

Social Worker: Charlotte Holland

Registration Number: SW99376

Fitness to Practise:

Final Hearing

Dates of hearing: 23 November 2020 – 27 November 2020

Hearing Venue: Remote Hearing

Hearing outcome: Removal order

Interim order: Interim suspension order (18 months)

Introduction and attendees

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018.
2. Ms Charlotte Holland did not attend and was not represented.
3. Social Work England was represented by Mr Lloyd, as instructed by Capsticks LLP.

Adjudicators	Role
Hilary Nightingale	Chair
Pervez Akhtar	Social Worker Adjudicator
Melissa D’Mello	Lay Adjudicator

Jyoti Chand	Hearings Officer
Laura Merrill	Hearings Support Officer
Helen Gower	Legal Adviser

Service of Notice:

4. Ms Holland did not attend and was not represented. Mr Lloyd referred the panel of adjudicators (hereafter “the panel”) to the notice of this hearing dated 22 October 2020 sent to an e-mail address held by Social Work England for Ms Holland. Mr Lloyd submitted that the notice of this hearing had been duly served.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to rules 14, 15, 44 and 45 of the Fitness to Practice Rules 2019 (“the Rules”) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Holland in accordance with the Rules.

Proceeding in the absence of the social worker:

7. The panel heard the submissions of Mr Lloyd on behalf of Social Work England who referred to documents in the service bundle and submitted that it was appropriate to proceed in the absence of Ms Holland. In response to correspondence from Social Work England Ms Holland sent two e-mails dated 20 August 2020 and 23 August 2020. In both these e-mails Ms Holland gave a very brief description of her personal

circumstances. Social Work England sent an e-mail to Ms Holland dated 1 September 2020 offering support and inviting Ms Holland to engage with Social Work England so that Social Work England could consider how accommodations might be made for her before and during any hearing. Ms Holland did not reply to this e-mail nor follow up e-mails sent by Social Work England. Social Work England do not hold a current telephone number for Ms Holland. Mr Lloyd submitted that in these circumstances, and taking into account the public interest, it was appropriate to proceed in the absence of Ms Holland.

8. 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 [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*.
9. The panel considered all of the information before it, together with the submissions made by Mr Lloyd on behalf of Social Work England. The panel noted that Ms Holland (who was represented by her trade union at the time) did not engage with the local investigation carried out by her employer and that her engagement with Social Work England has been minimal. The panel was satisfied that Ms Holland was or should be aware of the hearing and the possibility that it may proceed in her absence. The panel inferred from Ms Holland's e-mails that she did not contemplate the possibility of attending the hearing, nor had she requested for the matter to be adjourned so that she could attend. Ms Holland has had ample opportunity to engage with Social Work England and the panel did not consider that an adjournment would serve any purpose or that there would be any significant prejudice to Ms Holland if the hearing were to proceed in her absence.
10. The panel had regard to the overriding objective to protect the public, and decided that there was a strong public interest in proceeding with the hearing. In addition to the general public interest in the expeditious resolution of regulatory allegations, this allegation relates to events in 2017-2018 approximately two years ago. The panel was informed that two witnesses were present and ready to give evidence to the panel.
11. Having carefully balanced Ms Holland's interest and the public interest the panel decided that the public interest outweighed Ms Holland's interest. The panel decided that it was fair and appropriate to proceed in the absence of Ms Holland.

Preliminary matters- application to amend the allegation

12. Mr Lloyd made an application to amend the Allegation. The proposed amendments were set out in Social Work England's statement of case which was sent to Ms Holland with the notice of hearing. Mr Lloyd submitted that the proposed amendments did not prejudice Ms Holland.

13. The panel accepted the advice of the legal adviser and considered whether the proposed amendments created any unfairness for Ms Holland and whether the proposed amendments were appropriate.
14. The panel decided to agree to all the amendments proposed by Mr Lloyd. The panel noted that Ms Holland received advance notice of all the proposed amendments. She did not make any representations in response to the notice.
15. The proposed amendment to particular 1 of the Allegation narrows the time period of the allegation to the period when Ms Holland was the allocated social worker for Service User A. This clarifies the allegation and does not prejudice Ms Holland.
16. The proposed amendment to add the date of the Child Protection Conference to particular 2(d) is consistent with the evidence and it also reduces the scope of the allegation to a specific time. The panel did not identify any prejudice to Ms Holland.
17. The proposed amendment to particular 4 widens the allegation to the extent that motivation due to a close relationship is broader than sexual motivation. The panel was of the view that although this amendment does widen the allegation it does not expand the scope of the concern outlined in the evidence disclosed as part of Social Work England's case. Ms Holland has also been given advance notice, but has not commented on this proposed amendment. The panel decided that it was fair to allow this proposed amendment.

Allegations

While registered with the HCPC as a Social Worker, you:

1. Breached professional boundaries in that you engaged in an inappropriate relationship with Service User A **during the time when you were the allocated social worker to her children.**
2. Did not adequately safeguard Child A, and / or Child B and / or Child C, in that you:
 - (a) did not adequately investigate the concerns raised in relation to Child A's bruising on or around 26 March 2018;
 - (b) minimised the concerns referred to at Particular 2 (a);
 - (c) minimised the risks in relation to Child A, and / or Child B and / or Child C, in that you identified the risk as being low level at a Child Protection Conference on or around 1 December 2017.

