

Social Worker: Daslie Campbell

Registration Number: SW74281

Fitness to Practise

Final Order Review Meeting:

Hearing Venue: Remote meeting

Date of meeting: 1 February 2021

Final Order being reviewed: Conditions of Practice Order (18 months)

Hearing Outcome: Removal Order (to take effect upon expiry of current order).

Introduction and attendees:

1. This is the third review of a final conditions of practice order imposed at the second review for a period of eighteen months by a Fitness to Practise Committee of the Health and Care Professions Council (HCPC) on 12 August 2019.
2. Ms Campbell (hereinafter “the social worker”) did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter dated 13 January 2021.

Adjudicators	Role
Debbie Hill	Chair
Jacqueline Telfer	Social Worker Adjudicator
Peter Swain	Lay Adjudicator

Hearings Team/Legal Adviser	Role
Calvin Ngwenya	Hearings Officer
Heather Hibbins	Hearing Support Officer
Natalie Amey-Smith	Legal Adviser

Service:

4. The panel of adjudicators (hereinafter the panel) had careful regard to the documents contained in the substantive order review hearing service bundle as follows:

A copy of the notice of substantive order review hearing dated 13 January 2021 and addressed to the social worker at her home and email address as it appears on the Social Work England Register.

An extract from the Social Work England Register detailing the social worker’s registered home and email address.

A copy of an email sent to the social worker on 13 January 2021 by Capsticks LLP.

A copy of an email dated 13 January 2021 sent by the social worker to Capsticks LLP indicating her change of address.

A signed Statement of Service dated 27 January 2021, on behalf of Social Work England, confirming that on 13 January 2021 and thereafter on 15 January 2021 the writer arranged to be sent by special next day delivery to the social worker at the addresses referred to above: Notice of Hearing and related documents.

A copy of the Royal Mail Track and Trace Document indicating “signed for delivery by VAMPBELL” to the Social Worker’s new address at 09:20am on Saturday 16 January 2021.

5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to Rule 16 of the Social Work England Fitness to Practise Rules 2019 updated on 9 April 2020 (hereinafter “the Rules”) and all 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 Campbell in accordance with Rules 44 and 45.

Proceeding with the final order review as a meeting:

7. The notice of final order review hearing informed the social worker that in line with the current government guidance concerning the COVID-19 virus (Coronavirus) pandemic, the review would take place electronically. The notice stated:

‘If you wish to attend the electronic hearing, please confirm your intention by no later than 4pm 21 January 2021. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and Social Work England may, under Rule 16 of the Fitness to Practise Rules, decide to deal with the review as a meeting. If the review is dealt with by way of a meeting the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions, you provide’.

8. The panel received no information to suggest that the social worker had responded to the notice of final order review hearing. The only information received from the social worker was an email on 13 January 2021 informing of her change of home address.
9. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Rules which provides:

‘Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting’.

10. The panel took into account that there had been no engagement from the social worker since the last review order was made in August 2019 and that there was no suggestion that she sought an adjournment today. The panel considered that the social worker had

shown herself capable of responding to the regulator as she did so to notify of her change of address. However, she had not used that opportunity to submit details of her current circumstances.

11. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

12. 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.

The current order is due to expire at the end of 13 March 2021.

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

13. Whilst registered as a social worker and employed with Bournemouth Borough Council, you:
 1. In relation to Child A:
 - a. Did not record in a timely manner your visits to Child A on or around:
 - i. 22 May 2015;
 - ii. 30 October 2015;
 - iii. 17 December 2015;
 - iv. 16 March 2016.
 - b. Completed statutory visits to Child A, that were overdue, on or around:
 - i. 30 October 2015;
 - ii. 16 March 2016.
 - c. On or about 16 March 2016, did not record an adequate and / or comprehensive progress note of information received regarding an allegation by Child A against a carer.
 2. In relation to Child B:
 - a. Completed statutory visits to Child B, that were overdue, on or around:
 - i. 24 July 2015;

ii. 6 October 2015;

iii. 11 April 2016.

b. Did not record in a timely manner your visits to Child B on or around:

i. 18 February 2015;

ii. 11 April 2016.

3. In relation to Child C:

a. Did not record in a timely manner your visits to Child C on or around:

i. 17 March 2016

ii. 25 April 2016

b. [Found Not Proved].

