

Social worker: Michelle Ann
Baxter

Registration number: SW82625

Fitness to practise: Final hearing

Date(s) of hearing: 18 March 2021 to 19 March 2021

Hearing Venue: Remote Hearing

Hearing outcome: Removal Order

Interim Order: Interim suspension order (12 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 Baxter did not attend and was not represented.
3. Social Work England was represented by Miss Renton of Capsticks LLP.

Adjudicators	Role
Gill Mullen	Chair
Gemma Bellwood	Social Work Adjudicator
David Crompton	Lay Adjudicator

Simone Ferris	Hearings Officer
Paige Higgins	Hearing Support Officer
Andrew McLoughlin	Legal Adviser

Service of Notice:

4. Ms Baxter did not attend and was not represented. The panel of adjudicators (hereinafter “the panel”) was informed by Miss Renton that notice of this hearing was sent to Ms Baxter by special delivery first class post to her address on the Social Work Register and by email to an address held by Social Work England. Miss Renton 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 44 of The Fitness to Practise Rules 2019 (“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 Baxter in accordance with the Rules.

Proceeding in the absence of the social worker:

7. The panel heard the submissions of Miss Renton on behalf of Social Work England. Miss Renton submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Baxter and as such there was no guarantee that adjourning today’s proceedings would secure her attendance. She

therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing. The panel noted that Ms Baxter had sent an email dated 11 February 2021 to Social Work England indicating that “I will not be attending the hearing in March”.

8. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162* etc; and Rule 43 of the Rules.
9. The panel considered all of the information before it, together with the submissions made by Miss Renton on behalf of Social Work England. The panel noted that Ms Baxter had been sent notice of today’s hearing and the panel was satisfied that she was aware of today’s hearing as she had indicated in a form signed by her on 5 January 2021, entitled Hearing attendance/Hearing timetable, that she did not intend to attend a final hearing.
10. The panel, therefore, concluded that Ms Baxter had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Baxter’s attendance. The panel determined that Ms Baxter had voluntarily absented herself from these proceedings. Having weighed the interests of Ms Baxter 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 Ms Baxter’s absence.

Allegation

11. The allegation referred by Social Work England’s Case Examiners on 10 August 2020 was:

“1. On 10 January 2020 you were convicted for the offences of:

a) Care Worker ill-treating / wilfully neglecting an individual (CJCA 2015 s.20).

b) Holder of a Public Office wilfully neglecting to perform duty, wilfully misconducting. By reason of your conviction, your fitness to practice as a social worker is impaired”.

Summary of Evidence

12. Miss Renton indicated that she would not be calling any live oral evidence in this case, but instead would be relying upon the guilty plea of Ms Baxter, which was evidenced by a Certificate of Conviction at the Crown Court at Worcester, which showed that on the 10 January 2020 she was convicted, by reason of her guilty plea, of *“Care worker ill-treating/wilfully neglecting an individual/Holder of a public office wilfully neglecting to perform duty wilfully misconducting himself/herself”*. There were in fact two charges that she had pleaded guilty to, namely ill-treatment of an

individual by a care worker and wilful misconduct and/or wilful neglect to perform her public duty. Ms Baxter was sentenced to an immediate custodial sentence of 26 months imprisonment.

13. Miss Renton further explained that she would be relying on the opening of the prosecution case in the Crown Court at Worcester relating to the facts surrounding the criminal offending behaviour of Ms Baxter, as this adequately set out the regulatory concerns which were the subject matter of this hearing.
14. Miss Renton indicated that in the Crown Court hearing, Ms Baxter was legally represented and had provided a detailed written basis upon which she was pleading guilty and which the prosecution had accepted. She further explained that it was upon this basis of plea that the Crown Court sentenced her.