- (d) delayed the cases of Child A, and / or Child B and / or Child C returning to a Child Protection Conference **until 1 December 2017**.
- 3. On or around 16 April 2018, you travelled to Skegness with Service User A when it was not appropriate to do so.
- 4. Your actions:
 - (a) as described at Particulars 1, ~~2~~ and / or 3 above were sexually motivated.
 - (b) as described at Particular 2 above **were improperly motivated by your close relationship with Service user A**
- 5. The matters described at Particulars 1 – 4 amount to misconduct.
- 6. By reason of your misconduct, your fitness to practise is impaired

Background

- 18. Ms Holland worked as a social worker for Coventry City Council (“the Council”) from 28 July 2014 to 3 May 2018. The Council referred concerns to the Health and Care Professions Council on 25 April 2018, regarding Ms Holland being in an inappropriate sexual relationship with Service User A, when she was the allocated social worker to the three children of Service User A, Child A, Child B and Child C.
- 19. It is also alleged that Ms Holland failed to prioritise the needs of Service User A’s children, minimised safeguarding concerns raised by third party professionals, and delayed their case being returned to a Child Protection Conference.
- 20. Ms Holland initially denied being in a relationship with Service User A. However, on 23 April 2018 she sent a text message to her line manager on 23 April 2018 confirming that she had since “become close” to Service User A. She did not engage with the Council’s investigation and she has not substantively provided a response to the Allegation.

Summary of Evidence

- 21. The panel accepted the advice of the legal adviser on the discretion of the panel to admit hearsay evidence and consider the weight, if any, to give to admitted evidence. The legal adviser referred the panel to the criteria in the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1465. The panel also accepted the advice of the legal adviser that following the case of *Enemuwe v Nursing and Midwifery Council* [2015] EWHC 2081 it must disregard any conclusion reached by any other body in relation any of the matters in the Allegation.

22. The panel received and read a bundle of exhibits which included documents and witness statements which formed part of an investigation into Ms Holland's conduct carried out by JH, Team Manager in Multi-Agency Safeguarding Hub at the Council. The bundle also included a helpful chronology prepared by CH, who was at that time the safeguarding and pastoral manager at Child A's school.
23. The panel found no significant inconsistencies between the documentary evidence and the witness evidence. It noted that there appeared to be typographical or administrative errors in some of the witness statements as to some dates, but this was not material to the panel's findings of fact.
24. The panel heard evidence from CH. CH described a sequence of events and incidents from March 2017 to April 2018 which caused her concern about the welfare of Child A. Child A was either five or six years old, Child B was around eighteen months old and Child C was a baby. CH's concerns were linked to the behaviour and poor mental health of Service User A. On each occasion, CH recorded and described Ms Holland's response to her concerns.
25. The panel was impressed by the evidence of CH and found that she was a reliable, and credible witness. Her evidence was balanced and consistent with contemporaneous documentary evidence and the accounts of others. She was clear when she could not recollect any details and readily made concessions. The panel highly commends CH for her diligence, persistence and child centred approach to safeguarding Child A and his siblings.
26. The panel heard evidence from IL, who was Ms Holland's line manager from 21 January 2018 until her departure from the Council. IL had daily contact with Ms Holland, but he did not conduct supervision meetings during the time he managed her. Two supervision meetings were arranged, but were cancelled by Ms Holland. IL had little experience as a team manager when he took over the management of Ms Holland. IL described his contact with Ms Holland in relation to reports made by Child A's school of bruising to Child A and also gave evidence about the expected practice at the Council with reference to his understanding of the events in 2017 which he had no direct involvement in.
27. The panel noted that IL had a limited role in managing Ms Holland for a short period of the time covered by the Allegation. The panel found that IL gave an honest and credible account of his involvement. His recollection of events was not as clear as CH's recollection. The panel noted that his witness statement was prepared in July 2019 which was more than one year ago. The panel gave less weight to IL's evidence relating to the period of time when he was not Ms Holland's manager.

28. The panel read the witness statements of JH, KO and AB. The witnesses had prepared signed statements which included a statement of truth. All three witnesses were available, if required, to answer questions from the panel. The panel decided that it was appropriate to admit and give weight to the witness statements. The statements are not the sole or decisive evidence in support of the allegation, the statements are not challenged by Ms Holland, and there is no suggestion that any of the witnesses has a reason to fabricate the content of the statement. The statements were prepared for the purpose of a regulatory hearing. With the exception of minor typographical errors as to dates, all three statements are consistent with the contemporaneous documents.
29. JH described in her witness statement the investigation she carried out into Ms Holland's conduct. She did not know Ms Holland. Her investigation is recorded in the contemporaneous documentary evidence. Ms Holland was invited to participate, but chose not to participate in JH's investigation. There was contact between JH and Ms Holland's trade union representative, but Ms Holland did not provide any response to a list of questions sent to her union representative.
30. KO was the Child Protection Chair at the Council and conducted Child Protection Conferences for Service User A's children. KO knew Service User A and her children before Ms Holland became their social worker. KO described that Service User A's children have been on and off a Child Protection Plan, a level of intervention which involves increased monitoring and visiting, since approximately 2011. KO outlined her contact with Ms Holland relating to Service User A's children, the events at the Child Protection Conference on 1 December 2017, concerns raised by CH after the Child Protection Conference about a possible friendship between Service User A, and in March 2018 CH's concerns about bruising to Child A.
31. AB was the Council's Risk Management Co-ordinator and carried out the function of a Local Authority Designated Officer (LADO). She did not know Ms Holland. AB received a referral from IL with concerns about Ms Holland reportedly entering into a relationship with Service User A. AB arranged meetings to review the allegations against Ms Holland.
32. The panel found that the witness statements of JH, KO and AB were helpful in providing context and background to aid the panel's understanding of the contemporaneous documentation. KO's statement was particularly helpful for the panel because she knew Service User A and Ms Holland.
33. The panel noted that the documentation in the bundle included notes of complaints made by parents of children at Child A's school. These reports made on 16 April 2018 and 19 April 2018 were that Ms Holland was in a relationship with Service User A and that Ms Holland had travelled to Skegness with Service User A. As part of her

investigation JH also obtained evidence from Facebook; this was a post dated 24 January 2018 created by Service User A. The Facebook post shows a photograph of Service User A and Ms Holland. Service User A refers to Ms Holland as “my boo” with love heart emojis.