4. In relation to Child D:

a. Completed statutory visits to Child D, that were overdue, on or around:

i. 19 June 2015;

ii. 18 December 2015;

iii. 20 January 2016;

iv. 1 June 2016.

b. Did not record in a timely manner your visits to Child D on or around:

i. [Found Not Proved];

ii. 18 December 2015;

iii. 20 January 2016.

c. [Found Not Proved].

5. In relation to Child E:

a. Did not record in a timely manner your visits to Child E on or around:

i. 4 March 2015;

ii. 15 April 2015;

iii. [Found Not Proved];

- iv. 7 August 2015;
- v. 10 February 2016;
- vi. 14 April 2016.
- b. Completed statutory visits to Child E, that were overdue, on or around:
 - i. [Found Not Proved];
 - ii. [Found Not Proved];
 - iii. 10 February 2016.
- c. Did not follow management instruction given on or about 4 September 2015 to visit Child E by 16 October 2015.
- 6. In relation to Child F:
 - a. Did not record in a timely manner your visits to Child F on or around:
 - i. 27 January 2016;
 - ii. 22 February 2016.
 - b. Completed statutory visits to Child F, that were overdue, on or around:
 - i. 27 January 2016;
 - ii. [Found Not Proved].
- 7. In relation to Child G:
 - a. Did not record in a timely manner your visits to Child G on or around:
 - i. 11 February 2016;
 - ii. 17 February 2016.
 - b. [Found Not Proved].
- 8. The matter set out in paragraphs 1-7 constitute misconduct and or lack of competence.
- 9. By reason of your misconduct and or lack of competence your fitness to practise is impaired.

The previous final order review panel on 12 August 2019 determined the following with regard to impairment:

14. 'In the Panel's view, the Registrant's misconduct was serious and involved breaches of her professional standards. The Panel noted that, on the information before it, the Registrant has not worked as a Social Worker since 2016. There has been no evidence of real change since the final hearing in August 2018 or any evidence that the concerns underpinning the Registrant's impaired fitness to practise have been overcome'.
15. 'The Panel has determined that, in light of all the evidence before it, the Registrant's fitness to practise continues to be impaired. In the absence of any evidence of remediation, the Panel remained concerned that there was the risk of repetition of the failings identified. The Panel therefore concluded that the Registrant remained liable to put vulnerable service users at unwarranted risk of harm in the future and that the Registrant remained impaired on the personal component'.
16. 'The Panel also considered the wider public interest in the case. In the absence of remediation, members of the public would be concerned if such a Registrant, who has not practised since 2016, were able to practise without restriction. In these circumstances, the Panel was of the view that the need to protect the public, uphold confidence in the profession and the regulator would be undermined if a finding of impairment were not made. The Registrant is not safe to practise unrestricted given her current impairment and the public interest requires that she should not be able to practise unrestricted'.

The previous final order review panel on 12 August 2019 determined the following with regard to sanction:

17. 'The Panel first considered a Caution Order and decided that this would not be appropriate because it would not place any actual restrictions on the Registrant's practise, which would address the public protection concerns. Further, the Panel was of the view that the misconduct found proved was too serious and that the public interest would not be served by such a sanction'.
18. The Panel next considered whether a period of conditions of practice would be appropriate to enable the Registrant to proactively seek employment as a Social Worker and demonstrate to a future panel that she is a safe practitioner. The Panel took into account the Registrant's expressed commitment to return to work as a Social Worker, 'to do the job I love to do'. The Panel balanced this expressed commitment against what it considered to be a real lack of progress by the Registrant over the last year to comply with the suggestions made to her by the previous panels, whilst subject to periods of suspension. The Panel was mindful that the imposition of a Conditions of Practice Order requires a registrant to engage fully with the fitness to practise process to protect the

public and improve her professional practice, with a view to returning her to safe and unrestricted practice.