Background

15. On 12 September 2017, the Health and Care Professions Council (“HCPC”) received a referral regarding Ms Baxter. The referral was made by Gail Bullock, HR advisor at Herefordshire Council. The referral contained an allegation that the Social Worker had engaged in an intimate relationship, including a sexual relationship with a young person (“Service User A”) who was a user of the “16+ Service” that Ms Baxter managed.
16. [PRIVATE]
17. Ms Baxter became the team manager of the 16 Plus Team at Herefordshire Children's Services in January 2016. The team had been run for many years providing support to young people leaving care at the age of 16 and upwards, but it had had many changes in relation to senior management in the 11 years or so until the arrival of Ms Baxter. The team consisted of non-professional personal advisors and social workers. This was the large team that Ms Baxter was in charge of from January 2016 onwards on a permanent basis. They had premises in Hereford at 4 Blackfriars, doubling as offices for the staff and also a drop in environment, where the service users could come in and meet each other and meet staff. The prosecution submitted that this was a case where the public's interest in Ms Baxter performing her duty was very significant, not only in the general sense but very much in a local one. If one thinks about the young people leaving care, one might readily accept that many will have needs, some will be vulnerable, and the purpose of the team is to support them to become independent, find work, and become self-reliant. Disrupting that process could have a serious outcome directly on the life of the local community due to the potential for negative behaviour, essentially, ensuing from those service users.
18. Service User A said in his achieving best evidence interview: that he met her at 4 Blackfriars and did not get on well with her at first, but began to talk to her about

personal matters, trusted her, went out for meals with her, and one night, in June or July 2016, they kissed, and, within a few days, their relationship became sexual. They frequently had sex, she told him she loved him, and they talked about making plans for the future. They used hotel rooms occasionally. Her husband once came to his flat. He went to her house, met her children, and they had sex there about seven or eight times, including two overnight stays. He saw weapons in the house, and he was afraid of her husband whom he met once. She swore to him, he said, on her daughter's life that there was nothing sexual left in her marriage. She had three daughters. He felt he had to believe her. He understood that, if they revealed their relationship, she would lose her family, she would lose her job, and she told him she intended to leave her family and her job so that they could be together and start a family. She had bought him expensive clothes and spent quite a lot of money on him. Evidence from witnesses is that signs of his mental health deterioration over the following 12 months were there, including becoming verbally aggressive and abusive towards staff and other young people, headbutting windows, breaking tables, throwing things, and kicking doors. There was one occasion when glass was showered on a staff member. He took an overdose in the team office. In the office, on one occasion, he put a ligature around his neck. Whenever he was there in the office, he would go to Ms Baxter instead of his personal advisor.

19. Miss Renton explained that the staff saw signs of intimacy. Service user A said in his video evidence that the situation caused him to suffer from increased pain and a sense of pressure. He took tablets and tried to hang himself. He was trying to give signs to the team without telling them directly. He said that Ms Baxter took him to get drugs. She once smoked cannabis with him and gave him money every day for the drug. She knew that he was stressed, and he said that she would give him cannabis to help persuade him not to say anything about them. A witness says that he sought to attempt suicide by hanging on 8 August and 22 August, and matters came to a head on 1 September when he had had a breakdown and told team members in the office, whilst she was away, of their relationship. He produced a picture of them in bed, showing their faces. He said that he saw a picture of Ms Baxter looking happy with her husband, he argued with her, and he therefore, out of a sense of hurt feelings and revenge, sent the picture of himself with her to his mother. He went on to describe feelings of devastation about the relationship coming to an end, said he loved her, wanted to die, and was unable to describe his feelings. He said to his mother, "I've been in a relationship with her for over a year. She has now destroyed my life and took everything away from me." His mother then sent the picture to Ms Baxter's husband.

20. Miss Renton shared that a formal complaint -- albeit an anonymous one -- was made in October 2016 in the form of a letter self-described as "whistleblowing" and "formal" in an attempt by the writer to show some form of compliance with the

council's whistleblowing procedures. It included some serious concerns that Ms Baxter had become very involved in a certain case, namely Service User A. Young people were noticing that he was receiving a different level of service. He was given money, gifts, bottles of beer, taken for meals out, and transported daily. Pressure and strain were put on workers. On one occasion, it was clear he was going to buy drugs and a worker was expected to transport him. Ms Baxter undermined the actions of staff members around him. He had out of hours and excessive personal contact with her, and the preferential treatment could be construed as grooming. At a meeting chaired by Ms Baxter's line manager, Head of Services for Looked After Children in November 2016, a large number of the team were there, and so was Ms Baxter, when this whistleblowing letter was dealt with in front of the group. This was Ms Baxter's dissimulation of the reality behind it.

