order – 18 months

Introduction and attendees

1. This is a hearing of the Fitness to Practise Committee held under Part 5 of The Social Workers Regulations 2018 (hereafter “the Regulations”).
2. Ms Whellans (hereafter “the social worker”) did not attend and was not represented.
3. Social Work England was represented by Mr Douglas Lloyd, Counsel, instructed by Capsticks LLP.

Adjudicators	Role
Name: John Walsh	Chair
Name: Joma Wellings-Longmore	Social Work Adjudicator
Name: Susan Bradford	Lay Adjudicator

Name: Jenna Keats	Hearings Officer
Name: Danielle Wild	Hearing Support Officer
Name: Sean Hammond	Legal Adviser

Notice of Service:

4. Mr Lloyd referred the panel of adjudicators (hereafter “the panel”) to the following documents contained in the final hearing service and supplementary bundle:
 - A copy of the notice of hearing dated 17 September 2020 and addressed to the social worker at the address she provided to Social Work England in an electronic mail (hereafter “email”) dated 5 August 2020;
 - An extract from the Social Work England Register showing the email address provided by the social worker to Social Work England;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 17 September 2020 the writer sent the notice of hearing and related documents by ordinary first-class post and special next day delivery to the postal address and to the email address referred to above; and
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to the social worker’s postal address on 18 September 2020.

5. Mr Lloyd submitted that notice of this hearing had been duly served.
6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to Rules 14, 15, 44 and 45 of the Rules and all of the information before it in relation to the service of notice, the panel was satisfied that the notice of hearing had been served on the social worker in accordance with the Rules.

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Mr Lloyd on behalf of Social Work England. Mr Lloyd submitted that notice of this hearing had been duly served and that it was clear from the email correspondence between the social worker and Social Work England that the social worker had chosen to voluntarily absent herself from the hearing. Mr Lloyd further submitted that no application for an adjournment had been made by the social worker and as such there was no guarantee that adjourning today's proceedings would secure her attendance. He therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5* and *General Medical Council v Adeogba [2016] EWCA Civ 162*.
10. The panel considered all of the information before it, together with the submissions made by Mr Lloyd and the content of the email correspondence between the social worker and Social Work England.
11. The panel noted that in an email dated 5 August 2020 the social worker provided submissions in relation to the allegations and stated:

"Please accept this correspondence as my submission, I would also be extremely grateful if this matter could be concluded in the near future as I continue to experience anxiety in relation to this matter."

The panel also noted that in an email dated 9 September 2020, the social worker stated:

"...also, just to confirm that I do not wish to attend the hearing."

12. The panel, therefore, concluded that the social worker had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in the social worker's attendance. Having weighed the interests of the social worker in regard to her attendance at the hearing with those of Social Work England and the

public interest in an expeditious disposal of this hearing, the panel decided to exercise its discretion to proceed in the social worker's absence.

Allegation

1. The allegation referred by the Health and Care Professions Council's (hereafter the "HCPC") Investigating Committee, on 17 May 2019, was:

Whilst registered as a Social Worker and employed at Northumbria Health Care NHS Foundation Trust:

1. On or around 22 June 2018, you submitted a plagiarised assignment for the module SW0740 Law and Practice for Best Interest Assessors, whilst completing a training course at Northumbria University.
2. Your actions at Paragraph 1 were dishonest.
3. Your actions at Paragraph 1 and 2 constitute misconduct.
4. By reason of your misconduct, your fitness to practise is impaired.

Background

13. The social worker was employed by Northumbria Health Care NHS Foundation Trust (hereafter "the Trust") as a Band 6 Social Worker in the Northumberland County Council (hereafter "the Council") Adult Social Care and Safeguarding Team. The social worker had a mixed caseload and supported service users with physical disabilities, chronic and enduring illness, learning disabilities and some older people who lacked capacity in terms of their care and treatment. If service users lacked capacity, she collaborated with the Mental Health Teams to support them.
14. On 29 March 2018, the social worker enrolled on the Level 7 Module 'SW0740 Law and Practice for Best Interest Assessors' (hereafter "the Module") at Northumbria University (hereafter the "University"). The Module was part of the Post Qualifying Social Work Programme delivered within the Department of Social Work, Education and Community Wellbeing at the University. The Module was approved by the Secretary of State to train experienced social workers and other professionals to undertake the specialist role of Best Interest Assessor under the Deprivation of Liberty Safeguards. Students were required to attend five taught days at the University, delivered over a four-week period. In addition to the teaching, they were required to identify self-directed learning activities to supplement their learning, and to independently engage with academic and professional literature in order to

acquire appropriate knowledge and analytical skill. Once teaching was over, students had six weeks to complete and submit a practice portfolio and a 3,000-word reflective assignment.