19. 'The Panel reminded itself that the deficiencies in this case relate to record keeping, failure to comply with statutory timescales for visits and following management instructions. No harm had been suffered by any young person as a result of the Registrant's failings and the Registrant's failings do not fall within any of the categories identified within the "Sanctions Policy" (2019) as making a Conditions of Practice Order inappropriate. It agreed with the previous panels that the identified deficiencies are remediable; the question was whether the Registrant was genuinely committed to resolving the areas to be addressed and could be trusted to make an effort to do so. In a finely balanced decision, the Panel concluded that it was possible to devise appropriate, workable and realistic conditions of practice that would protect the public and allow the Registrant to return to safe practice'.
20. The Panel therefore determined that the appropriate and proportionate sanction is to impose a Conditions of Practice Order for a period of 18 months. 'The Panel considered that this period of time should allow the Registrant to demonstrate her commitment to remediate her practice'.
21. The Panel did not consider that a further Suspension Order would serve any useful purpose, noting that the Registrant 'had not felt able to demonstrate remediation via the writing of a reflective piece'. They considered that a Striking-Off order, which would preclude a return to practice for a period of 5 years, would be disproportionate 'in the light of the Registrant's identified deficiencies and her stated commitment to return to work as a Social Worker'.
22. In addition to imposing the Conditions of Practice Order, the Panel recommended that the Registrant took note of the 'Returning to practice' guidance (June 2017) given that she did not appear to have worked as a social worker since 2016.
23. The following conditions of practice were imposed:
 1. You must place yourself and remain under the supervision of a workplace supervisor registered by the HCPC, or other appropriate statutory regulator, and supply details of your supervisor to the HCPC within 7 days of taking up employment as a registered Social Worker. You must attend upon that supervisor as required and follow their advice and recommendations.
 2. Within 3 months of taking up employment as a registered Social Worker you must satisfactorily complete courses, as approved by your workplace supervisor, in record keeping and time management; and forward a copy of your results to the HCPC.
 3. You must promptly inform the HCPC if you take up any employment as a registered Social Worker.

4. You must promptly inform the HCPC of any disciplinary proceedings taken against you by your employer.

5. 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 professional work;

B. any agency you are registered with or apply to be registered with (at the time of application); and

C. any prospective employer (at the time of your application).

6. You must work with your workplace supervisor to formulate a Personal Development Plan designed to address the deficiencies in the following areas of your practice: making accurate, timely and adequate records.

7. Within three months of taking up employment as a registered Social Worker, you must forward a copy of your Personal Development Plan to the HCPC.

8. You must meet with your workplace supervisor on a monthly basis to consider your progress towards achieving the aims set out in your Personal Development Plan.

9. You must allow your workplace supervisor to provide information to the HCPC about your progress towards achieving the aims set out in your Personal Development Plan and the standard of your performance generally as a Social Worker.

Social Work England submissions:

24. The panel read the submissions from Social Work England which were contained in the Notice of Hearing letter sent to the social worker on 13 January 2021 which stated: 'The Social Worker has not engaged with Social Work England since responsibility for the monitoring of her order transferred to them in December 2019. No evidence has been provided since the last review hearing in August 2019. In the circumstances it is reasonable to assume that the concerns identified by previous panels regarding the Social Worker's lack of adequate insight and remediation, and the risk of repetition, have not been addressed. Social Work England consider therefore that the Social Worker's fitness to practise remains impaired and that she cannot safely return to unrestricted practice.'

25. The Social Worker has not practised as a social worker for approximately 5 years and there is no evidence of her undertaking any CPD activities to keep her skills and knowledge up to date during that period. Without knowing the extent to which the

Social Worker has kept her skills and knowledge up to date, it is not possible to formulate workable conditions which would support her safe return to practice. In any event, Social Work England do not consider that it would be in the public interest to impose conditions where the Social Worker has not practised for a significant period and is not engaging with the review process.

26. Equally, Social Work England do not consider that a Suspension Order is an appropriate order in circumstances where there is no evidence regarding the Social Worker's practice intentions, and where previous periods of suspension have not resulted in any meaningful progress towards remediation. In the absence of engagement, any further periods of suspension risk (further) deskilling which would be contrary to the public interests.
27. Taking the above considerations into account, Social Work England respectfully submits that a Removal Order is necessary for the protection of the public and in the wider public interests.'

Social Worker submissions:

28. The panel noted that Ms Campbell had failed to make any submissions or representations. The main hearing bundle did contain copies of emails which the social worker had sent for previous review hearings when the matter was before the HCPC.