34. This hearsay evidence was consistent with other evidence and was not the sole or decisive evidence in relation to any of the particulars of the Allegation. The panel decided that it was appropriate to admit this evidence, but to give it limited weight in its consideration of the evidence in the round. The panel did not have the opportunity to test the evidence from the parents and considered that the Facebook post was not as persuasive as other evidence in the case.
35. Ms Holland did not present evidence or submissions for the consideration of the panel.

Finding and reasons on facts

36. The panel accepted the legal adviser’s advice on the approach to the evidence. The burden of proof, on the civil standards of the balance of probabilities was always on Social Work England. The panel should begin its consideration with objective facts as shown by authentic contemporaneous documents and known or probable facts. It should be cautious in placing reliance on witness evidence solely based on the confident recollection of the witness. The panel should assess the evidence in the round and decide if Social Work England has discharged the burden of proof.
37. The legal adviser referred the panel to the case of *Basson v GMC* [2018] EWHC 505 and the guidance that acting with sexual motivation is conduct done either in pursuit of sexual gratification or in pursuit of a future sexual relationship.

Particular 1

38. The panel found particular 1 proved by the documentary evidence and the evidence of CH, IL, and KO.
39. Ms Holland was allocated as the social worker for Service User A in January 2017. On 3 April 2018 Ms Holland handed in a written notice of termination of employment and her employment terminated on 3 May 2018. Ms Holland was persuaded to take time as sick leave to consider her position, but she later confirmed that she did wish to leave. Ms Holland was under the misapprehension that her employment terminated at the earlier date of 20 April 2018, but this was incorrect.
40. The panel determined that Ms Holland remained the allocated social worker for Service User A’s children until a new social worker was allocated to the case. The date the new social worker was identified is not certain, but according to IL’s oral recollection, may have been in the last week of April 2018. Based on documentary

evidence, by 1 May 2018, a new social worker had been identified and this new social worker jointly visited with CH Service User A's children on 3 May 2018.

41. Ms Holland's responsibilities as a social worker were towards Service User A's children. IL confirmed in his evidence that Ms Holland was an experienced competent social worker. He had known her for a number of years and had no concern about her ability as a social worker.
42. The development of any relationship, including a friendship relationship, between Service User A and Ms Holland beyond the expected professional contact was a breach of professional boundaries and was an inappropriate relationship. The panel had regard to the sequence of events described by CH and outlined in her chronology written at the time of the events and concluded that there was no explanation for Ms Holland's actions other than that she had an inappropriate relationship with Service User A.
43. The panel found that the development of a relationship which was outside the professional boundaries began no later than March 2017 and continued beyond the termination of Ms Holland's employment.
44. The panel highlights the following as indicators that Ms Holland was engaging in an inappropriate relationship with Service User A. Taken in the round this evidence proved that, on the balance of probabilities, Ms Holland engaged in an inappropriate relationship with Service User A.
 - (a). Child A had been subject to a Child Protection Plan on and off for periods of time during most of his childhood. He and Service User A's other children were vulnerable. In most cases where children are placed on a Child Protection Plan on a repeated basis the social worker will be reviewing whether the case should be referred to the legal team for the consideration of court care proceedings. In March 2017 CH raised concerns with Ms Holland that Service User A's former partner (who had previously been violent) had been staying overnight with her. The earlier Child Protection Conference, where the case had been stepped down, had identified this as a trigger for the case to be referred back to the Child Protection Chair for a review. Ms Holland acknowledged CH's concern, but did not take action and at the next Child in Need meeting she did not share information with professionals about the contact with Service User A's former partner. Ms Holland told CH that a Working Agreement (a signed agreement with plans for protecting children) would be put in place and that there would be no escalation to a Child Protection Plan. CH did not see a Working Agreement and was later informed by Service User A that she had not been asked to sign a Working Agreement. The panel inferred that CH's response and failure to take action was because Ms Holland's judgment was clouded by her wish to support Service User A.

- (b). On 10 October 2017 a physical altercation took place between Service User A and another parent at Child A's school. Service User A asked that CH was called and she arrived very quickly and collected Service User A. It was exceptional for a Service User to request the attendance of their social worker and for the social worker to arrive so quickly. When KO was informed of this incident her perspective was that Ms Holland was trying to keep Service User A "out of trouble". In her report for the Child Protection Conference on 1 December 2017 Ms Holland did not mention this incident.
- (c). Ms Holland informed CH that she visited Service User A's home to give Service User A her medication. Ms Holland also informed KO that she was dispensing medication to Service User A. It is exceptional for a social worker to be administering medication to a service user and KO advised Ms Holland that she should not be doing this.
- (d). Ms Holland was regularly taking Child A to school. CH informed the panel that this was sometimes as often as twice a day either three or four days in a week. Ms Holland had a high workload of other cases and this level of support to Service User A is exceptional.
- (e). On 29 November 2017 CH made a record that Child A had said that Ms Holland's Child was at Child A's house. CH spoke to Ms Holland who laughed it off and said that Child A was creating a fantasy world.
- (f). In late 2017 and early 2018 CH saw Ms Holland's car outside Service User A's house when she dropped Child A at home. Additionally, the panel had sight of the case notes made by IL on 19 April 2018 in which one of the parents had commented that they had seen Ms Holland's car outside Service User A's house numerous times late at night and really early the next morning.
- (g). On 24 January 2018 Service User A posted a Facebook message with a photograph of herself and Ms Holland and the message "my boo" with love heart emojis. According to the file notes made by IL on 19 April 2018, one of the parents had indicated that Ms Holland and Service User A had been in a relationship since before Christmas and that they had decided to 'go public' when Ms Holland decided to hand in her notice. This parent also indicated that Ms Holland and Service User A were going to get married and Service User A had asked the parent if she would give her away at the wedding.
- (h). CH and the health visitor raised concerns with KO in January 2018 that Ms Holland had become Service User A's friend rather than Children A, B and C's social worker. KO was also informed that Service User A did not let the Health Visitor into the

house and that Ms Holland was taking Service User A and Child C to the clinic for Child C to be weighed.