15. The Trust sponsored the social worker's attendance on the Module and provided the funding for the course.
16. The social worker submitted her assignment on 22 June 2018. In common with most higher education institutions, the University used 'Turnitin' plagiarism detection software to review assignments. The social worker was therefore required to submit her assignment via the 'Turnitin' portal. In order to do so, she was required to tick a box to confirm that the work was her own. In addition, the University had a statement of academic integrity and in order to upload the assignment, the social worker had to also tick this statement to validate the work. The social worker did both.
17. The social worker's assignment was then automatically checked by the 'Turnitin' software for matches against its database, which consisted of assignments previously submitted to the University and any other educational institutions which used the same software as well as other published sources such as journal articles, books and websites.
18. The software then produced an 'originality report'. The originality report identified similarities to other known sources by a percentage. 'Turnitin' flagged this assignment red, indicating the highest level of concern, and reported that its contents contained an overall match of 67% similarity with other sources. Of that one of the sources accounted for 57% of the match. 'Turnitin' identified the matching source to be an assignment submitted by a student undertaking the same Module at the University during the previous academic year.
19. On 24 July 2018, the social worker attended a formal meeting at the University to discuss the concerns identified by the 'Turnitin' originality report. During this meeting, the social worker admitted academic misconduct by plagiarism. Having admitted plagiarism, the social worker was given a mark of zero and an opportunity to repeat the assignment. The social worker was also informed that the matter would be reported to her employer, the Trust.
20. The Trust did not commence formal disciplinary proceedings against the social worker. However, she was invited to attend an informal disciplinary meeting on 11 September 2018 in order to explain why the University had reported its concerns regarding plagiarism. During this meeting, the social worker denied plagiarism but was unable to provide any explanation how large parts of her assignment were identical to another student's assignment.

21. On 27 September 2018, the Trust made a referral in relation to this matter to the HCPC.

Summary of Evidence

Social Work England:

22. Social work England relied upon the witness statements of three witnesses - AE, CM and DJ.

Witness AE

23. In her witness statement, AE stated that in 2018, she was a Senior Manager for Adult Social Care in the north locality. She was responsible for overseeing the social worker's general practice, in terms of complicated cases.
24. After receiving the report of academic misconduct by plagiarism from the University, AE stated that she arranged for the informal disciplinary meeting to take place on 11 September 2018. During this meeting, AE provided the social worker with several opportunities to admit or provide an alternative explanation for the apparent plagiarism detected by the 'Turnitin' software. AE stated that the social worker denied plagiarism but was unable to provide an explanation as to how large parts of her assignment were identical to another student's assignment submitted the previous academic year.
25. AE stated that she had concluded on the balance of probabilities that the social worker had committed plagiarism. She had therefore sent a letter to the social worker dated 12 September 2020 that would remain on her file for a period of six months and had referred the matter to the HCPC.
26. AE stated that completion of the SW0740 Law and Practice for Best Interest Assessors module allows a social worker to make recommendations about the deprivation of someone's liberty which is a statutory power. AE went on to state:
- "The outcome of making a best interest decision as to someone's deprivation of liberty means that people are going to have their human rights impacted. To think that (the social worker) would try to pass herself off as appropriately competent to make that decision when she had submitted another person's work as her own was really wrong in my view."*
27. The panel found the evidence of AE to be both credible and reliable. The panel considered her evidence to be fair and balanced and noted that she had given the social worker every opportunity to explain her conduct.