21. By March 2017, young people were making comments about their perception of a relationship involving sexual favours between one of the service users and a member of the team. Ms Baxter's line manager was notified by the police liaison officer, on 22 March 2017 of a report that Service User A said he was in relationship with his social worker. Not suspecting that it had anything to do with Ms Baxter, asked her to investigate. She came back to him, having agreed to, and purported to do so, said she had investigated it and concluded that the allegations were baseless but, on 31 March, she went to question R A, who was then the personal advisor, about the fact that this description could apply to her. R A was under no doubt that she was being asked whether or not she was, in fact, the culprit for the wrongdoing that Ms Baxter knew lay at her own door.
22. Miss Renton further explained that a Youth Links placement involving 24-hour a day support at a cost, to the taxpayer of between £2,500 and £3,000 a week, the estimate of the costs that his placement there, in fact, incurred was £125,000, or slightly more. Service User A was the first service user at Youth Links to be supported by them at over the age of 18 -- he was 20 -- and Ms Baxter's own behaviour was consistent with the views of other professionals that he did not require 24-hour support. He did not meet the requisite threshold for the placement.
23. In order to place these matters in an appropriate context, Miss Renton referred to a document that had been prepared for the benefit of the court which set out from the prosecution's perspective the two charges that Ms Baxter pleaded guilty to. They were as follows: –

“Count 1 Ill-treatment of an individual by a care worker (CJCA 2015 s20)

Context: *Baxter came to the 16-plus Team after SERVICE USER A was established as a service user, and ill-treated him within the context of their sexual relationship with*

full knowledge of his particular vulnerabilities and full access to his records, so that he became increasingly suicidal.

Particulars of Ill-Treatment - Convincing him falsely of the seriousness and permanence of their relationship, and assuring him that her marital relationship was over; - Giving him false expectations as to the practicalities of his near future and her role within it, as to helping him set up home with her and start a family; - Preventing him from accessing mental health and medical support and assistance; - Causing him to fear for his safety by informing him that her husband who worked armed forces, whom he knew to her knowledge had access to weapons, was coming after him, and that a friend of her husband's was also after him; - Placing on him the burden of keeping their relationship secret; - Displacing and manipulating the role of his Personal Advisors; - Placing on him the burden of keeping other secrets when divulging confidential information to him about third parties; - Encouraging him to use cannabis to manage stress; - Rewarding him for destructive behaviour and encouraging him to have a subversive attitude to his publicly funded support”.

Count 2 Misconduct in a Public Office Context: the defendant managed the team with an authoritarian style which was bullying, divisive and capricious, and caused a great deal of distress to several staff members within the team.

Particulars of Misconduct

1. Conducting a sexual relationship with a Service-User A ;

2. Dishonesty with regard to her relationship with Service User A

i) Treating in bad faith true concerns about her raised in an anonymous whistleblowing letter;

ii) Purporting to investigate concerns that was intimately involved with a staff member, when she was the real subject of those concerns; and in doing so, for example, deliberately deceiving the LADO/Police Liaison Officer on 23rd March 2017 and Service User A's Personal Advisor R A on 31st March 2017;

iii) Concealing the relationship generally when it was a matter of concern to staff members.

3. Mishandling of Service User A's case, combined with misuse of public funds

i) On 4th April 2017 : Attending the ECOMAP meeting (designed to map CSE offenders) and arguing against SERVICE USER A being an offender even though he met the criteria, thus undermining work being done to protect other young people at risk of sexual exploitation.

ii) Securing a care package for Service User A, to which he was not entitled, involving 24 hour support from Youthlinx, at a cost to the taxpayer of £2,500 or more per week, thereby depriving other young people service users of the benefit of these funds.

iii) Driving through a policy change with senior management support precisely so that could receive the above care package. The policy was to extend the provision of support to those aged 21-25.

iv) Requiring Youthlinx not to adhere to a standard Placement Plan, requiring a curfew hours reduction to facilitate her meetings with him, and requiring staff absences from his 24 hour a day funded support so that she could have additional privacy for her meetings with him.

