



Social worker: Anne Margaret
Davies

Registration number: SW69609

Fitness to Practise Final Order
Review Hearing:

Hearing Venue: Remote electronic hearing

Date of Hearing: 8 December 2020

Final Order being reviewed: Suspension Order - expiring 18 January 2021

Hearing outcome: Removal Order to take effect upon expiry of the current
order

Introduction and attendees:

1. This is the fourth review of a nine month suspension order which was imposed by a Fitness to Practice Committee of the Health and Care Professions Council (“HCPC”) on 20 September 2016. The order was reviewed on 13 June 2017 when a further suspension order was imposed for a period of one year. On 15 June 2018 the order was reviewed for a third time, and a Conditions of Practice Order was imposed for a period of 18 months. At a fourth review on 13 November 2019 the Conditions of Practice Order was replaced with a Suspension Order for a period of one year.
2. Ms Anne Margaret Davies (“the social worker”) was in attendance and was not represented
3. Social Work England was represented by Ms Sophie Sharpe of Capsticks LLP.

Adjudicators	Role
Manuela Grayson	Chair
Bill Turner	Social Worker Adjudicator
Alan Meyrick	Lay Adjudicator

Tom Stoker	Hearings Officer
Simone Ferris	Hearing Support Officer
Lucia Whittle-Martin	Legal Adviser

Review of the current order:

4. This final order review hearing falls under the Transitional and Savings Provisions (Social Workers) Regulations 2019 and as a result the review will be determined in accordance with Part 5 of the Regulations, Schedule 2 paragraph 15 of the Regulations and Social Work England’s Fitness to Practise Rules.
5. The current order is due to expire at the end of 18 January 2021.

The allegations found proved which resulted in the imposition of the final order were as follows:

During the course of your employment as a Social Worker with Worcestershire Health and Care NHS Trust (the Trust) between October 2010 and 14 January 2014, you:

1. Did not consistently update the Trust PBI system in respect of:

- a. Care plans; and/or*
- b. Care plans reviews; and/or*
- c. Cluster reviews; and/or*
- d. NHS Care Records System (NCRS) contact;*

2. Did not consistently complete care plans within 28 days of allocation, in the cases of:

- a. Service User 8; and/or*
- b. Service User 9; and/or*
- c. [Not Proved]*

3. Did not consistently include sufficient and/or adequate information in care plans in the cases of:

- a. Service user 2; and/or*
- b. Service User 21.*

4. Did not consistently complete care plan reviews and/or amend the care plans following care plan reviews in a timely manner in the cases of:

- a. Service User 2; and/or*
- b. Service User 11; and/or*
- c. Service User 12; and/or*
- d. Service User 13; and/or*
- e. Service User 14; and/or*
- f. Service User 15; and/or*
- g. Service User 16; and/or*
- h. Service User 17; and/or*
- i. Service User 18; and/or*
- j. Service User 19; and/or*
- k. Service User 20.*

5. Did not consistently maintain sufficiently detailed and/or contemporaneous notes in the cases of:

- a. Service User 3; and/or*
- b. Service User 4; and/or*
- c. Service User 20; and/or*
- d. Service User 22; and/or*

6. Did not consistently manage and/or appropriately respond to risk related information and/or incidents in the cases of:

- a. Service User 3; and/or*
- b. Service User 8; and/or*
- c. Service User 21;*

7. Did not store confidential information appropriately, in that you kept Service User information or other sensitive documents on and/or in your desk;

8. [Not Proved]

9. Did not consistently manage your timekeeping effectively in relation to appointments with service users in the cases of:

- a. Service User 5; and/or*
- b. Service User 6; and/or*
- c. Service User 7*

10. Did not consistently discharge Service Users in a timely manner in the cases of:

- a. Service User 1; and/or*
- b. Service User 11; and/or*
- c. Service User 12; and/or*
- d. Service User 13;*

11. The matters described at paragraphs 1-10 constitute misconduct.

12. By reason of your misconduct your fitness to practise is impaired.

Background and previous hearings:

- 6. In 2008 the social worker was employed as a Band 6 Case Manager in the Early Intervention Service ("EIS"), which formed part of the Adult Mental Health and Child & Adolescent Mental Health Services ("CAMHS") at Worcestershire Health & Care Trust ("the Trust"). EIS provided clinical interventions via a Multi-Disciplinary Team for service users aged 14-35 years who had experienced a first episode of psychosis.
- 7. The proven allegations of misconduct concerned the period October 2010 to January 2014, during which time, from November 2010 to November 2012, the social worker was supported through the Trust's capability procedure. In addition, the social worker's caseload was reduced from 15 cases to between 9 and 11. The misconduct related to a wide range of case management issues, which included: a consistent failure to update care plans and reviews; a consistent failure to complete and/or amend care plans and reviews; a consistent failure to include sufficient information in care plans and in case

notes; a consistent failure to respond appropriately to risk-related information; a consistent failure to liaise with other professionals; and a failure to store confidential information appropriately.

8. The original substantive panel considered that an aggravating feature of the case was the persistence and duration of the social worker's failings, leading to a real risk of recurrence. That panel concluded that mitigating features included the social worker's acceptance of her failings, combined with her history of good service and her proven clinical skills. A Conditions of Practice Order was determined, at that time, to be unworkable and onerous, and a Suspension Order was imposed for nine months.
9. On 13 June 2017 the first review panel expressed concern about the limited insight demonstrated by the social worker, or recognition by her of the impact on service users of her failure to carry out her responsibilities. That panel concluded that the extensive nature of the deficiencies, combined with the social worker's limited insight, was such that workable conditions of practice could not be formulated, and therefore the Suspension Order was extended for 12 months. The review panel specified a number of features that would provide assistance at the next review, aimed at enabling the social worker to demonstrate greater insight and evidence remediation.
10. On 15 June 2018 the second review panel concluded that the social worker was now demonstrating a greater degree of insight into her failings. It concluded that a Conditions of Practice Order for a period of 18 months would be appropriate and proportionate to enable the social worker to return to practice and demonstrate remediation in a meaningful way. The conditions imposed were as follows:
 1. *You must confine your professional practice to the private, charitable or voluntary sector and not work for any statutory social work services.*
 2. *You must not undertake any out-of-hours work or oncall duties, unless there is a manager available for advice should it be needed.*
 3. *You must work with a supervisor to formulate and maintain a Personal Development Plan designed to address the deficiencies in the following areas of your practice:*
 - a) *risk assessment;*
 - b) *care plans;*
 - c) *safeguarding;*
 - d) *case management;*
 - e) *record keeping.*

- 4. Within three months of the Operative Date you must forward a copy of your Personal Development Plan to the HCPC.*
- 5. You must meet with your supervisor on a fortnightly basis to consider your progress towards achieving the aims set out in your Personal Development Plan.*
- 6. You must allow your supervisor to provide information to the HCPC about your progress towards achieving the aims set out in your Personal Development Plan.*
- 7. You must promptly inform the HCPC if you take up employment as a Social Worker and provide details of that employment.*
- 8. You must promptly inform the HCPC of any disciplinary proceedings taken against you by your employer.*
- 9. You must inform the following parties that your registration is subject to these conditions:*
 - A. Any organisation or person employing or contracting with you to undertake Social Work;*
 - B. Any agency you are registered with or apply to be registered with (at the time of application) for employment as a Social Worker and;*
 - C. Any prospective employer (at the time of your application) where you apply for work as a Social Worker.*
- 11. On 13 November 2019 the third review panel was informed by the social worker that she had been unable to obtain employment as a social worker, that she suffered from a health condition, and that she had now decided to stop working as a social worker, and she wished to apply for voluntary removal from the register.*
- 12. The third review panel concluded that the social worker's fitness to practise remained impaired, and decided to impose a 12 months Suspension Order on the following basis:*

"Having concluded that the Registrant's fitness to practise remains impaired, the Panel considered the appropriate order to make. It concluded that to take no action or to impose a caution would be wholly inappropriate in that such an outcome would provide no protection to the public and would not address the public interest considerations that are raised in this case. The Panel concluded that a Conditions of Practice Order was now inappropriate in that the Registrant has stated that she has no intention of resuming work as a Social Worker and therefore there was no context in which Conditions of Practice would be workable.

The Panel has determined that a Suspension Order for a period of 12 months was the appropriate and proportionate order to make. Such an Order would protect the public and address the public interest issues raised in this case. But it would also enable the Registrant to pursue the option of voluntary removal from the register with Social Work England. The Panel concluded that in the circumstances of this case a Striking Off Order would, at this stage, be disproportionate”.