Witness CM

28. In her witness statement CM stated that she was employed as a Graduate Tutor in Social Work at Northumbria University and was responsible for leading the Level 7 Module SW0740 Law and Practice for Best Interest Assessors at the University. The Module is part of the Post Qualifying Social Work Programme delivered within the Department of Social Work, Education and Community Wellbeing. CM exhibited copies of the Module Handbook and the University's Academic Misconduct Policy.
29. CM stated that the social worker enrolled on the Module on 29 March 2018 and that she submitted her assignment on 22 June 2018. CM stated that the social worker was made aware of the 'Turnitin' plagiarism detection software during her induction to the course. CM stated that the social worker was required to submit her assignment via the 'Turnitin' portal and was required to tick a box to confirm that the work was her own. In addition, CM stated that the social worker had to tick a statement confirming academic integrity.
30. CM went on to explain how the 'Turnitin' software worked and stated that it produced an 'originality report' showing a 67% similarity match with other sources. She stated that one of the sources accounted for 57% of the match and that 'Turnitin' had identified the matching source to be an assignment submitted by a student undertaking the same Module at the University during the previous academic year.
31. CM stated on 24 July 2018, the social worker attended a formal meeting at the University to discuss the concerns identified by the 'Turnitin' originality report and that during this meeting, the social worker admitted academic misconduct by plagiarism. CM stated that the social worker was therefore given a mark of 0 and an opportunity to repeat the assignment. CM stated that she reported the matter to the social worker's employer.
32. The panel considered the evidence of this witness to be credible and reliable. The witness provided a clear explanation of the way in which the 'Turnitin' plagiarism detection software operated and her evidence was consistent with the documentary evidence.

Witness DJ

33. DJ stated that he was employed as the Data Protection Officer and Records and Information Manager at the University. DJ exhibits the original assessment produced by another student and said to have been later plagiarised by the social worker.

Documentary Evidence

34. The panel also received documentary evidence including:

- The initial referral to the HCPC;
- Emails between AE and CM enclosing the 'Turnitin' Report;
- A copy of the assignment submitted by the social worker on 22 June 2018;
- Letter from AE to the social worker dated 12 September 2018;
- Admission of Academic Misconduct signed by social worker on 24 July 2018;
- Northumbria University Academic Misconduct Policy July 2016;
- Northumbria University Module Handbook for Law and Practice for Best Interests Assessors (SW0740) March 2018; and
- Copy of the assignment dated 3 May 2017 identified by 'Turnitin' software as the source document of the 57% match with the social worker's assignment.

The Social Worker

35. Social worker sent an email to Social Work England on 5 August 2020 in which she stated:

"...As you will be aware I ceased practicing as a social worker in January 2019 and have chosen not to renew my registration.

[PRIVATE]

The pressure was exhausting and I made a huge error of judgement in relation to my academic work. I have always prided myself in relation to my work as a social worker, going above and beyond.

I would be greatly appreciative if this could be taken into account.

Please accept this correspondence as my submission..."

36. On 27 August 2020, the social worker sent an email to Social Work England containing her formal response to the allegations.

37. The social worker admitted particulars 1 and 2 of the allegation and that these amounted to misconduct.

38. The social worker denied that her fitness to practice is currently impaired and stated:

"No, my fitness to practice was never impaired in relation to my role as a social worker, I fully accept my wrong doings in relation to the assignment and do not underestimate the significance of this. However, in relation to the clients I was supporting my judgement was not impaired. Furthermore, I have not practiced as a

social worker since January 2019 as I chose to leave the profession, I do not intend to practice as a social worker, or renew my registration.”

Finding and reasons on facts

The Panel’s Approach:

39. The Panel was aware that the burden of proving the facts was on Social Work England. The Registrant did not have to prove anything and the individual particulars of the Allegation could only be found proved if the Panel was satisfied on the balance of probabilities.
40. In reaching its decision the Panel took all of the witness statements and documentary evidence contained within the hearing bundle, as well as the oral submissions made by Mr Lloyd and the written submissions made by the social worker.
41. The Panel also had regard to the fact that the social worker had made admissions to particulars 1 and 2 of the allegation.
42. The Panel accepted the advice of the legal adviser.

