

Social worker: Gertrude Sadomba

Registration number: SW126025

Fitness to practise:

Final hearing

Dates of hearing: Monday 8 February – Wednesday 10 February 2021

Hearing Venue: Remote Hearing

Facts proved: Paragraphs 1, 2 and 3

Misconduct: Found in relation to paragraphs 1, 2 and 3

Impairment: Impaired

Hearing outcome: Removal Order

Interim Order: Interim Suspension Order (18 months).

Introduction and attendees:

1. This is a hearing of the Fitness to Practise Committee held under Part 5 of The Social Workers Regulations 2018.
2. Ms Gertrude Sadomba (hereafter “the social worker”) did not attend and was not represented.
3. Social Work England was represented by Ms Gemma Gillet of counsel instructed by Capsticks LLP.

Adjudicators	Role
Name: Debbie Hill	Chair
Name: Ellie Taylor	Social Worker Adjudicator
Name: Yvonne Walsh	Lay Adjudicator

Name: Calvin Ngwenya	Hearings Officer
Name: Danielle Wild	Hearing Support Officer
Name: Paul Moulder	Legal Adviser

Service:

4. The social worker did not attend and was not represented. The panel of adjudicators (hereafter “the panel”) was informed by Ms Gillet that notice of this hearing was sent to the social worker by email and by recorded delivery and first-class post to her address on Social Work Register (the Register). Ms Gillet took the panel to the relevant rules on service of notice. Ms Gillet 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 Rule 15 of Social Work England’s Fitness to Practise Rules 2019 (last updated April 2020) (“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 the social worker in accordance with Rules 44 and 45.

Proceeding in the absence of the social worker:

7. The panel heard the submissions of Ms Gillet on behalf of Social Work England. Ms Gillet submitted that notice of this hearing had been duly served. She took the panel to Rule 43 and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162* on the issue of proceeding in absence. Ms Gillet submitted that it was clear on the evidence in the service bundle that the social worker was aware of the proceedings and this was evident from her responses. The social worker had expressly stated that she was not going to attend the hearing and that she was “happy” for the hearing to go ahead in her absence. She had provided written submissions for the hearing.
8. Ms Gillet submitted that the social worker had been sent a detailed statement of case and the panel could be assured that she had been fully informed of the case against her. Ms Gillet therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*.
10. The panel considered all of the information before it, together with the submissions made by Ms Gillet on behalf of Social Work England. The panel noted that the social worker had been sent notice of today’s hearing and the panel was satisfied that she was aware of today’s hearing.
11. The panel noted that the social worker had stated that she was not going to attend the hearing. She mentioned matters relating to her health as a partial reason for her non-attendance. However, she did not provide any medical evidence in support of her inability to attend. The social worker had said “*I am happy for you to go ahead in my absence*” in her responses. The panel noted that the proceedings had been ongoing for some time. However, there was nothing to indicate that, if adjourned, the social worker would attend in future.
12. The panel, therefore, concluded that the social worker had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in the social worker’s attendance. Having carefully weighed the interests of the social worker in regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in the social worker’s absence.

Allegation:

13. The allegation arising out of the regulatory concerns which were referred by Social Work England’s Case Examiners is that:

Whilst working as a support worker between February and May 2019, you:

1. Requested and accepted money from a service user, to the approximate total sum of £2850.
2. Failed to maintain professional boundaries with a service user, who you were supporting in a professional capacity.
3. Your actions at paragraphs 1 and/or 2 were dishonest.
4. Your actions at paragraphs 1, 2 and 3 constitute misconduct.
5. By reason of your misconduct your fitness to practise is impaired.

Summary of Evidence:

14. Social Work England's case was set out in the Statement of Case as follows. On 12 July 2019, Social Work England received a referral regarding the Respondent social worker, Gertrude Sadomba. The referral was made by previous her employer, Action for Children ("AFC").
15. Ms Sadomba had been working for her employer in roles supporting Grenfell survivors, first with the Grenfell Support Service 19 March 2018 – 31 December 2018 and then on secondment to the Royal Borough of Kensington and Chelsea (RBKC) within the Grenfell Keyworker Team (1 January 2019 – 7 June 2019). She was not employed in these roles as a social worker. She passed her social work MA course in 2017, and registered as a social worker on 20 May 2019, shortly before her secondment ended.
16. Social Work England relied on the evidence of two witnesses:
 1. Lynn Giles, Children's Services Manager, Action for Children;
 2. Patricia Garner, Service Lead for the Grenfell Dedicated Service at the Royal Borough of Kensington and Chelsea Council and a registered social worker;
17. Social Work England relied on the witness statement of Ms Giles. Ms Giles stated that she had been tasked with investigating allegations made against the social worker by a self-appointed community advocate, who used 'whistleblowing' to raise the matter. The latter person claimed to have been informed of matters by Service User A. On 1 July 2019 this volunteer alleged that Ms Sadomba had taken money from a Grenfell resident. In total it was alleged that Ms Sadomba received approximately £2,850 from Person A.
18. Ms Giles exhibited a copy of her investigation report dated 12 October 2019. She included a copy of the report from Police into the matter. Ms Giles stated that she had interviewed the social worker as part of her investigation and noted her responses. The text of the interview was contained in the investigation report.