Submissions:

13. On behalf of Social Work England, Ms Sharpe submitted that the social worker had provided no new material for today’s hearing. She submitted that in those circumstances the social worker’s fitness remains impaired. She submitted that the social worker had been subject to continuous orders for the past four years, and that a removal order is now required to protect the public and the public interest. She informed the panel that voluntary removal is not an option available to a social worker in circumstances where there is already a Suspension Order in place, as is the case here.
14. The social worker informed the panel that she no longer wishes to work as a social worker. She explained that this decision had been reached well in advance of today’s hearing date, and had been influenced by her health. She explained that she had worked very hard to support service users in the past, but she accepted that she had put people at risk by not completing the necessary recording. She explained that the move to digital recording had been challenging for her, and she had been unable to keep up with recording whilst at the same time managing the level of her clinical work. She explained that she would have preferred voluntary removal, but understood that this was not available, and in those circumstances she did not oppose the application for removal.

Decision on current impairment:

15. In considering the issue of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. The panel took account of all the material before it, including the submissions of both parties. The panel understood that it is not bound by the conclusions reached by the previous panel.
16. The panel accepted the advice of the legal adviser.
17. The panel first considered whether the social worker’s fitness to practise remains impaired.
18. The social worker had been frank with the panel in saying that she accepted that her record keeping in the past had been inadequate, and that this had put service users at risk. She had set out her firm intention to give up social work, and had therefore not provided this panel with any evidence of remediation. In those circumstances the social

worker had not provided sufficient material to satisfy the panel that she had remediated her past misconduct. The panel therefore concluded that the risk that she will repeat her past misconduct remains, and her fitness to practise remains impaired on public protection grounds.

19. The panel also concluded that in light of the social worker's past misconduct, and the absence of any evidence of remediation, the need to uphold proper standards, and to maintain public confidence in the profession and its regulator, would be undermined if a finding of impairment were not made. Accordingly the panel concluded that the social worker's fitness to practise also remains impaired on public interest grounds.

Decision on sanction:

20. Having found that the social worker's fitness to practise remains impaired, the panel considered what, if any, sanction to impose in this case. The panel had regard to all the documentation before it and accepted the advice of the legal adviser. The panel also took into account the Sanctions Guidance published by Social Work England.
21. The panel was mindful that the purpose of sanction is not to punish the social worker, but is to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing the social worker's interests with the public interest and by considering each available sanction in ascending order of severity.
22. The panel agreed with the aggravating and mitigating features set out by the original substantive panel. It agreed that the repeated nature of the misconduct was an aggravating feature of the case, and that the social worker's misconduct was mitigated by her acceptance of her failings and her previous good character and previous unblemished career.

No Action

23. The panel concluded that the past misconduct was serious and there were no exceptional reasons to merit taking no action.

Advice or Warning

24. The panel concluded that the issuing of advice or a warning, which would enable the social worker to return to unrestricted practice, would be inappropriate in light of the risk presented by the social worker.

Conditions of Practice Order

25. The panel concluded that a Conditions of Practice Order was inappropriate and unworkable in light of the fact that the social worker has clearly stated that she no longer wishes to work as a social worker.

Suspension Order

26. The panel took into account the seriousness of the past misconduct, and the lack of any current evidence of remediation. The social worker had stated that she no longer wishes to work as a social worker. She said that she had reached this decision in a considered fashion, some time ago, and that it had been founded on a number of considerations, which included the state of her health. The panel accepted that this was the social worker's stance, and in those circumstances concluded that a period of suspension would serve no purpose and is no longer the appropriate order.

Removal Order

27. In these circumstances the panel had no option but to impose a Removal Order. The panel understood that this is the sanction of last resort where there is no other means of protecting the public and the wider public interest. However, it was the judgement of the panel that any lesser sanction would be inappropriate in light of the seriousness of the social worker's past misconduct, the social worker's decision not to provide any evidence of remediation, and, importantly, the social worker's stated and considered intention not to pursue a career in social work any longer.

Right of Appeal:

28. Under paragraph 16 (1) (b) of schedule 2, part 5 of the Social Workers Regulations 2018, the Social Worker may appeal to the High Court against:
- a. 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,
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order
29. Under regulation 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.

30. 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.

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

31. Under regulation 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

32. 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

33. 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.

34. 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.