- (i). When IL received reports from parents about a relationship between Ms Holland and Service User A he spoke to Ms Holland on 18 April 2018. She initially denied a relationship, but on 23 April 2018 (when Ms Holland thought her notice period had expired) she sent a text message to IL stating that she had become “close” to Service User A.
- (j). On 23 April 2018 CH received a text message from Service User A saying that she and Ms Holland were in a relationship.
- (k). On 30 November 2017, Ms Holland informed CH that Service User A had again asked for her children to be voluntarily taken into care. Later that day, CH spoke to Child A and he referred to Ms Holland being his “aunty”. CH asked Child A whether he knew what “aunty” meant and he said that Ms Holland was both his “aunty” and “mummy’s social worker”.
- (l). On 16 May 2018, at a Core Group meeting chaired by IL and attended by Ms Holland and Service User A, IL noted that they came in as a couple. During his oral evidence, IL stated that they sat close to each other, touching each other’s arms, were very relaxed, ‘jokey’ in each other’s company, and Ms Holland calmed Service User A down when she was very upset.
- (m). On 3 May 2018, CH carried out a joint visit to Service User A’s home with the new social worker. CH was present during the meeting and she and Service User A presented as a couple. CH recalled that Service User A and Ms Holland were wearing matching outfits, earrings, hairstyles, nails and make up, and that they were tactile with each other, touching on the arms and legs. In CH’s oral evidence, she said that Child B called Ms Holland ‘mummy’ during their visit.

45. The panel found that Ms Holland entered into an inappropriate relationship with Ms Holland that was in breach of professional boundaries while she remained the allocated social worker for Service User A.

Particular 2(a)

46. The panel found particular 2(a) proved by the documentary evidence and the evidence of CH, IL, KO and AB.
47. On or around 26 March 2018 Child A’s school raised concerns about fresh bruising to the arms and face of Child A, while he was in the care of Service User A. Child A’s account at school was that he had tripped over laundry and fallen down the stairs. The school contacted KO to inform her of the concerns and she emailed Ms Holland

to ask why there was nothing recorded in the case notes regarding Ms Holland's contact with Child A.

48. The action Ms Holland took in response to the school's concern was that she carried out a visit and spoke to Service User A and then to Child A in the garden of his home. Service User A gave a different account that Child A had suffered the bruising when bouncing on his bed doing backflips.
49. CH spoke to Ms Holland and suggested that a Child Protection medical examination may be required due to the inconsistent explanations for the bruising. KO also spoke to Ms Holland and asked social care to consider if a Child Protection Medical should take place. A Child Protection Medical would involve a specialist medical practitioner examining Child A and reporting on the possible cause of the bruising. KO was concerned and sent an e-mail to IL.
50. As an experienced social worker Ms Holland was aware that there were significant concerns about the welfare of Child A due to the history that he had repeatedly been placed on a Child Protection Plan approximately four times. There were concerns about Service User A's ability to provide adequate care for her young children. There was recent history that in the autumn of 2017 Service User A had taken an overdose on two occasions and informally made a request for the children to be taken into care. It was standard procedure that if a child was on a Child Protection Plan and has a visible injury that is potentially non-accidental, they would have a medical examination.
51. Against this background the reports from the school in March 2018 about the bruising to Child A would have been of sufficient concern for some further investigation to be required. The action could have taken the form of a strategy discussion, as suggested by KO or a Child Protection Medical, as suggested by CH and AB. Ms Holland minimised the concern by denying that Child A had any serious visible injuries. She said that the main marks had washed off in the bath.
52. Ms Holland requested IL to write a management oversight case note on the file confirming approval of the actions she had taken in respect of the bruising to Child A. This is not usual practice outside formal supervision meetings. The panel inferred that Ms Holland understood that there was an expectation from other professionals that safeguarding action was required in these circumstances and that the very limited steps she had taken were unusual.
53. The panel determined, on the balance of probabilities, that Ms Holland's investigation of the bruising was inadequate and that she failed to safeguard Child A.

Particular 2(b)

54. The panel found particular 2(b) proved by the documentary evidence and the evidence of CH, IL, KO and AB. Ms Holland minimised the risk for Child A and failed to safeguard him. The panel's reasons are the same as the reasons for the panel's finding for particular 2(a).