19. In her witness statement, Ms Giles stated that the social worker blamed herself for what had happened. The social worker related her own personal difficulties and admitted that she had become 'too close' to Service User A. She described the first occasion on which Service User A had given her money.
20. Ms Giles stated that the social worker had said that she had received a text whilst with Service User A, from the social worker's mother, referring to a need for money to pay for the funeral of the social worker's father. The social worker stated that Service User A had offered the social worker money to help her, had been offended at an initial refusal. The social worker did not dispute accepting money on that occasion or thereafter. She had stated an intention to repay the money but had been prevented by unemployment.
21. Ms Giles stated that the social worker had disclosed inappropriate personal details to Service User A. Ms Giles gave her opinion that the social worker had formed something like a 'friendship' with the service user, there had been frequent contacts between them and there had been a breach of AFC's own Code of Conduct in this respect.
22. Ms Giles stated that she had asked the social worker about her training and induction to AFC and her knowledge of appropriate boundaries. Ms Giles concluded that it was not clear if the social worker had read the AFC Code of Conduct in full. She had not completed all of her e-learning. Ms Giles offered the opinion that the social worker should have had appropriate awareness of boundaries by virtue of her training for her social work qualification (completed around the time of the events).
23. Ms Giles stated that the social worker admitted having contacted Service User A once after she had been informed of the allegation, on 05 July 2019, the day she was informed that allegations had been made about the social worker. Service User A had responded, but the social worker had not contacted the service user after her interview by the Police.
24. Ms Giles exhibited information from the Police investigation, including the content of text messages from the social worker's phone which were said to be conversations between the social worker and Service User A. Ms Giles also exhibited AFC's Codes of Conduct dated April 2018 and January 2019.
25. Ms Giles noted that there had been a meeting to review her investigation of the social worker's conduct by the management of AFC and she exhibited the notes of the meeting. However, neither Ms Giles nor the social worker had attended the meeting. Ms Giles noted that the social worker had resigned before December 2019 but that, had she not done so, the decision of AFC management was to dismiss the social worker.
26. Ms Gillet also relied on the witness statement of Patricia Garner. Ms Garner stated her role included overseeing support worker teams for the Royal Borough of Kensington and Chelsea ("RBKC"). She stated that the social worker had been employed by AFC and had

acted as a keyworker with RBKC. As such, Ms Garner stated, the social worker would have been bound by AFC's policies.

27. Ms Gillet also relied on correspondence between Social Work England and the Metropolitan Police, in which the latter provided details of a Prepared Statement given by the social worker in interview, together with details of text messages from her phone, as below:

[06/04/2019, 11:25:21] "I was going to ask if I can borrow some money till end of May though it has to be between us. Else I will get sucked"

[06/04/2019, 11:25:45] "But it's too embarrassing for me"

[06/04/2019, 11:57:27] "If you can manage to lend me £500 then I can pay in 2 instalments. I would be grateful"

[24/04/2019, 13:06:57] "Hi sorry to bother you again, but you are my only helper at the moment. My mum has been admitted again and they won't start her treatment until they receive payment. I have £185 only left and I need to to send £300. Please can you help me?"

[24/04/2019, 13:09:43] "I dont get paid until next week"

[01/05/2019, 09:04:03] SADOWBA: "My dad's sister just passed away this morning"

[01/05/2019, 14:14:36] SADOWBA: "Hey . Please when you get a chance can you call me?"

[01/05/2019, 17:22:36] : "OMG can you believe I just got a quote from the builders to do the gardens as well, I am £8,500 short for everything!!!! I think I'm just finishing off hun. I'll give you a call in a bit. Xx"

[01/05/2019, 18:14:00] SADOWBA "Aw dear. It's all my fault. And here I was about to ask you for £350 to add the funeral contributions."