Particular 1 of the allegation

43. The panel found particular 1 of the allegation proved.
44. The panel accepted the evidence of AE, CM and DJ. The panel had the opportunity of comparing the assignment submitted by the social worker on 22 June 2018 with the original assignment submitted by another student the previous academic year as exhibited by DJ. The panel noted the matching sections of those documents highlighted in red by the ‘Turnitin’ software. The panel was satisfied that the social worker had plagiarised the original assignment and had attempted to pass off the assignment she submitted on 22 June 2018 as her own work.
45. In reaching this decision, the panel also took into account evidence of CM that the social worker agreed to accept academic misconduct by plagiarism at the meeting held at the University on 24 July 2018. It also had regard to the social worker’s admission to this particular of the allegation.

Particular 2 of the allegation

46. The panel found particular 2 of the allegation proved.
47. In reaching its decision the panel applied the test of dishonesty as set out in the case of *Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67*.

48. The panel was satisfied that at the time she submitted the assignment, the social worker understood the University's Academic Misconduct policy in relation to plagiarism. Furthermore, the panel was satisfied that when she submitted the assignment through the 'Turnitin' portal, the social worker ticked the box confirming that the assignment was her own work and the box confirming the academic integrity statement, when she knew that she was submitting work that was not her own and had been plagiarised. The panel determined that the social worker did this in the hope of passing the Module and receiving undeserved credit for that work.
49. The panel noted that the social worker agreed to accept academic misconduct by plagiarism at the meeting held at the University on 24 July 2018 and the social worker's admission to this particular of the allegation. In the circumstances, the panel was satisfied that applying the standards of ordinary decent people, the social worker's conduct was dishonest.

Finding and reasons on grounds

50. Having found particulars 1 and 2 of the Allegation proved, the panel went on to consider whether the social worker's conduct amounted to misconduct.
51. In reaching its decision, the Panel was mindful that the question of misconduct is a matter for the panel's professional judgement, there being no standard or burden of proof.
52. The panel took into account the submissions made by Mr Lloyd on behalf of Social Work England. The panel also noted that the social worker had admitted that her conduct in particulars 1 and 2 of the Allegation amounted to misconduct.
53. The panel accepted the advice of the legal adviser who referred the panel to the definition of misconduct found in the case of *Roylance v General Medical Council (no 2)* [2001] 1 AC 311:
- "Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances."*
54. The legal adviser also advised the panel that misconduct is qualified in two respects. First, it is qualified by the word 'professional' which links the misconduct to the profession. Secondly, the misconduct is qualified by the word 'serious'. It is not any professional misconduct which will qualify. The professional misconduct must be serious.

55. The panel considered the HCPC's Standards of Conduct, Performance and Ethics (dated January 2016) and was satisfied that the social worker's conduct had breached Standards:

- 3.1 - You must keep within your scope of practice by only practising in the areas you have appropriate knowledge, skills and experience for;
- 9 - Be honest and trustworthy; and
- 9.1 - You must make sure that your conduct justifies the public's trust and confidence in you and your profession.
- 9.2 - You must be honest about your experience, qualifications, and skills.

56. The panel also found a breach of the following part of the HCPC's Standards of Proficiency for Social Workers in England (dated 2017):

- 3.1 - Understand the need to maintain high standards of personal and professional conduct.

57. The panel was of the view that members of the public expect social workers to adhere to professional standards and to act with honesty and integrity. The panel was aware that a breach of the standards alone does not necessarily constitute misconduct. However, the panel was satisfied that in this instance, the social worker's conduct and behaviour fell far below the standards expected of a registered social worker.

58. The panel was of the view that the misconduct in this case was serious. The social worker had dishonestly sought to obtain a professional qualification that would have allowed her to practise in an advanced role as a social worker and to make very important decisions as a Best Interest Assessor in relation to Deprivation of Liberty Safeguarding issues. These decisions would have affected the lives of extremely vulnerable service users and impacted on their human rights. However, these would have been decisions that the social worker was not qualified to make.

59. The panel found that the social worker's actions were serious and can be properly described as serious professional misconduct. The panel considered that fellow professionals would view the actions of the Registrant to be deplorable.

60. Therefore, the panel found that the matters found proved in particulars 1 and 2 of the Allegation amount to misconduct.