v) Further misuse of public funds by ensuring that had uncapped activity money when at Youthlinx; by requesting that he be given breaks from 24 hour a day funded support; by encouraging him to revert to the 16+ Team for support when he had 24 hour a day funded support with Youthlinx.

vi) Responding in inappropriate ways to incidents involving Service User A and other service users by

a. Failing to make records of her meetings with SERVICE USER A;

b. Making inaccurate records about SERVICE USER A;

c. Failing to call the police and/or medical services in cases of criminal damage, violence and anti-social behaviour, physical injury, risk of harm and attempted suicide;

d. Failing to record such incidents or cause them to be recorded

vii) Requiring staff and others to respond - or fail to respond - in inappropriate ways to incidents involving Service User A and other service users by

a. Requiring Youthlinx staff not to keep written records;

b. Requiring staff on the 16+ team not to make written records on the Mosaic System;

c. Requiring staff on the 16+ team to alter their written records;

d. Instructing staff not to call police and/or medical services in cases of criminal damage, violence and anti-social behaviour, physical injury or risk of harm;

e. Imploring Youthlinx staff not to issue a warning letter regarding criminal damage.

viii) Encouraging Service User A to use cannabis; regularly paying for his cannabis; facilitating his purchases of it; asking a staff member ZW to help pay off a cannabis debt of his; involving staff ZW in accompanying Service User A when he was buying cannabis; turning a blind eye to his using of cannabis at Team offices.

ix) Grossly favouring Service User A over other service-users, in addition to the foregoing, by

a. Providing him with a £50 weekly cash allowance to which he was not entitled;

b. buying him food, clothes, trainers, a game and alcohol;

c. providing him with unique activity funding;

d. diverting approximately £600 of a funding donation for the Service to him;

e. reducing the payment frequency (not the amount) for other young people of their allowances;

f. providing exceptional amounts of transport to him;

g. failing to reprimand him or deal with him appropriately for bad behaviour.

x) Conducting an improper and unprofessional relationship with Service User B including:

a. Excessively messaging NH via the team Facebook account;

b. Visiting her every day at her flat;

c. Giving her money for gas and food which she was not entitled to;

d. Colluding in and encouraging the domestically violent relationship between NH and her boyfriend [PRIVATE] by taking them for a day trip to West Midlands Safari Park.

xi) Disclosing personal staff details to Service User A and Service User B .

xii) Setting up and using private communications by Facebook with service users when in fact her role did not require her to have any direct contact with them, let alone contact which their Personal Advisors did not know about.'

24. Miss Renton also referred the panel to certain aspects of the written basis of plea that Ms Baxter had submitted to the Crown Court which were as follows: –

Count 1

"I accept that, when I joined the 16 Plus Team, Person A was an established service user. I accept that I ill-treated him in the context of a sexual relationship with full knowledge of his vulnerabilities and full access to his records. I accept that, as a result of the relationship ending, he became increasingly suicidal. I accept that I convinced him falsely of the seriousness and permanence of our relationship and assured him that my marital relationship was over. I accept that I gave him false expectations as to the practicalities of his near future and my role within it, as to helping him set up home with me and starting a family. I accept that, on occasion, I prevented him from accessing mental health and medical support and assistance. I accept that I caused him to fear for his safety by informing him that my husband, who worked in the Armed Forces, was coming after him and that a friend of my husband's was also after him. I accept that I placed on him the burden of keeping the relationship secret."

"I accept that I responded in inappropriate ways to incidents involving [PRIVATE] as follows: (a) Failing to make records of my meetings with him. (b) Making inaccurate records about him. (c) Failing to call the police and/or medical services in cases of criminal damage, violence and antisocial behaviour, physical injury, risk of harm, and attempted suicide. (d) Failing to record such incidents or cause them to be recorded."

"I accept that I required staff and others to respond, or fail to respond, in inappropriate ways to incidents involving [PRIVATE] by: (a) Requiring Youth Links staff not to keep written records that were not shared with him. (b) Requiring staff on the 16 Plus Team not to make written records on the Mosaic system. (c) Instructing staff not to call the police and/or medical services in cases of criminal damage, violence and antisocial behaviour, physical injury, or risk of harm. (d) Imploring Herefordshire Housing not to issue a warning letter regarding criminal damage."