28. As to the Social worker's evidence, Ms Sadomba had engaged with Social Work England to a limited extent. Ms Sadomba provided a written response to the Case Examiners dated 10 March 2020 and a Reflective Statement dated 2 November 2020.
29. In her written response to the Case Examiners dated March 2020 Ms Sadomba admitted regulatory concerns stating *'Yes, I received a series of loans for Person A, I had every intentions (sic) to pay her back, of which I still want to do. I regret having accepted her offer initially'*. She explained that she had become friends with Person A, which she now knows was wrong to do, and stated that she has let herself, her children, her family and the entire social work field down. She stated that she should not have let the situation at Grenfell (which was not like the usual support work and had a lot of 'grey areas') cloud her professional judgment.
30. The social worker stated in her written submission to the hearing *"1. I did not request money from service user initially, she offered me help on agreement that I pay her back. 2. At that point, yes I failed to maintain professional boundaries, of which I am very disappointed in myself as a professional. 3. I have never denied my actions so I do not understand what you mean when you say dishonest. I take responsibility for all my actions and can only apologise and hope to get back into work and pay the money back as I had promised."*

Finding and reasons on facts:

31. The panel has discretion to admit evidence under Rule 32, on the basis that it is 'fair'. It noted that the Witness Statements relied on by Social Work England had been properly prepared and were appropriately signed with a statement of truth by the maker. The witnesses had been prepared to give evidence if required by the panel.
32. The panel noted that the information from the Metropolitan Police in the email dated 07 February 2020 had been requested by the Social Work England investigator. The content of some of the answers was also found elsewhere, in the report from Ms Giles. All the documentation had been provided to the social worker in advance of the hearing.
33. The panel determined that it was fair in the circumstances that the evidence in the witness statements should be admitted and considered, subject to the issue of weight to be attached.
34. The panel considered the facts alleged in the allegation, as follows:

Whilst working as a support worker between February and May 2019, you:

1. Requested and accepted money from a service user, to the approximate total sum of £2850.

35. The panel had before it the witness statement of Ms Giles, exhibiting her own investigation report made in October 2019, and a copy of the Police report. Ms Giles had also interviewed the social worker and made notes of the conversation. The panel also had the responses of the social worker and her own written submissions.
36. The panel noted that Ms Giles was a professional charged with properly investigating the matter. She had produced her report, a matter of months after the events in question and produced a note of her interview with the social worker. Her witness statement dealt with the investigation on which she had reported earlier. The panel noted that Ms Garner was also a professional engaged in supervision for RBKC and gave evidence on restricted matters concerning the social worker's employment which were within her knowledge. The panel determined that it could place reliance on their evidence in their witness statements and accepted their evidence.
37. The panel noted that the email from the police came from a Metropolitan Police officer at the prompting of a sergeant in the Adult Safeguarding unit, following enquiry by Social Work England. It determined that it could rely on the responses provided.
38. The panel was satisfied from evidence of Ms Giles that Ms Sadomba worked as a support worker between the dates specified in the allegation. The panel noted from Ms Giles' investigation report that in the interview, the social worker admitted having accepted money from Service User A, on terms that it was a loan, or series of loans. Ms Giles had reported to AFC management that the social worker had 'admitted' the allegation of having obtained £2,880 as a series of loans.

39. The panel noted from the Prepared Statement, as contained in the email from Police, the social worker set out her statement of having “asked” for money from Service User A, which totalled £2,850, over a period from 08 April 2019 to “05/19”.
40. The panel further noted in the social worker’s responses that she did not make any denial of these alleged facts and had explicitly admitted the allegation as a ‘regulatory concern’ of the money as a loan in her response dated 10 March 2020.
41. The panel was mindful that there was no opposition case set out in the information from the social worker to the evidence in the witness statements produced by Social Work England and that the social worker had made admissions in the course of her internal interview and in her Prepared Statement. Moreover, she had effectively confirmed her position in her responses in the investigation process.
42. The panel determined that it had clear evidence that the social worker had requested and accepted the money in paragraph 1 between the stated dates and found this paragraph proved.