Particular 2(c)

55. The panel found particular 2(c) proved by the documentary evidence and the evidence of CH and KO.
56. Ms Holland prepared a report on Child A, B and C for the Child Protection Conference on 1 December 2017. Professionals who attend the Child Protection Conference assess the risk for the children on a safety scale from 0 to 10 with a score of 0 being the highest level of risk, and 10 the lowest level of risk. A score of 0 would indicate a very high degree of risk where legal proceedings should be considered. In her report Ms Holland scored the risks at 5, whereas all the other professionals attending the meeting scored the risk at either 0 or 1.
57. The professionals who attended the meeting were all experienced in their field. They included CH, two health visitors, a representative from the police, and the GP.
58. Service User A walked out of the Child Protection meeting while it was in progress and Ms Holland left shortly afterwards saying that she had received a message that her child was ill. Ms Holland therefore was not present at the end of the meeting and was not able to explain or defend her score. Nevertheless, Ms Holland chose not to answer questions during the Council's investigation and has not subsequently explained her reasons for her score of 5 in her safety risk assessment for the children.
59. There was both longstanding and recent evidence of a high level of risk for the children. Ms Holland had been regularly administering medication to Service User A and knew at that time she prepared her report of the two recent overdoses on 5 October 2017 and 6 November 2017 and the request made in November 2017 by Service User A for her children to be taken into care.
60. The panel found that the five point difference is a very significant gap and no professional was close to Ms Holland's risk score of 5.
61. Ms Holland omitted from her written report for the Child Protection Conference the fight at school between Service User A and another parent. The Child Protection Chair, KO asked Ms Holland why the information about Service User A starting a fight was not in the report and Ms Holland stated that there were technical problems with inputting it into the report. This problem could have been overcome by providing an addendum report.

62. The panel determined, on the balance of probabilities, that Ms Holland minimised the risk for Child A, Child B and Child C and that she failed to safeguard all three children.

Particular 2(d)

63. The panel found particular 2(d) proved by the documentary evidence and the evidence of CH and KO.

64. In March 2017 Ms Holland was aware of information that should have triggered a Child Protection Conference. In March 2017 CH provided Ms Holland with information about Service User A's former partner (who had previously been violent) had been staying overnight with her. The earlier Child Protection Conference, where the case had been stepped down, had identified this as a trigger for the case to be referred back to the Child Protection Chair for a review. Ms Holland did not take action to arrange a strategy meeting at that time.

65. There were increasing concerns about the mental health of Service User A in September and October 2017 and incidents including an overdose on 5 October 2017 and the fight at school on 10 October 2017. On 12 October 2017 Ms Holland contacted KO and told her that she believed that Children A, B and C should come back onto a Child Protection Plan, but that her manager, JS, disagreed with her recommendation. KO gave advice to Ms Holland that she should speak to her manager again and if necessary and in line with standard social work practice, escalate the case to JS's manager.

66. The panel did not hear evidence from JS. As part of the local internal investigation JS responded to questions from LH (Human Resources) by email on 9 May 2018. When asked if Ms Holland had suggested in October 2017 that the family should be under a Child Protection Plan, JS replied that Ms Holland had asked her and she had advised Ms Holland to put in a request for a strategy discussion with the police and input from a health visitor.

67. Ms Holland told CH on 19 October that she had requested a strategy meeting to take place, but at the Child in Need meeting on 3 November 2017 Ms Holland stated that there was no longer a need for a strategy meeting because Service User A's medication for her mental health had been sorted. CH continued to press with Ms Holland the need for the case to be escalated to Child Protection level.

68. Although there is evidence that Ms Holland took some action in the autumn of 2017, the panel found that she delayed taking the necessary steps to ensure that a Child Protection Conference was convened as soon as possible. The concerns were sufficient to trigger a Child Protection Conference both in March 2017 and in September or October 2017.

69. The panel determined, on the balance of probabilities, that the delay in the convening of the Child Protection Conference delayed the risk assessment in that conference and failed to safeguard Child A, Child B and Child C.

Particular 3

70. The panel found particular 3 proved by the documentary evidence and the evidence of CH, IL and AB.
71. IL received reports from parents at Child A's school that Ms Holland travelled to Skegness with Service User A to collect Child A from his grandmother's house on 16 April 2018. One of the parents stated that they were looking after Child B and Child C on that day. On 18 April 2018 IL spoke to Ms Holland and she denied the report. Ms Holland also said she could not have travelled because her car was in the garage. Ms Holland said she took her children to school in Birmingham on Monday morning. She met with her sister and grandmother, so she had witnesses that she was not in Skegness.
72. At a core group meeting for Service User A's children on 16 May 2018 Service User A said that the relationship started after Ms Holland took her to Skegness in April. Ms Holland attended this meeting and identified herself as Service User A's partner. The admission of Ms Holland's visit to Skegness in this meeting is confirmed by a contemporaneous record made by IL.
73. Ms Holland had no professional reason to travel to Skegness with Service User A. Only exceptional circumstances would have justified such a long journey of over two hours each way. Ms Holland was travelling with Service User A in her personal capacity and not as the social worker for the children of Service User A. At the time of the journey to Skegness Ms Holland remained the allocated social worker for Service User A's children and did not have the permission of her line manager, IL, to make such a journey with Service User A. Further, Ms Holland was off sick from work on 16 April 2018. In all the circumstances the panel determined, on the balance of probabilities, that it was inappropriate for Ms Holland to travel to Skegness.

Particular 4(a)

74. The panel found particular 4(a) proved by the documentary evidence and the evidence of CH, IL and AB.
75. The panel inferred from the evidence that Ms Holland acted in pursuit of a future sexual relationship. The panel took into account that Ms Holland is a competent and experienced social worker. The panel could not identify any explanation for her conduct in particular 1 and particular 3 other than sexual motivation. The panel

considered all the findings of facts referred to above, in particular paragraphs 44 (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m).

Particular 4(b)

76. The panel found particular 4(b) proved by the documentary evidence and the evidence of CH, IL, and KO.
77. In particular 1, the panel concluded that, on the balance of probabilities, Ms Holland's inappropriate relationship with Service User A began no later than March 2017. As an experienced and competent social worker, it was Ms Holland's primary responsibility to safeguard Child A, B and C. Her failure to do so can only be explained by the fact that her professional judgment was clouded by her close relationship with Service User A. As IL recognised, Ms Holland was not intentionally harming the children, but she was exposing the children to risk by protecting Service User A. Ms Holland had many opportunities to speak to her manager, be open and frank about her relationship with Service A, and ask to be removed from the case, but she did not do so.