"I accept that I encouraged [PRIVATE] to use cannabis as follows: (a) I regularly gave him money which, in part, I knew was for him to buy cannabis. (b) I accept that, on occasion, I gave him a lift suspecting that he was buying cannabis. (c) I asked a staff member, ZW, to help pay off a cannabis debt of his. (d) I involved staff, that is ZW, in accompanying [PRIVATE] when he was paying off a drug debt. (e) I turned a blind eye to his use of cannabis at the team offices."

Count 2

*"It is accepted that I acted dishonestly with regard to the relationship with Person A as follows: purporting to investigate concerns that Person A was intimately 3
Classification: Confidential involved with a staff member when I was the real subject of those concerns; in doing so, for example, deliberately deceiving the local*

authority designated officer, or police liaison officer, on 23 March 2017 and his personal advisor, on 31 March 2017; and by concealing the relationship, generally, when it was a matter of concern to staff members."

"I accept that I mishandled [PRIVATE] case and misused public funds as follows: 1. I accept that, on 4 April 2017, I attended the Ecomap meeting, designed to map CSE (child sexual exploitation) offenders, and argued against [PRIVATE] being an offender, even though he met the criteria, thus undermining work being done to protect other young people at risk of sexual exploitation."

Finding and reasons on facts

25. Based on the above evidence provided and particularly given the detailed admissions that Ms Baxter had made when she was legally represented at the Crown Court, the panel was satisfied that the facts made out in the allegation had been proved on the balance of probabilities. The panel noted also that there was a Certificate of Conviction from the Crown Court at Worcester.

Finding and reasons on grounds

26. The panel reminded itself that there is no burden or standard of proof at this stage of the hearing. The panel is to apply its own judgement in relation to whether the facts found proved amount to misconduct.
27. The panel was satisfied that by reason of the two convictions and the facts supporting them, that Ms Baxter's fitness to practise as the social worker is impaired.

Finding and reasons on current impairment

28. Miss Renton submitted to the panel that the conviction puts Ms Baxter in breach of HCPC Standards of Conduct, Performance and Ethics, namely:

a. HCPC Standards of conduct, performance, and ethics (2016)

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

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

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

7.3 - You must take appropriate action if you have concerns about the safety or well-being of children or vulnerable adults.

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

b. HCPC Standards of Proficiency – Social Workers in England (2017)

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

3.4 - be able to establish and maintain personal and professional boundaries.

29. The panel was also referred to Social Work England's Professional Standards, which although not in force at the time of Ms Baxter's misconduct state the professional standards that are now expected of social workers and which include:

2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.

3.12 Use my assessment skills to respond quickly to dangerous situations and take any necessary protective action.

As a social worker, I will not:

5.1 Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others.

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

5.3 Falsify records or condone this by others.

6.7 Cooperate with any investigations by my employer, Social Work England, or another agency, into my fitness to practise or the fitness to practise of others.

30. Miss Renton submitted that in the absence of any remediation the risk of repetition of all the behaviour is high. Therefore, a finding of impairment is needed to uphold the overarching objective of protecting the public which involves the pursuit of the following objectives:

- a. to protect, promote and maintain the health, safety and well-being of the public.
- b. to promote and maintain public confidence in the profession; and
- c. to promote and maintain proper professional standards of conduct for members of the profession.

31. The panel accepted the advice of the legal adviser that there is no burden or standard of proof when it comes to the issue of impairment. It is a matter for the panel. The legal adviser also advised that in relation to impairment, it is current impairment of fitness to practise that is important and that the case of *CHRE v NMC & Paula Grant* [2011] EWHC 927 (Admin), provides a helpful approach to the determination of impairment because it involves a consideration of both the past and the future:

‘Do our findings of fact in respect of the doctor’s misconduct...show that his/her fitness to practise is impaired in the sense that s/he:

- a. has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b. has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c. has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or...*
- d. has in the past acted dishonestly and/or is liable to act dishonestly in the future.’*

32. The legal adviser also advised the panel to have regard to the case of *Cohen v GMC* [2008] EWHC 581 (Admin) which states:

‘It must be highly relevant in determining if a doctor’s fitness to practise is impaired that; first his or her conduct which led to the charge is easily remedied, second that it has been remedied and third that it is highly unlikely to be repeated.’