2. Failed to maintain professional boundaries with a service user, who you were supporting in a professional capacity.

43. The panel determined that the social worker had been supporting Service User A in a ‘professional capacity’. It accepted the evidence of Ms Giles that the social worker had explained her own role to Ms Giles:

“Her role was to support service users and their families by helping them settle into their new accommodation and to support them in re-establishing their lives following the Grenfell fire. The Social Worker would have been expected to have regular meetings with the families she was supporting and to record those meetings in line with RBKC case management processes. She would be expected to abide by AFC Policies and procedures as well as RBKC processes and procedures in terms of case management”

The panel concluded that this was work which was properly to be carried out by a professional or to a professional standard and was therefore done in a professional capacity.

44. The panel next considered whether maintaining proper professional boundaries with a service user had prohibited the social worker in acting as she had, requesting and accepting sums of money from the service user and forming a more than professional relationship with the service user.
45. The panel was clear that the maintenance of proper professional boundaries had prohibited the social worker obtaining loans of money from the service user. The panel considered that to do so had been a gross breach of trust on the part of a person whose job it was to assist service users.
46. The panel noted the AFC Code of Conduct (January 2019 version) referred to by Ms Giles, which stated:

10.2 *Workers must not enter into personal relationships / friendships with any service user or their immediate family*

10.3 *Workers must not give or receive gifts from service users and their families.*

47. The panel had already found that the social worker had received money from Service User A, in relation to paragraph 1. Although the money was termed as 'loans' by the social worker, this had been a description which had emanated from her responses to Ms Giles.
48. The spirit of paragraph 10.3 of the Code was that employees of AFC should not receive benefits from their service users. In the panel's view, a loan was also the type of benefit intended to be prohibited.
49. The panel was satisfied that the Code of Conduct in particular in the above paragraphs was apt to describe the professional boundaries that had applied in the circumstances.
50. The panel noted the content of her internal interview with Ms Giles where the social worker said *"And I did say I can't accept money as it is against our policy and I could get sacked if they know you are giving me money..."*. In the panel's view, this was clear evidence that the social worker knew at the time that her actions were in breach of professional boundaries.
51. In addition, the panel accepted Ms Giles' evidence that the social worker had said in the internal interview that the relationship with Service User A had become *"blurred"* and had extended into a 'personal relationship/friendship', in breach of this part of the AFC Code. The panel concluded that the social worker had failed to maintain professional boundaries by forming a personal relationship or friendship with by Service User A and then going on to accept money from her on five occasions.
52. The panel found paragraph 2 of the allegation proved.

3. **Your actions at paragraphs 1 and/or 2 were dishonest.**

53. Ms Gillet submitted that the social worker had been dishonest in a number of respects, either that she had exploited the relationship with Service User A with the intention of obtaining money, alternatively that she had dishonestly represented her intention to repay any sums received, or in that she had falsely represented the reasons she required the money.
54. Ms Gillet pointed the panel particularly to the text message dated 06 April 2019 from the social worker, which stated:
- [06/04/2019, 11:25:21] "I was going to ask if I can borrow some money till end of May though it has to be between us. Else I will get sucked [sic]"*
55. Ms Gillet submitted that this was clear evidence that the social worker was aware at the time that even borrowing money from Service User A was wrong and would have serious consequences, if discovered. Ms Gillet pointed to the inconsistent reasons given by the

social worker for the 'loans' and the lack of any repayment as circumstantial evidence of dishonesty.

56. The panel reminded itself of the test for dishonesty, as set out in *Ivey v Genting Casinos [2017] UKSC 67*. It first had to determine, on the evidence, what had been the social worker's subjective state of mind and then determine whether, by the objective standards of ordinary decent people, such behaviour was dishonest.
57. Since the social worker did not attend, the panel had not heard oral evidence from her, but it did not hold that against her. The panel considered with care the evidence that had been presented and what conclusions it could reach from it.
58. The panel did not find that the social worker had entered into a relationship with Service User A in order to exploit it and obtain money. In the view of the panel there was not sufficient evidence on which the panel could make such an inference.
59. The panel considered the question of dishonesty in relation to the social worker requesting and receiving money, in paragraph 1 of the allegation.
60. The panel found that there were inconsistencies in the reasons given by the social worker for her receiving the money. The social worker said in her internal interview that the first occasion on which she had received money from Service User A had related to the social worker's father's funeral costs, but in her Prepared Statement this appeared to be the second occasion in time. The earliest text message provided referred to the social worker "*asking*" to borrow money, but her account was that it was offered by Service User A. This text message did not refer to borrowing "*more*" money, but just "*borrowing some money*". Further, the reason advanced in the Prepared Statement, of needing money for course fees, did not appear in the text messages at all.
61. The panel noted that the amount said to have been requested to help pay for the social worker's mother's hospital treatment in her Prepared Statement differed to that referred to in the text messages. In her internal interview, the social worker referred to "*the one time I asked her*" [referring to Service User A] stating that this was with reference to "*fees*". She specifically confirmed this when asked by Ms Giles. However, the Personal Statement referred to the social worker having "*asked*" for money on multiple occasions.
62. The panel noted, in addition that the social worker had always described that the money was to be a 'loan'. In the first instance, there had been a stated intention to pay "*by the end of May*", implicitly May 2019. Whilst under investigation, the social worker had continued to profess an intention to repay Service User A. She stated that she had said to Service User A, "*if you help me, I will pay you back £250 a month*".
63. The panel noted that there was no reference to the social worker having repaid Service User A any of the money she had received, by the end of May 2019, or by July 2019, when she was contacted by her manager, or since that time, although the social worker relied on her reduced hours and later unemployment as reasons.