Finding and reasons on current impairment

61. Having found misconduct, the panel went on to consider whether, as a result of that misconduct, the social worker's fitness to practise is currently impaired.

62. In reaching its decision, the Panel was mindful that the question of impairment is a matter for the panel's professional judgement. The panel was required to determine whether the social worker's fitness to practise is impaired as at today's date.
63. The panel took into account all of the evidence that it had received during the course of the proceedings, the submissions made by Mr Lloyd and the written submissions made by the social worker.
64. The panel took into account the Sanctions Guidance published by Social Work England and in particular pages 8 to 12 which outlined the factors to be taken into account when determining impairment.
65. The panel also accepted the advice of the legal adviser.
66. The panel applied the following test formulated by Dame Janet Smith in her "Fifth Shipman Report" and applied by the High Court in *Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council and Grant* [2011] EWHC 927 (Admin), paragraph 76, to the extent relevant to the facts of the case:
- "Do our findings of fact in respect of the [social worker's] misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that she/he:*
- (a) has in the past acted and/or is liable to act in the future so as to put a patient or patients at unwarranted risk of harm; and/or*
- (b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- (c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- (d) has in the past acted dishonestly and/or is liable to act dishonestly in the future?"*
67. The panel was satisfied that the social worker's misconduct in this case engages all 4 of the limbs in the above test.
68. The panel was satisfied that if the social worker's academic misconduct not been identified by the 'Turnitin' plagiarism detection software, then the social worker would have dishonestly obtained a professional qualification that would have enabled her to make very important decisions as a Best Interest Assessor in relation to Deprivation of Liberty Safeguarding issues. These were decisions that she did not have the necessary knowledge, skills or qualifications to make. Accordingly, the panel was satisfied that vulnerable service users could have been put at risk of harm and therefore limb (a) of the test was engaged.

69. The panel was also satisfied that the social worker's actions had brought the profession into disrepute. Social Workers occupy a position of privilege and trust in society and are expected at all times to be professional. The public also expect social workers to have the necessary skills and professional qualifications to fulfil their role. By seeking to dishonestly obtain an important professional qualification to which she was not entitled, the social worker's actions undermined public trust and confidence in the profession. The panel therefore determined that limb (b) of the test was also engaged.
70. In the view of the panel, honesty is a fundamental tenet of the profession and the social worker's misconduct in this case involved deliberate and calculated dishonesty. Limbs (c) and (d) are therefore engaged.
71. The panel also took into account the guidance provided in *Cohen v General Medical Council* [2008] EWHC 581. The Panel considered: (i) whether the Registrant's conduct was easily remediable; (ii) whether it had been remedied; and (iii) whether it was highly unlikely to be repeated. The panel concluded that the dishonesty found proved in this case was not easily remedied and that the panel had no evidence of remediation from the social worker. The panel noted that the social worker had no previous regulatory findings recorded against her, however, it had no character evidence or recent testimonials. The panel also considered the level of insight shown by the social worker in her written submission to be very limited. In particular, she did not address how her misconduct could have put services users at risk of harm or the wider impact of her misconduct on the reputation of the profession. The panel was of the view that there could have been a real and significant risk of harm to service users had her misconduct not been discovered.
72. The panel noted that the social worker has not practised as a social worker since January 2019. In the absence of up-to-date information from the social worker in relation to any significant steps taken to address her dishonesty, or to demonstrate meaningful insight, the panel determined that the social worker's fitness to practise is currently impaired on the grounds of public protection.
73. Furthermore, the panel considered that a fully informed member of the public who was aware of the circumstances of this case would have their confidence in the profession undermined if a finding of impairment was not made. The panel was therefore of the view that a finding of current impairment was required to declare and uphold standards of conduct and to maintain confidence in the profession.
74. The panel therefore found the social worker's fitness to practise to be impaired on the grounds of public protection and in the wider public interest.