33. The panel considered:

- a. whether Ms Baxter's conduct was easily remediable.
- b. whether it had been remedied; and
- c. whether there was a risk of repetition.

34. The panel considered that this was a profoundly serious matter. Ms Baxter had exploited her position as a social worker and abused the trust placed in her in relation to vulnerable Service User A. Over a sustained period of time, she had been involved in a sexual relationship with him and had given him false hopes about their future together. When the relationship came to an end, Service User A considered that his life had come to an end and was both physically affected and mentally traumatised by the events. To keep their relationship secret, she falsified records, gave preferential treatment to Service User A to which he was not entitled and thereby misused a significant amount of public funds that could otherwise have been used for other service users.
35. The panel further noted that Ms Baxter had involved another colleague in carrying out activities, such as paying off Service User A's drug debt, that was completely out with their role. This was an example of abusing trust of colleagues, as Ms Baxter held a managerial position. When concerns had been expressed by an external third party, Ms Baxter who was then not under suspicion carried out an investigation in which she attempted to place suspicion on a colleague, when knowing full well that she was the person who was having the relationship with a service user. The panel concluded that this was likely to have caused great concern for the innocent individual given the nature of the concerns that were being investigated. The panel concluded that this further aggravated the matter so far as Ms Baxter's behaviours were concerned. That, Ms Baxter chose to conduct this relationship with Service User A in the full knowledge that he had a history of mental health instability, then in the panel's view this exacerbated the behaviour of Ms Baxter and her overall treatment towards Service User A.
36. The panel noted that Ms Baxter had engaged with Social Work England and the HCPC during their respective investigations and that she had pleaded guilty to the two offences with which she was charged. The panel accepted that she had shown some insight into the serious failings that had occurred over a sustained period and that she was remorseful regarding her behaviour. The panel also noted that she had indicated that she was unfit to practise and had no intention of being a social worker in the future.
37. The panel having reached those conclusions, then had regard to the approach in *Grant v GMC* and concluded that:
- a. Ms Baxter has in the past acted and is liable in the future to act so as to put a service user at unwarranted risk of harm; and
 - b. Ms Baxter has in the past brought and is liable in the future to bring the social work profession into disrepute; and

c. Ms Baxter has in the past breached and is liable in the future to breach the fundamental tenets of the social work profession, namely:

i. To be trustworthy; and

ii. To keep vulnerable service users safe.

d. Ms Baxter as in the past acted dishonestly and is liable to act dishonestly in the future.

38. The panel therefore concluded that Ms Baxter's fitness to practise is impaired by reason of her conviction, and that such a finding is necessary to uphold the overarching objective of protecting the public and in the pursuit of the following objectives:

a. to protect, promote and maintain the health, safety, and well-being of the public.

b. to promote and maintain public confidence in the profession; and

c. to promote and maintain proper professional standards of conduct for members of the profession.

Decision on sanction

39. Miss Renton, on behalf of Social Work England, submitted that removal was the appropriate sanction. She referred the panel to the Sanctions Guidance and, in particular, the passages dealing with cases of dishonesty, sexual misconduct, and breach of trust. She submitted that this was a serious case of sexual misconduct, dishonesty, and breach of trust in respect of which only limited insight had been shown, and that public protection and the public interest required a removal order.

40. The Legal Adviser reminded the panel that the purpose of sanction was not to punish but to arrive at a proportionate outcome to the case, having regard to the need to protect the public and satisfy the public interest. He referred the panel to the Sanctions Guidance, which set out a principled approach to sanction, and reminded the panel of the need to consider sanction in ascending order.

41. The panel first considered the aggravating circumstances of the case. These were that Ms Baxter had pursued a sexual relationship with Service User A over a sustained period of time and which had a significant impact on him resulting in attempts to take his own life. Further, Ms Baxter had acted dishonestly when authorising the expenditure of significant amounts of public funds to assist Service User A when he was not so entitled. The panel considered that there was a serious abuse of trust perpetrated by Ms Baxter not only in relation to Service User A but also in relation to her other colleagues, who would rightly expect someone in Ms

Baxter's position to demonstrate proper professional standards, rather than unfairly target a colleague in a serious investigation that she was leading. The panel viewed Ms Baxter's behaviour over a sustained period as being calculating and deceitful. The panel noted the guidance which suggests that any abuse of trust by social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession as a whole and that pursuit of a sexual relationship with a vulnerable person is likely to require a more serious sanction against the social worker. The panel were firmly of the view that the abuse of trust, the sexual misconduct, and the dishonesty by Ms Baxter is towards the top end of any scale of seriousness.