Finding and reasons on grounds

78. Having announced its decision on the facts the panel went on to determine whether the particulars found proved amounted to misconduct in accordance with rule 32. Mr Lloyd submitted that the particulars were sufficiently serious to constitute misconduct and referred the panel to standards for social workers that applied at the time of the events (the Health and Care Professions Council Standards of conduct, performance and ethics (2016) and the standards of proficiency for social workers (2017).
79. The panel accepted the legal adviser's advice. It understood that a finding of misconduct was a matter for the panel's independent professional judgement. There is no statutory definition of misconduct, but the panel had regard to the guidance of Lord Clyde in *Roylance v GMC (No2)* [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". The conduct must be serious in that it falls well below the required standards. The panel recognised that breaches of standards in and of themselves might not necessarily amount to misconduct.
80. The panel identified a number of breaches of the Health and Care Professions Council Standards of conduct, performance and ethics. The panel considered that standard 9 was sufficiently broad to cover behaviour that was not dishonest, but that engaged wider public interest considerations, including public confidence in Ms

Holland as a social worker. The panel found that Ms Holland's conduct was a breach of the following standards:

1.7 You must keep your relationships with service users and carers professional.

6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

6.2 You must not do anything, or allow someone else to do anything which could put the health or safety of a service user, carer or colleague at unacceptable risk.

7.1 You must report any concerns about the safety or well-being of service users promptly and appropriately.

7.4 You must make sure that the safety and well-being of service users always comes before any professional or other loyalties.

7.6 You must acknowledge and act on concerns raised to you, investigating, escalating or dealing with those concerns where it is appropriate for you to do so.

9.1 You must make sure that your conduct justifies the public's trust in you and your profession.

9.4 You must declare issues that might create conflicts of interest and make sure that they do not influence your judgement.

81. The panel also identified a number of breaches of the Health and Care Professions Council Standards of proficiency for social workers (2017) as follows:

2.3 Understand the need to protect, safeguard, promote and prioritise the wellbeing of children, young people and vulnerable adults.

2.5. Be able to manage and weigh up competing or conflicting values or interests to make reasoned professional judgements.

2.9 Recognise the power dynamics in relationships with service users and carers, and be able to manage those dynamics appropriately.

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

3.4 Be able to establish and maintain personal and professional boundaries.

3.5 Be able to manage the physical and emotional impact of their practice.

4.1 Be able to assess a situation, determine the nature and severity of the problem and call upon the required knowledge and experience to deal with it.

9.10 Be able to understand the emotional dynamics of interactions with service users and carers.

82. The panel carefully considered the nature and gravity of each of the particulars found proved. Particular 1, together with particular 4(a), involves a sexually motivated breach of professional boundaries over a sustained period of time. The maintenance of appropriate professional boundaries and the safeguarding of service users is at the heart of social work practice. Social workers hold a position of trust and power in relation to vulnerable service users, and this case involved a breach of trust. The three children (a newborn baby, an 18 month old child, and a child aged approximately 5 years old) were very young and vulnerable. The panel found that the consequence of the breach of professional boundaries was that Ms Holland failed to fulfil her responsibilities to ensure that the children's needs were met and that they were safeguarded from the risk of harm. Service User A was also vulnerable due to long standing mental health issues as highlighted by the incidents in the autumn of 2017, including two overdoses. The panel determined that, as an experienced competent social worker, Ms Holland should have understood the vulnerability of Service User A and the importance of maintaining professional boundaries.

83. Particular 2, read with particular 4(2), involves multiple instances of failures by Ms Holland to safeguard Child A, Child B and Child C, which were motivated by her close relationship with Service User A. The children were thereby exposed to the risk of significant harm, including neglect and emotional harm. The seriousness of the risk is illustrated by the long standing history of concerns about Service User A's ability to care for the children and the ongoing local authority intervention of a Child in Need Plan and Child Protection Plan. It is also illustrated by later events: approximately four months after Ms Holland left the Council's employment, the children were taken into the Council's care as a result of care proceedings. The safeguarding of the children was fundamental to Ms Holland's responsibilities as the allocated social worker. The panel determined that Ms Holland put her interests and loyalties to Service User A, ahead of the vulnerable children she was responsible for.

84. Particular 3, read with particular 4(1), involves sexually motivated conduct in making an unauthorised and unprofessional visit to Skegness with Service User A when she was absent from work due to sickness. Although this is a single incident, it is serious because it was a breach of professional boundaries and involved a high degree of culpability. The panel determined that Ms Holland recognised that her actions were entirely unacceptable as she initially had denied to her manager that she had travelled to Skegness and instead offered detailed alternative explanations as to her whereabouts on the day in question.

85. The panel considered that members of the profession and members of the public would describe Ms Holland's conduct as deplorable. The panel decided that considered both individually and cumulatively, the particulars found proved amounted to misconduct.

Finding and reasons on current impairment

86. Mr Lloyd submitted that Ms Holland's fitness to practise is currently impaired, taking into account the need to protect the public and the wider public interest.
87. There were no submissions from Ms Holland. Ms Holland's engagement with Social Work England has been limited. Her e-mails in August 2020 indicate that at that time she did not feel able to engage with the proceedings for reasons relating to her health.
88. The panel accepted the legal adviser's advice. It considered Ms Holland's fitness to practise at today's date. It had regard to relevant passages in the Indicative Sanctions Guidance. It considered whether the conduct is remediable, whether it has been remedied and the current risk of repetition. It also considered the wider public interest and the guidance in the case of *CHRE v NMC and Grant* [2011] EWHC 927 that "the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the profession in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances".
89. The panel considered the level of Ms Holland's insight. There was no evidence before the panel that Ms Holland has reflected on her past behaviour, that she understands the impact of her past behaviour, nor that she has accepted a need to act differently in the future. The panel found that Ms Holland has not demonstrated any level of insight.

