



# Social Worker: Debbie Leadbitter

## Registration Number: SW58239

### Fitness to Practise

### Final Order Review Meeting:

Meeting Venue: Remote meeting

Date of meeting: 18 June 2021

Final Order being reviewed:  
Conditions of Practice Order (12 months) - (expires 31 July 2021)

Hearing Outcome:  
Removal Order (to take effect upon expiry of current Conditions of Practice Order on 31 July 2021)

## Introduction and attendees

1. This is the second review of a final conditions of practice order originally imposed for a period of 12 months by a Health and Care Professions Council (HCPC) conduct and competence committee on 4 July 2019. The conditions of practice order was reviewed by a Social Work England panel of adjudicators on 22 June 2020. The order was varied and extended for twelve months.
2. Ms Leadbitter 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.

| Adjudicators    | Role                      |
|-----------------|---------------------------|
| Claire Cheetham | Chair                     |
| Belinda Henson  | Social Worker Adjudicator |
| Victoria Smith  | Lay Adjudicator           |

| Hearings Team/Legal Adviser | Role                     |
|-----------------------------|--------------------------|
| Simone Ferris               | Hearings Officer         |
| Paige Higgins               | Hearings Support Officer |
| Helen Gower                 | Legal Adviser            |

## Service of Notice:

4. The panel of adjudicators (hereafter 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 2 June 2021 and addressed to Ms Leadbitter at her postal and e-mail address as they appear on the Social Work England Register;
  - An extract from the Social Work England Register detailing Ms Leadbitter's registered postal and e-mail address;
  - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 2 June the writer instructed Docucentre to send notice of hearing

by special delivery to Ms Leadbitter at the postal address referred to above and that he sent the same notice to Ms Leadbitter at the e-mail address referred to above:

- A copy of the Royal Mail Track and Trace Document indicating that the item was “delivered back to the sender” on 7 June 2021.

5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Leadbitter in accordance with Rule 16, 44 and 45 of the Fitness to Practise Rules.

### 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 4 pm on 9 June 2021. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and the adjudicators may decide to deal with the review as a meeting. If the adjudicators do hold a meeting, they 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 was provided with an e-mail from a representative of Capsticks LLP dated 10 June sent to the Registrant at her e-mail address held by Social Work England which stated “as we have not heard from you with your intention to attend the hearing before the response deadline, we shall assume that you will not be attending the electronic hearing and the adjudicators will decide to deal with the review as a meeting.” There was no response from Ms Leadbitter.
9. The panel was also provided with telephone attendance notes dated 10 June 2021 and 16 June 2021. There was no answer from Ms Leadbitter and a message that the phone was unavailable.
10. The panel received no information to suggest that the social worker had responded to the notice of final order review hearing.
11. 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.” The legal adviser also advised the panel on its discretion to proceed in the absence of Ms Leadbitter and the guidance in the case of *GMC v Adeogba and Visvardis* [2016] EWCA Civ 162.

12. The panel considered the circumstances and decided that Ms Leadbitter has waived her right to attend a hearing, that an adjournment was unlikely to secure her attendance and that it was in the public interest to proceed with the review of an order which is due to expire at the end of July 2021 expeditiously.
13. The panel was satisfied that it would be fair and appropriate to conduct the review in Ms Leadbitter’s absence and in the form of a meeting in accordance with Rule 16(c).

#### Review of the current order:

14. 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 on 31 July 2021.

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

*Whilst registered with the HCPC as a Social Worker working for Doncaster Metropolitan Borough Council and whilst carrying out work as a Best Interest Assessor, you:*

1. Kept payments in advance for assessments that:
  - a) You did not complete; and/or
  - b) You did not submit to your employer, and/or
  - c) Were carried out by other assessors; and/or
  - d) Were cancelled and/or no longer required and not carried out.
2. Indicated that you were available to undertake assessments when you knew you had not completed previous assessments and/or did not have the capacity to complete the work in a timely manner.
3. Your actions described at particulars 1-2 constitute misconduct.
4. By reason of your misconduct your fitness to practise is impaired.

## Background

15. Ms Leadbitter was registered with the HCPC as a Social Worker and employed by Doncaster Metropolitan Borough Council (“the Council”) at the material time. In addition to her main employment with the Council, the Social Worker also undertook assessments for the Deprivation of Liberty Safeguarding (“DoLS”) team within the Council as a “Best Interests Assessor” (“BIA”). The assessments were of service users in care homes or hospitals who were believed to lack capacity to consent to care and treatment. This is an independent role, with assessment allocated to the BIAs by the administration unit of the DoLS team. BIAs received payment for this additional role by submitting an invoice for the relevant work.
16. At the relevant time, the Council had a high number of assessments outstanding and it became concerned as to Ms Leadbitter’s handling of the assessments she had accepted. An investigation was undertaken which led to the Council determining that Ms Leadbitter had more than 90 assessments awaiting completion, and had, over a course of time claimed approximately £37,000 for assessments she had not personally submitted. A disciplinary process was commenced and the Council referred its concerns to the HCPC.
17. Ms Leadbitter provided a response to the HCPC but did not attend the final hearing in July 2019 and was not represented. The HCPC panel found the allegations proved, save for the allegation that Ms Leadbitter had been dishonest, and that they amounted to misconduct. In its decision, it noted that Ms Leadbitter accepted that her standard of work was not acceptable and that she had not supplied any evidence of reflection. It concluded that Ms Leadbitter’s fitness to practise was impaired on both the personal and public components of fitness to practise.