64. The panel also noted that the social worker accepted that she contacted Service User A, on being contacted by her immediate manager, due to concerns being raised and despite being told not to speak to residents with whom she had worked.
65. The panel bore in mind the content of her internal interview with Ms Giles where the social worker said *“And I did say I can’t accept money as it is against our policy and I could get sacked if they know you are giving me money...”*.
66. The panel also took into account that, in connection with receiving the payments, the social worker had disclosed various inappropriate matters about her own personal life which were likely, if not calculated to, weigh on the sympathy of Service User A.
67. The panel bore in mind that, more than occurring once, the social worker received money from Service User A on five occasions, according to her own Prepared Statement. There had been no suggestion that the sums had been repaid, even though the repayment date for the first money had passed while the social worker was still employed in her role with AFC and despite the social worker having made definite representations concerning repayment.
68. The panel concluded that the social worker had given conflicting reasons for asking for the money from Service User A and, on the balance of probabilities, that the reasons were not always genuine. Further, it also concluded that the social worker had not, when receiving the first or subsequent sums, had a clear and settled intention to repay the money received from Service User A.
69. In the panel’s determination, the social worker’s state of mind was dishonest, according to the standards of ordinary decent people. In its view an ordinary person would expect a professional in the social worker’s position, to be straightforward and honest in dealing with service users, not to take money at all and certainly not without an intention to repay.
70. The panel next considered the issue of dishonesty in relation to the breach of professional boundaries, in paragraph 2 of the allegation. In the panel’s determination, the breach of boundaries was likely to have occurred in the forming of an inappropriate relationship, whereafter further disclosures had occurred as the relationship had built, resulting in the later acceptance of money.
71. Whilst not initially dishonest, the panel found that by continuing to fail to maintain boundaries and making inappropriate disclosures in connection with receiving money from Service User A, the social worker’s failure had been dishonest.
72. The panel considered that there was a breach of professional boundaries in relation to the receipt of money, in that there had been inappropriate disclosures made in connection with the payments. In addition, the panel found that the social worker had knowingly breached professional boundaries in making disclosures which then influenced and acted on the sympathies of Service User A and encouraged the payment of money.
73. In the panel’s determination, the social worker’s state of mind was dishonest, according to the standards of ordinary decent people. In its view an ordinary person would expect

a professional in the social worker's position, not to fail to maintain professional boundaries and make inappropriate disclosures which then led to the money being paid to her by Service User A.

74. Accordingly, the panel found paragraph 3 of the allegation proved, in relation to paragraph 1, the requesting and accepting of money and in relation to paragraph 2, the failure to maintain professional boundaries.

Finding and reasons on grounds:

75. Ms Gillet submitted that the issue whether the facts found proved amounted to misconduct was a matter for the panel's judgement. She submitted that misconduct was often described as a falling short of standards in the circumstances. It was conduct which would be regarded as 'deplorable' by other professionals.
76. Ms Gillet submitted that the panel should refer to the relevant standards of the Health and Care Professions Council (HCPC) which regulated social workers at the time of the events. She referred to standards 1.7 and 9.1 of the HCPC document: '*Standards of conduct, performance and ethics*' ("Standards of Conduct document") in particular as being relevant.
77. The social worker completed her academic studies (MA in Social Work) in May 2017. She then took up the relevant post as a support worker, prior to registering with the HCPC in May 2019. The allegation therefore relates to actions which occurred before she had become a registered social worker. Ms Gillet submitted that it was appropriate to consider the impact of the social worker's actions prior to registration, in relation to the damage it caused to confidence in the profession as a whole.
78. The panel accepted the advice of the legal adviser, which included that it should consider whether any of the facts found proved amounted to misconduct, which was serious professional misconduct. Misconduct could be both misconduct in the carrying out of a profession, but also misconduct of a morally culpable or disgraceful kind, which brings disgrace on the professional and prejudices the reputation of the profession.
79. The panel considered its findings of fact. In relation to paragraph 1, the panel had found that the social worker had requested and accepted money from a vulnerable service user. This had been for a considerable amount of money (approximately £2850) and involved five occasions over a considerable period. The receipt of money had occurred in the circumstances of dishonest conduct, as set out in the panel's findings on fact. The panel had noted that the social worker had known what she was doing was wrong and might result in termination of her employment.
80. The panel was in no doubt that this was very serious misconduct. It would rightly be regarded as 'deplorable' by fellow members of the profession. It involved the abuse of a

position of trust and an imbalance in the relationship between the social worker and the service user. The panel found misconduct in relation to paragraph 1.

81. The panel also considered its findings in relation to paragraph 2, which was the failure to maintain professional boundaries. It had no doubt that it was misconduct when the social worker repeatedly made personal disclosures, thereby failing to keep a proper professional boundary with Service User A, which resulted in the latter paying money over to the social worker. Bearing in mind its findings in relation to the dishonest way in which these disclosures had carried on, the panel determined that this was serious misconduct. The panel found misconduct in relation to paragraph 2.
82. The panel noted its findings in relation to paragraph 3, which were related to the way in which the social worker acted in paragraphs 1 and 2. It determined that it was serious misconduct for the social worker to have acted dishonestly. The panel found misconduct in relation to paragraph 3.

Finding and reasons on current impairment:

83. Having found misconduct in relation to paragraphs 1, 2 and 3 of the allegation, the panel next considered whether its findings of misconduct demonstrated that the social worker's fitness to practise is currently impaired.
84. Ms Gillet submitted that this also was a matter of judgement for the panel. She said that core ethical values were engaged which were set out in the HCPC Standards of Conduct document. It was proper to consider the damage to confidence in the profession as a whole.
85. Ms Gillet reminded the panel that it had found inconsistencies in the reasons for the loans given by the social worker. Hers was not a 'one-off' lapse but involved repeated occasions. The social worker had clearly been aware that what she was doing was wrong. Ms Gillet submitted that there was a high risk of recurrence of the misconduct. The social worker had given no explanation of her views on how dishonesty affected public confidence in the profession.
86. The panel accepted the advice of the legal adviser. His advice included that not every finding of misconduct required a finding of impaired current fitness to practise. The panel should consider whether the conduct was remediable, whether it had been remedied and whether it could be said to be highly unlikely to be repeated. The panel should bear in mind that in some cases a finding of impaired fitness to practise may be justified on the grounds that it is necessary to reaffirm clear standards of professional conduct and maintain public confidence in the profession.
87. The panel considered the submissions on behalf of Social Work England and also the written submissions and reflective statement provided by the social worker. The panel

took into account that the social worker expressed remorse and apologised for her actions.

88. The panel noted that the requesting and acceptance of money had occurred on a number of occasions, in circumstances involving an abuse of trust. The social worker had not stated any recognition of the effect on the vulnerable service user of her actions. In the view of the panel, misconduct involving findings of dishonesty is of the most serious kind. It is not easily remediable, involving attitudinal issues on the part of the social worker.
89. Further, the social worker had made inappropriate personal disclosures and formed an inappropriate relationship which eventually played a part in the requesting and receiving of money from the service user by the social worker. The social worker's failure to maintain professional boundaries had facilitated the money being obtained.
90. The social worker had provided no evidence of having attempted to remediate her misconduct by repaying even a small amount of the money received or otherwise. In March 2020, the social worker had stated that matters had left her *"so unfocussed that I have not been involved in any remedial activities"* and she relied in mitigation on some unfortunate personal family circumstances which had occurred around the time of the events under consideration.
91. In her reflective statement, dated 02 November 2020, the social worker stated that the *'whole process as [sic] taught me the importance of maintaining professional boundaries'*. She suggested that she would not repeat her misconduct. However, the social worker did not set out what reflective work she had undertaken, or how the whole process had assisted her in gaining insight.
92. The panel did not consider that the social worker had demonstrated having carried out any meaningful remediation. In the absence of any remediation, the panel had determined that there was a risk of repetition in the future. In addition, the panel considered the social worker had breached a fundamental tenet of the profession by abuse of her position for her own benefit. The social worker had transgressed important standards of conduct. She had also acted dishonestly, as set out in the panel's findings.
93. The panel noted the following standards as set out in the HCPC's document *'Standards of conduct, performance and ethics'*:

"1. Promote and protect the interests of service users and carers

Maintain appropriate boundaries

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

"9 Be honest and trustworthy

Personal and professional behaviour

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

The panel agreed with the submission that these standards were engaged in this case.