42. In terms of mitigating circumstances, the panel considered that Ms Baxter had shown limited insight. She had expressed regret and remorse but there was no evidence of remediation. She had made clear her intention never to return to the social work profession. Ms Baxter had no previous findings made against her and prior to her significant breach of standards was according to several her colleagues well regarded in the social work profession.
43. The panel considered that the aggravating circumstances significantly outweighed the mitigating circumstances.
44. The panel considered sanction in ascending order.
45. The panel concluded that there were no exceptional circumstances which would justify taking no further action. Such a course would be wholly inappropriate given the profoundly serious matters that it was considering.
46. The panel also considered that advice or a warning would not reflect the seriousness of the concerns.
47. The panel next considered a conditions of practice order. The panel had regard to the Sanctions Guidance which stated that conditions were less likely to be appropriate in cases of character, attitudinal or behavioural failings and would almost certainly be insufficient in cases of sexual misconduct, dishonesty, and abuse of trust. The panel did not consider that this was a suitable case for conditions. It involved sexual misconduct, dishonesty and abuse of trust and conditions of practice could not be formulated to address these failings. A conditions of practice order would not be sufficient to satisfy the public interest.
48. The panel next considered a suspension order. This order would protect the public while it was in force. However, the aggravating circumstances of this case were such that the panel considered that a suspension order would not be sufficient to promote and maintain public confidence in the profession; and to promote and maintain proper professional standards of conduct for members of the profession.

49. The panel concluded that a reasonable and fully informed member of the public would not regard a suspension order as a proportionate outcome to the impairment in this case; the sexual misconduct, dishonesty, abuse of trust and the attempts to conceal the same.
50. In the panel's assessment a removal order is the only sanction, which is sufficient to protect the public, maintain confidence in the profession and maintain proper professional standards for social workers in England.
51. The panel therefore directs that Ms Baxter's name is removed from the Register.

Interim order

52. Miss Renton on behalf of Social Work England, applied for an interim suspension order to cover the appeal period and any period during which an appeal, if lodged, could be resolved. She referred the panel to the Social Worker Regulations 2018, Schedule 2 paragraphs 8 (6), 11 and 14 and submitted that the combined effect of those paragraphs was such as to enable the panel to revoke the existing interim order which was due to expire on 29 June 2021 and substitute a new interim order for 12 months. She submitted that this was a preferable course to leaving the existing interim order in place and later applying to the High Court, if necessary, for an extension
53. Miss Renton submitted that the need for an interim order was apparent from the terms of the panel's decision and from the fact that the panel's substantive order would not come into effect until 28 days from notification of the decision or upon the resolution of any appeal from that decision.
54. The Legal Adviser reminded the panel of the need to be satisfied that any interim order was necessary for the protection of the public and referred the panel to those parts of the 2018 Regulations referred to by Miss Renton.
55. The panel concluded that an interim order was necessary for the protection of the public, which included the wider public interest and that an interim suspension order for 12 months should be imposed. The need for an interim suspension order arose from the terms of the panel's findings and any other approach would be inconsistent with those findings. The panel considered that it was preferable to revoke the existing order and impose a new order in the light of its findings.
56. The panel therefore revoked the existing interim order, under paragraph 14 of Schedule 2 of the 2018 Regulations and imposed an interim suspension order for a period of 12 months under paragraph 11 (1) (b) of those Regulations. The panel concluded that a period of 12 months was sufficient to enable any appeal, if lodged to be resolved.

Right of Appeal

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

Review of final orders

5. Under paragraph 15 (2) and 15 (3) of schedule 2, part 4 of the Social Workers Regulations 2018:
 - 15 (2) – The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
 - 15 (3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under regulation 25(5), and a final order does not have effect until after the expiry of that period.
6. 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.