The panel considered whether the conduct is remediable. Sexual misconduct is difficult to remedy, but the panel did not exclude the possibility of remediation. There was, however, no evidence before the panel that Ms Holland has recognised or is remorseful for her misconduct in respect of failing to safeguard the children in her care nor with regard to her inappropriate relationship with their mother, Service User A. Further, there is nothing before the panel to indicate that Ms Holland has taken remedial action nor that she is capable of doing so. The panel determined that Ms Holland has not remediated her past misconduct.

90. The panel considered that a breach of professional boundaries may take different forms, and that there was a high risk that Ms Holland would in the future breach professional boundaries and fail to safeguard vulnerable service users.

91. The panel considered the test for fitness to practise recommended in the case of CHRE v Grant [2011] EWHC 927 and decided that:

- Ms Holland has acted and is liable in the future to act so as to put a service user or service users at risk of harm
- Ms Holland has in the past brought and is liable in the future to bring the profession into disrepute
- Ms Holland has in the past and is liable in the future to breach one of the fundamental tenets of the profession (breach of professional boundaries, failure to safeguard vulnerable service users).

92. The panel next considered the wider public interest considerations including the need to maintain confidence in the profession and to uphold proper professional standards.

93. The panel considered that informed members of the public would consider Ms Holland's actions to be entirely inappropriate and unacceptable. The potential for damage to the reputation of the profession is highlighted by the complaints made by the parents. All of the parents who complained about Ms Holland were known to social care or were service users. One parent compared their experience with their own social worker to what they perceived as Ms Holland's preferential treatment of Service User A. Members of the public would be concerned about the ongoing risk of repetition which involves a risk of harm to vulnerable service users. The panel determined that public confidence in the profession would be undermined if the panel did not conclude that Ms Holland's fitness to practise is impaired.

94. The panel also decided that a finding of impairment was required to mark the seriousness of Ms Holland breach of the required standards for social workers, including the breach of fundamental tenets of the profession.

95. The panel found Ms Holland's fitness to practise is impaired having regard to the need to protect the public and the wider public interest considerations.

Decision on sanction

96. Mr Lloyd referred the panel to the Sanctions guidance (the guidance), and submitted that the appropriate and proportionate sanction was a removal order. He informed the panel that Ms Holland is currently subject to an interim suspension order which was imposed in July 2018. Mr Lloyd's submissions made reference to points Ms Holland might have made, had she attended.

97. The panel accepted the legal adviser's advice. The panel had regard to the guidance and the need to act proportionately, balancing the need to protect the public and

the wider public interest with Ms Holland's interests. The panel considered the sanctions in ascending order of severity. The panel was aware that the purpose of a sanction is not to be punitive but to protect members of the public.

98. In its deliberations the panel carefully considered a point raised by Mr Lloyd relating to power dynamics and evidence about the personality of Service User A. In the investigation carried out by the Council, KO, who knew Service A well, described that she "is manipulative and she lies". The panel inferred from this that KO thought that it was possible that Ms Holland had been manipulated into supporting Service User A.

99. The panel considered this evidence in the context of Ms Holland's role and responsibilities. Ms Holland was an experienced child care social worker. The panel considered that in this field of work it is not uncommon for social workers to engage with service users who disagree with the local authority intervention and may be difficult, manipulative and who may lie. It is part of the skill set of a social worker to be able to identify any grooming behaviour both in relation to service users and in relation to themselves. Further, the panel has found that Ms Holland's inappropriate relationship with Service User A began no later than March 2017 which was soon after Ms Holland's first contact with Service User A. This was less likely to support the possibility of grooming behaviour by Service User A and Ms Holland has never herself suggested that she was manipulated by Service User A. In the circumstances, the panel concluded that this was not a mitigating factor.

100. The panel identified the following mitigating factor:

- Circumstances relating to Ms Holland's personal life at the time of the events.

101. The panel identified the following aggravating factors:

- The age of the children and their vulnerability (the children were for part of the period covered by the Allegation subject to a Child Protection Plan for which the threshold is that there is a risk of significant harm). Additionally, two of these children were aged under 2 years and hence were unable to communicate effectively their needs or concerns.
- The risk of significant harm to the children and to Service User A (a vulnerable service user with longstanding mental health issues).
- Repeated misconduct involved acts and omissions sustained over a period of more than one year.
- A breach of trust in terms of Ms Holland's position as a social worker and the children entrusted to her care.

- Ms Holland’s actions in deflecting attention from or covering up her misconduct (for example requesting IL to write a management oversight note, her elaborate inaccurate account when she asked about the visit to Skegness, and her statements to CH that a Working Agreement would be prepared).
- No insight and no remorse.

102. The panel considered the sanctions available beginning with the least serious. It held in mind that the options of taking no action, giving advice or a warning would not restrict Ms Holland’s registration. The panel determined that the option of taking no action would be entirely insufficient because it would not protect the public nor address the wider public interest considerations. The option of giving advice or a warning would also be insufficient for the same reasons. The conduct in this case is sexual misconduct with very little mitigation and the sanction of taking no action, giving advice or a warning would not sufficiently mark the seriousness of the misconduct.