94. The panel determined that the social worker had not remediated her past, very serious misconduct, as a result of which there was a risk of repetition which required a finding of current impairment of fitness to practise. In addition, due to the circumstances of the case, the necessity to reaffirm clear standards of professional conduct and maintain public confidence in the profession also required a finding of impairment.
95. For the reasons set out above, the panel determined the social worker's fitness to practise is impaired.

Decision on Sanction:

96. Having determined that the social worker's fitness to practise is impaired, the panel went on, in accordance with paragraph 32(c)(i)(c) of the Fitness to Practise Rules, to determine what, if any, sanction to impose.
97. The panel received submissions from Ms Gillet. She submitted that the appropriate sanction in the circumstances was a removal order. The regulatory concerns were incredibly serious. There had been a significant breach of standards found and an abuse of trust. Ms Gillet submitted that sanction had to address the risk of repetition found and the need to uphold standards.
98. The panel took into account the documents provided by the social worker and her Statement dated 02 November 2020, which included:

"I have come to terms with my situation and I can only but apologise to the Social Work field as a whole for the disgrace, to my family especially my children as I am not in a position to provide for them as much as I should due to the suspension.

However, this whole process as taught me the importance of maintaining professional boundaries between those I am working with and supporting. This has been a very strong learning curve for me and I believe given the opportunity to practice or work again, this will never repeat its self and I would like to further develop myself and others by learning and talking about the impact and importance of Professional boundaries.

I have also taken this as a lesson in transparency and communicating and the importance of supervision. I believe if I had opened up more in my supervision during my employment at that time, maybe I would have received better guidance from my then managers."

99. The panel heard and accepted advice from the legal adviser. His advice included that the Panel should have regard to all the evidence placed before it and take account of the submissions made on behalf of the social worker and Social Work England. The proper approach to Sanction was that any sanction imposed must be the minimum that is required to achieve the statutory aims of the regulator. At all times the panel should be proportionate by weighing the public interest with the interests of the social worker.
100. In considering which, if any, sanction to impose the panel had regard to the Sanctions Guidance (November 2019) and the advice of the legal adviser. The panel reminded itself that the purpose of imposing a sanction was not to punish the social worker, but to protect the public and the wider public interest.
101. At all stages, the panel sought to be proportionate in its decision, balancing the interests of the social worker with the interests of the public. The panel considered the options for sanction starting with the least restrictive and imposing that which was proportionate to the level of impairment found.
102. The panel considered the facts found and its previous decisions on misconduct and impairment. It identified a number of aggravating and mitigating features of the case, as follows:

There were aggravating features:

- The amount of money taken from an individual service user was large
- The money had been requested and accepted on five occasions
- The social worker lacked insight into the impact on the service user
- There had been no attempt to repay any of the money taken
- Dishonesty

There were mitigating features:

- Engagement with Social Work England, albeit to a limited extent
- The social worker was relatively inexperienced
- The social worker had offered apologies
- The social worker had accepted the facts early into the investigation
- Evidence of a number of unfortunate personal circumstances for the social worker at the time

103. The panel determined that the seriousness of the misconduct involved was such that to take no further action, or to impose an advice or warning order, was clearly insufficient. There were no exceptional circumstances to justify such a course of action. In particular it would not address the risk of repetition the panel had identified and would not be sufficient to maintain public confidence in the profession.