Decision on sanction/warning/advice (where applicable)

75. Having determined that the social worker's fitness to practise is currently impaired by reason of her misconduct, the panel next went on to consider whether it was impaired to a degree which required action to be taken on her registration by way of the imposition of a sanction.
76. On behalf of Social Work England, Mr Lloyd submitted that the panel's findings were that the social worker's misconduct was so serious that a removal order was the only sanction that would protect the public and uphold the public interest.
77. The panel accepted the advice of the legal adviser.
78. The panel reminded itself that the purpose of imposing a sanction is not to punish the social worker, but to protect the public and the wider public interest. The panel ensured that it acted proportionately, and in particular it sought to balance the interests of the public with those of the social worker, and impose the sanction which was the least restrictive in the circumstances commensurate with its duty of protection.
79. Before considering the individual options open to it, the panel identified what it considered to be the relevant aggravating and mitigating features in the case.
80. The panel identified the following mitigating factors:
- The admissions made by the social worker;
 - The social worker had no previous regulatory findings recorded against her;
 - The social worker had engaged with the fitness to practise process and had provided written submissions for the consideration of the panel;
 - The dishonesty related to a single incidence of plagiarism; and
 - *[PRIVATE]*
81. The panel identified the following aggravating factors:
- The dishonesty was deliberate and calculated;
 - The social worker's misconduct was motivated by personal gain; and
 - The social worker has demonstrated only limited insight into her conduct.
82. The panel had regard to the Sanctions Guidance and bore in mind paragraph 1 which states:

“Social Work England’s overarching objective is to protect the public. We do so by protecting, promoting and maintaining the health and well-being of the public; by promoting and maintaining public confidence in social workers in England; and by promoting and maintaining proper professional standards for social workers in England. Our fitness to practise powers enable us to deliver this overarching objective through proportionate sanctions where an individual social worker’s fitness to practise is impaired.”

83. The panel next considered each of the available sanctions in ascending order of restrictiveness.
84. The panel first considered whether this was an appropriate case for it to take no further action, or to impose an advice or warning order. In the panel’s view, the misconduct found proved in this case was serious and involved dishonesty. The panel had identified an on-going risk to the public. It had also determined that the social worker had not remediated her misconduct and had only demonstrated limited insight. The panel noted that these types of sanction would place no active restriction on the social worker’s daily practice should she return to the profession. Accordingly, the panel concluded that to take no further action, or to impose an advice or warning order would be insufficient to protect the public and would fail to address the wider public interest concerns in this case.
85. The panel next considered the imposition of a conditions of practice order. The panel had regard to the Sanctions Guidance and noted that such orders are more commonly appropriate in cases involving a lack of competence or ill-health. In this case, the misconduct found proved was the dishonest plagiarism of an assessed assignment by the social worker in order to obtain a professional qualification. The panel therefore concluded that it was not possible to formulate any workable conditions that would address this misconduct or adequately protect the public or address the wider public interest concerns. In reaching this decision, the panel also noted that the social worker has stated that she no longer wishes to practise as a social worker. In these circumstances, the panel had no evidence that the social worker would engage with such an order.
86. The panel gave careful consideration to the imposition of a suspension order. The panel noted that a suspension order would protect the public as it would temporarily remove the social worker from the Social Work England register. The panel also noted that in certain cases, a suspension order could also mark the wider public interest concerns, including upholding standards and maintaining confidence in the profession. The panel had regard to paragraph 96 of the Sanctions Guidance which states:

“...If the suspension is aimed primarily at maintaining confidence in the profession or setting the professional standards to be observed, then a sanction of suspension up to one year may be appropriate. Given the risk of deskilling, decision makers should consider whether a case warranting a period of suspension longer than one year on the grounds of public confidence might be more appropriately disposed of by means of a removal order.”

87. The panel also had regard to paragraphs 106-109 of the Sanctions Guidance. In the panel's view paragraph 108 is of particular significance in this case. It provides:

“Dishonesty through misrepresenting qualifications, skills and experience, for example on a CV, is also particularly serious because it may lead to the social worker being appointed to roles and responsibilities that they cannot safely discharge. The public and employers must be able to trust the accuracy of such information provided by social workers.”