103. The panel next considered the imposition of a conditions of practice order. Conditions of practice would not be workable as Ms Holland has not demonstrated any remorse or insight, nor has she engaged in a meaningful way with the regulatory process. The panel had regard to paragraph 84 of the guidance which states that conditions are “less likely to be appropriate in cases of character, attitudinal or behavioural failings, or in cases raising wider public interest issues. For example, conditions would almost certainly be insufficient in cases of sexual misconduct...” The panel did not consider that public protection could be achieved by the imposition of conditions of practice. The wider public interest was also prominently in view in this case. Informed members of the public would be very concerned that Ms Holland as the responsible social worker exposed the vulnerable children in her care to the risk of significant harm. The extent of the risk is indicated by the fact that, a few months later, the children were taken into local authority care. They would also be concerned about the extent to which Ms Holland departed from the required standards of conduct and breached fundamental tenets of the profession. Conditions of practice would be insufficient and inappropriate.

104. The panel had regard to paragraph 105 of the guidance which states: “Abuse of professional position to pursue a sexual or improper emotional or social relationship with a service user or a member of their family or a work colleague is a serious abuse of trust. Many people will be accessing social care for reasons that increase their vulnerability and that of their family. Pursuit of a sexual or improper emotional or social relationship with a vulnerable person is likely to require a more

serious sanction against a social worker”. The panel considered that this paragraph applied and that it was appropriate and proportionate for the panel to impose a more serious sanction.

105. The panel next considered the sanction of a suspension order. The panel had regard to paragraph 92 of the guidance, which states that: “Suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register...”.

106. In considering whether a suspension order was the appropriate and proportionate outcome the panel took into account the evidence from KO and IL that Ms Holland was a competent social worker. It noted the evidence of IL that he had no concerns about Ms Holland’s practice and was surprised when he learned about the inappropriate relationship with Service User A. The panel carefully balanced this information against the aggravating features in the case and the difficulty of remediating sexual misconduct. The aggravating features include some attitudinal matters including Ms Holland’s actions in deflecting attention from or covering up her misconduct. The panel also took into account the fact that Ms Holland has been subject to an interim suspension order for over two years and that her engagement with her regulator has been minimal. In the entirety of the time the interim suspension order has been in place Ms Holland has not done anything to reassure the regulator that she has accepted her failings, has or is willing to remediate them and is capable of responding to a suspension order.

107. The panel reviewed the mitigating factor in this case. The period of time covered by the misconduct extends from March 2017 to April 2018 and Ms Holland did not speak to her managers to request their support. IL had said in his oral evidence that he saw Ms Holland on most of her working days. KO said that Ms Holland “would ring me if needed to”. The panel has little information about Ms Holland’s personal circumstances or the relevance of those circumstances in the chronology of events. The panel considered that Ms Holland had sufficient opportunities to raise with senior managers any personal issues impacting upon her work. As such the panel determined that it gave limited weight to this mitigating factor.

108. Having conducted a careful balancing exercise, the panel decided that a suspension order was not sufficient to protect the public or the wider public interest. The panel had regard to the seriousness of Ms Holland’s departure from the required standards and the need for a sanction to send a clear message to members of the public and the profession that it is entirely unacceptable for social workers to engage in sexually motivated relationships with vulnerable service users. It is also entirely unacceptable for a social worker to fail in their primary responsibility to

safeguard vulnerable children in their care. The panel decided that a suspension order was insufficient to mark the seriousness of the misconduct and to maintain public confidence in the profession.

109. The panel had regard to paragraph 97 of the guidance which states: “a removal order must be made where the adjudicators conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England”
110. As detailed above, for over a year, Ms Holland failed to ensure the safety and wellbeing of three very young children in her care, instead prioritising her sexual relationship with their vulnerable mother. In its decision on current impairment, the panel found that there is a high risk of repetition of a breach of professional boundaries. If there were to be a repetition, vulnerable service users would be placed at risk of serious harm. In these circumstances, in light of the aggravating features listed above at paragraph 101, and for the reasons given at paragraph 106 above, the panel concluded that a removal order is required to protect the public. In all the circumstances, a removal order is also required to maintain confidence in the profession and to maintain proper professional standards for social workers.

Interim order

111. Mr Lloyd made an application under Schedule 2 paragraph 11(1)(b) of the Regulations for an interim order of suspension to cover the appeal period before the substantive order comes into effect, or if Ms Holland appeals, until such time as the appeal is withdrawn or disposed of. Mr Lloyd made the application on the ground of public protection, which includes promoting public confidence in the profession and maintaining proper professional standards.
112. Having heard and accepted the advice of the legal adviser, the panel was satisfied that an interim order was necessary to protect the public for the same reasons as set out in the substantive decision, particularly having regard to the high risk of repetition and the consequent real risk of significant harm to service users. Given the panel’s findings in relation to the nature of the misconduct and the risk of recurrence, serious damage would be caused to public confidence if no interim order were to be in place and standards would not be upheld. An interim order was therefore also required to promote and maintain public confidence in the profession and maintain standards for the same reasons as set out in the substantive decision.
113. The panel next considered what type of interim order to impose. For the same reasons as set out in the substantive decision, the panel considered that there were no workable conditions, and that conditions would not be sufficient to protect the public and address the wider public interest considerations.

114. In all the circumstances, the panel decided to make an interim suspension order for a period of 18 months. In deciding on this length of interim order (which will expire if no appeal is taken), it took account of the time that it might take for an appeal to be finally disposed of.

115. The panel took into account the principle of proportionality and acknowledged that this interim order will prevent Ms Holland from working as a social worker. However, the panel determined that the need to protect the public outweighed Ms Holland's interests.

Right of Appeal

116. 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.

117. 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.

118. 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.

119. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019.

Review of final orders

120. Under paragraph 15 (2) and 15 (3) of schedule 2, part 4 of the Social Workers Regulations 2018:

- 15 (2) – The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.

- 15 (3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under regulation 25(5), and a final order does not have effect until after the expiry of that period.

121. Under rule 16 (aa) of Social Work England's fitness to practise rules, a registered social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

European alert mechanism

122. 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 or restricted.

123. 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.