104. The panel next considered imposing a conditions of practice order. The panel reminded itself that the primary purpose of conditions of practice orders is to protect the public, while the social worker takes any necessary steps to remediate their fitness to practise. However, the allegation concerned the behaviour of the social worker where she dishonestly obtained financial gain. Dishonesty raised attitudinal concerns which were difficult to remediate.
105. The panel considered that conditions could not be formulated to address the social worker's dishonesty. Moreover, a conditions of practice order would not address wider public interest concerns identified in the panel's decision on impairment.
106. The panel next considered a suspension order. The panel had regard to the Sanctions Guidance again and in particular paragraphs 102 to 103 and 106 to 109. It reminded itself of its earlier findings. The case involved a finding of impairment based on repeated receipt of money taken dishonestly.
107. Paragraph 102 emphasises the privileged position of trust placed in social workers and that any abuse of trust is serious and unacceptable. Paragraph 103 states that "most cases of serious abuses of trust are likely to require suspension or removal of registration."
108. Paragraphs 106 and 107 of the Sanctions Guidance ("SG") state:
- "106. Social workers are routinely trusted with access to people's homes, and highly sensitive and confidential information. They are also routinely trusted to manage budgets including scarce public resources. Any individual dishonesty is likely to threaten public confidence in the proper discharge of these responsibilities by all social workers.*
- 107. Financial dishonesty, whether in the course of professional work or in matters outside the social worker's practice, is likely to damage the trust the public places in social workers....."*
109. The panel reminded itself that findings of dishonesty against a professional were very serious matters. The panel had found that the social worker had provided no real evidence of having carried out any remediation and had very limited insight into all matters, but especially the dishonesty. There was no consideration in relation to the impact on the vulnerable service user of taking a large amount of money from her. Despite her relative inexperience, the social worker had recently undertaken the academic element of her training and her breaches related to fundamental tenets of the profession. The abuse of a position of trust was obvious, in the panel's view.
110. The panel noted that the social worker had apologised for her wrongdoing. She had also been subject to unfortunate personal events at the time. However, the panel balanced

this with the fact that the evidence clearly showed that the social worker had known that what she was doing was wrong at the time, hence her request to Service User A not to disclose matters. The panel was concerned at the attitudinal issues this revealed and in relation to the other dishonesty found as set out above.

111. The panel had concluded that there was a continuing risk to the public, and in addition the public interest was engaged, in maintaining confidence in the profession and setting the proper professional standards. The panel concluded that the continuing risk to the public, the failure to remediate and the lack of insight into the gravity of the dishonesty together with the need to maintain confidence in the profession meant that a suspension order was both inappropriate and inadequate to reflect the seriousness of the case.

112. The panel noted paragraph 97 of the SG 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. A decision to impose a removal order should explain why lesser sanctions are insufficient to meet these objectives.”

113. The panel concluded that a removal order was the only proportionate, appropriate and sufficient sanction to impose. Requesting and receiving money of such a large amount was behaviour it viewed as fundamentally incompatible with continued registration as a social worker. The social work profession requires a high degree of trust in its members, as the public relies on a social worker to be honest and have integrity in making decisions that affect their lives. As stated in the SG paragraph 106, individual dishonesty threatens public confidence in the profession as a whole.

114. The panel had not received any detailed information about the social worker’s circumstances to allow it to assess the impact of sanction on her practice. It had read that there had been a limitation on the social worker’s ability to earn and provide for her family in the run up to the hearing. However, the panel decided that any financial and reputational interests of the social worker was outweighed by the need to protect the public and the wider public interest.

115. The panel determined to make a removal order.

Interim Order:

116. Having determined to make a removal order, the panel heard an application by Ms Gillet for an interim order which would cover the appeal period on the basis that it was necessary for public protection and in the wider public interest. The final order will not

come into effect until after the expiry of the appeal period without any appeal having been made or, if any appeal is made, the withdrawal or determination of any appeal.

117. The panel reminded itself of its findings set out above, including that it had identified a risk of repetition of the misconduct. Furthermore, it had determined that the only appropriate and proportionate sanction as a final order was a removal order.
118. The panel determined that an interim order was necessary for protection of the public, having identified that there was a continuing risk to the public from the risk of repetition, and in the wider public interest due to a need to maintain confidence in the profession in light of that risk.
119. Bearing in mind its decision that conditions of practice were not appropriate in its determination of the final order, the panel was of the view this should be an interim order of suspension in order to meet the risk and that this was proportionate.
120. The Panel bore in mind the principle of proportionality and decided to make an interim suspension order for a period of 18 months. In deciding on this length of interim order (which will expire in 28 days if no appeal is lodged), it took account of the fact that any appeal may take some time, particularly in view of the current COVID 19 pandemic and the impact that this has had on court timetables.
121. The panel made an interim order for suspension for 18 months, pursuant to paragraph 11(1)(b) of Schedule 2 of the Social Workers Regulations 2018.

Right of Appeal:

122. 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.
123. 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.
124. 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.

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

That concludes this determination.