88. Taking this guidance into account, the panel concluded that the social worker's dishonesty in this case was particularly serious. Had her misconduct not been discovered, the social worker would have obtained a professional qualification that would have enabled her to make important decisions in relation to very vulnerable service users that she was not qualified to make. The panel was satisfied that this not only had the potential to place service users at risk of significant harm, but would also overwhelmingly undermine public confidence in the profession. In this regard, the panel also reminded itself of the evidence of AE who stated:

“The outcome of making a best interest decision as to someone's deprivation of liberty means that people are going to have their human rights impacted. To think that (the social worker) would try to pass herself off as appropriately competent to make that decision when she had submitted another person's work as her own was really wrong in my view.”

89. The panel had no evidence of remediation from the social worker and only limited evidence of insight. The social worker submitted:

“...my fitness to practice (sic) was never impaired in relation to my role as a social worker.”

However, the panel noted that professional competence cannot mitigate serious dishonesty.

90. In addition, the panel had written submissions from the social worker in which she stated:

“As you will be aware I ceased practicing as a social worker in January 2019 and have chosen not to renew my registration.”

91. This was not a case where the social worker has expressed a desire to return to practice. The panel therefore determined this was not a case where it would be in the public interest to support the safe return to practice of a trained and skilled social worker.

92. Taking all of the above factors into consideration, the panel concluded that a suspension order would not be the appropriate and proportionate sanction in this case.

93. Accordingly, the panel concluded that a removal order was required to protect the public, maintain confidence in the profession and to maintain proper professional standards of conduct and behaviour for social workers in England.

Interim order

94. Mr Lloyd made an application for an interim suspension order for a period of 18 months in case the social worker exercises her right to appeal to the High Court against the decision of this panel.

95. The panel accepted the advice of the legal adviser who advised that in accordance with Paragraph 11 of Schedule 2 of The Regulations the panel may make any interim order it considers is necessary for the protection of the public, which includes the public interest, or in the best interests of the social worker. He also advised the panel that an interim order can only be made if it is necessary and must not be merely desirable.

96. For the reasons set out in the substantive decision, the panel was satisfied that there remained an on-going risk to service users and therefore concluded that an interim order was necessary to protect the public. Furthermore, for the reasons set out in its substantive decision the panel was also satisfied that an interim order is in the wider public interest in that an ordinary member of the public would be shocked to learn that the social worker was entitled to practise if an order was not made to cover the statutory appeal period.

97. The panel considered whether an interim conditions of practice order would be sufficient in the circumstances, but concluded, for the same reasons as set out in its

substantive decision, that such an order would be insufficient in the circumstances of this case.

98. For the reasons above, the panel concluded that an interim order of suspension was necessary for the protection of the public and was also required in the public interest.
99. The panel gave consideration to the length of the interim order and concluded that a period of 18 months was appropriate in order to allow sufficient time for an appeal to be heard by the High Court if the social worker exercises her right to appeal.
100. The panel therefore decided to impose an interim suspension order for a period of 18 months under paragraph 11(1)(b) of Schedule 2 of The Social Workers Regulations 2018. If there is no appeal against the final order, the order will expire when the period for appealing expires. If there is an appeal against the final order, the order expires when the appeal is withdrawn or otherwise finally disposed of.

Right of Appeal

1. Under paragraph 16 (1) (a) of schedule 2, part 5 of the Social Workers Regulations 2018, the Social worker may appeal to the High Court against the decision of adjudicators:
 - (i) to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - (ii) not to revoke or vary such an order,
 - (iii) to make a final order.
2. Under paragraph 16 (2) schedule 2, part 5 of the Social Workers Regulations 2018 an appeal must be made within 28 days of the day on which the social worker is notified of the decision complained of.
3. Under regulation 9(4), part 3 (Registration of social workers) of the Social Workers Regulations 2018, this order can only be recorded on the register 28 days after the Social Worker was informed of the decision or, if the social worker appeals within 28 days, when that appeal is exhausted.
4. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019.

European alert mechanism

5. In accordance with Regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, Social Work England will inform the competent authorities in all other EEA States that the social worker's right to practise has been prohibited.
6. The social worker may appeal to the County Court against Social Work England's decision to do so. Any appeal must be made within 28 days of the date when this notice is served on the social worker. This right of appeal is separate from the social worker's right to appeal against the decision and order of the panel.