Panel decision and reasons on current impairment:

29. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panels. However, it has exercised its own judgement in relation to the question of current impairment.
30. The panel had regard to all the documentation before it, including the decision and reasons of the original panel and two previous review panels. The panel also took account of the written submissions made on behalf of Social Work England and submissions previously made to the HCPC by Ms Campbell.
31. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintaining public confidence in the profession.
32. The panel first considered whether Ms Campbell's fitness to practise remains impaired.
33. The panel took into account that since the last review hearing in August 2019, Ms Campbell had failed to provide any information to Social Work England and had not engaged with Social Work England at all since they became the regulator for social

workers in December 2019. The panel noted that there was therefore no evidence of any further reflection showing an understanding of why Ms Campbell's practice fell below the expected standards and what she would do differently.

34. The panel considered that Ms Campbell had been given every opportunity to engage and in not doing, she had failed to provide details and evidence of any training undertaken, details of any transferable learning and no details of insight or remediation.
35. The panel in recognising that it could not go behind the previous review panel decision were of the view that that decision had afforded Ms Campbell every opportunity to demonstrate a commitment to remediating her misconduct and to pursuing a career in social work. The panel had no new information before it to explain why Ms Campbell had not taken advantage of the change from the suspension order to one of conditions of practice.
36. The panel determined that in the light of having received no new information or evidence since August 2019, Ms Campbell's practice remained impaired. The panel considered that the risk of repetition of the findings made remained and that without adequate insight and remediation the risk to the public including the public interest remained.

Decision and reasons on sanction:

37. Having found Ms Campbell's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser.
38. The panel considered the written submissions made on behalf of Social Work England, in which the panel was invited to consider imposing a removal order. The panel also took into account the Sanctions Guidance published by Social Work England.
39. The panel was mindful that the purpose of any sanction is not to punish Ms Campbell, but 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 by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Campbell's interests with the public interest and by considering each available sanction in ascending order of severity.

No Action

40. The panel concluded that, in view of the nature and seriousness of Ms Campbell's impairment which has not been remedied, and in the absence of exceptional circumstances, it would be inappropriate to take no action. Furthermore, it would be

insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

Advice or Warning

41. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict Ms Campbell's ability to practise and are therefore not appropriate where there is a current risk to public safety. In any event, the deficiencies in Ms Campbell's practice had the potential to have wide-ranging adverse consequences and therefore some restriction on her practice is required. Therefore, the panel concluded that issuing advice or a warning would be inappropriate and insufficient to meet the public interest.

Conditions of Practice Order

42. The panel went on to consider a conditions of practice order. The panel took the view that Ms Campbell's deficiencies are potentially capable of being remedied and was in theory satisfied that appropriate, workable conditions could be formulated as indeed had been the decision at the last review. However, given the continued lack of information from Ms Campbell about her intentions coupled with her failure to engage with Social Work England or to use the opportunity provided by the previous conditions, the panel determined that imposing conditions of practice would not be sufficient to meet the public interest.

Suspension Order

43. Having determined that a conditions of practice order would not be appropriate, the panel considered whether a suspension order would be the appropriate sanction. A suspension order would prevent Ms Campbell from practising during the suspension period. The panel took into account that Ms Campbell had already been subject to two periods of suspension and that a further period would serve no useful purpose given the opportunities which Ms Campbell has had to address the findings made against her. The panel determined that a further suspension order would not be in the public interest, this case having been before the panel on four occasions now since 2018 and requires a resolution.

Removal Order

44. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel took the view that a removal order would be the appropriate and proportionate sanction in this case. The panel noted that the initial concerns that gave rise to impairment were potentially remediable with a supportive employer. However, the panel were of the view that the persistent lack of engagement by Ms Campbell meant that she had not shown any

commitment to remaining on the register or continuing to uphold the standards required by social workers including engagement with the regulator.

45. The panel took into account that Ms Campbell has chosen to ignore or fail to comply with advice and opportunities given by previous panels. The panel recognised that Ms Campbell has now been out of social work practice for five years and having not shown evidence of any CPD would be de-skilled. The panel determined that Ms Campbell would be aware of the steps that could be taken at the review today given that this is the second occasion on which Social Work England have asked for a removal order. However, despite that Ms Campbell has not engaged in the process at all. The panel did not have information before it in relation to Ms Campbell's current personal circumstances but understood that a removal order could have a detrimental effect on her personal and financial interests. However, on balance the risks to the public and public interest are such that they override Ms Campbell's interests in this regard.

46. The panel therefore directed a removal order.

Right of Appeal:

47. 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,

the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

b. 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.

48. 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:

49. 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.

50. 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.

That concludes this determination.