The previous final order review panel on 22 June 2020 determined the following with regard to impairment:

*“Given that the Social Worker had provided no information to the Adjudicators, there was no evidence that the failings identified by the substantive panel had been addressed. There was no evidence of insight or remediation before the Adjudicators, and no further expression of remorse or testimonials in support of the Social Worker. The Adjudicators therefore found that the Social Worker’s fitness to practise remained impaired.”*

The previous final order review panel on 22 June 2020 determined the following with regard to sanction:

*“Having found the Social Worker’s fitness to practise is still impaired, the Adjudicators went on to consider what, if any, Order was required, conscious that they were expected to work up the ladder of sanctions available to them until they reached a decision which adequately managed the risk and was proportionate in the circumstances. It was satisfied that an Order was still necessary and proportionate with regard to the*

*protection of the public and the wider public interest. It would not be appropriate to impose no order or issue a Caution. There were no issues to mediate.*

*Given the lack of engagement with Social Work England to date, including the lack of any information as to current employment, the Adjudicators would usually consider the imposition of a Conditions of Practice Order to be inappropriate. However, they noted the mitigating factors identified by the substantive HCPC panel and agreed that the failings were capable of being remedied. They were mindful that the purpose of any sanction is not to punish the social Worker but to protect the public and the wider public interest, which includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The Adjudicators were satisfied that appropriate and workable conditions could be formulated, and was conscious that Social Work England is a new regulator which is having to operate in the highly pressured conditions of a public health emergency caused by the Covid-19 coronavirus. The Adjudicators found that in the particular circumstances of this case, it would be disproportionate to the failings identified to issue a Suspension Order. Accordingly, the Adjudicators considered that it was appropriate to extend the Conditions of Practice for a further 12 months to give the Social Worker a chance to engage with the fitness to practice team at Social Work England and demonstrate her remediation of the failings identified.*

*Having determined the appropriate order to be Conditions of Practice, the Adjudicators considered the proposed conditions identified by Social Work England which had been sent to the Social Worker. They were satisfied that the conditions were appropriate and proportionate in the circumstances and therefore determined to impose conditions on the practice of the Social Worker.*

*The Adjudicators urge the Social Worker to engage with her regulator in relation to this matter and indicate whether she wishes to address the failings identified and return to the profession. A future reviewing panel of adjudicators would expect the Social Worker to attend the review hearing and it would be of assistance to them if she was able to provide evidence that she has undertaken significant steps that would facilitate a safe and effective return to the register without restriction”.*

The conditions of practice were as follows:

- 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*
- 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to*

*provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.*

3. *At any time you are providing social work services, which require you to be registered with Social Work England, you must:*
  - a. *agree to the appointment of a reporter nominated by yourself and approved by Social Work England. The reporter must be on Social Work England's register. This could be the same person as the workplace supervisor.*
  - b. *not start/restart work until these arrangements have been approved by Social Work England.*
4. *You must provide reports from your reporter to Social Work England every 4 months and at least 28 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.*
5. *You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.*
6. *You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.*
7. *You must inform Social Work England if you apply for social work employment/self-employment (paid or voluntary) outside England within 7 days of the date of application.*
8. *You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].*
9. *At any time you are employed, or providing social work services, which require you to be registered with Social Work England you must:*
  - a. *place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England's register. This could be the same person as the reporter;*
  - b. *you must not start/restart work until these arrangements have been approved by Social Work England.*

10. *You must provide reports from your workplace supervisor to Social Work England every 4 months and at least 28 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.*
11. *You must keep your professional commitments under review and limit your social work practice in accordance with your workplace supervisor's advice.*
12. *You must work with your workplace supervisor to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:*
  - a. *proactively planning how to manage your workload;*
  - b. *taking effective action if your workload cannot be effectively and reasonably managed.*
13. *You must provide a copy of your personal development plan to Social Work England within 28 days of starting social work employment.*
14. (a) *You must maintain a reflective practice profile detailing how you take action to proactively plan to manage your case load and/or take action when your workload cannot be effectively and reasonably managed. This may be in the form of a Practice Diary.*  
  
(b) *You must provide a copy of your reflective practice profile to Social Work England 28 days prior to any review.*
15. *You must inform, within 7 days from the date these conditions take effect, the following parties that your registration is subject to the conditions listed at 1 to 14, above:*
  - a. *Any organisation or person employing or contracting with you to undertake social work services, whether paid or voluntary;*
  - b. *Any locum, agency, or out-of-hours service you are registered with or apply to be registered with (at the time of application);*
  - c. *Any prospective employer (at the time of application);*
  - d. *Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.*

*You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.*

15. You must permit Social Work England to disclose the above conditions, 1 to 15, to any person requesting information about your registration status.

#### Social Work England submissions:

18. The submissions on behalf of Social Work England were set out in the Notice of Hearing:

*“Since the imposition of the Substantive Order the Social Worker has not engaged further with her regulator. The Social Worker has not provided the relevant evidence to satisfy a reviewing panel that she has remedied her misconduct.*

*The Social Worker has been given the chance to fully engage and comply with her Substantive Order over the last two years. At the last review the Order was extended to enable the Social Worker to further engage, but she has not availed herself of this opportunity or provided explanation why she could not. Absent any further evidence of engagement or submissions made by the Social Worker for (or at) the review hearing, Social Work England invite the Panel to consider making a Removal Order in this case.*

*Social Work England are not inviting the Panel to consider imposing a Suspension Order in this case. Social Work England submit that a Suspension Order would serve no useful purpose in light of the total absence of engagement from the Social Worker since the final hearing. There is no indication that a further order would result in future engagement and it would only serve to extend the review process unnecessarily”.*

#### Social Worker submissions:

19. There were no submissions by or on behalf of Ms Leadbitter.

#### Panel decision and reasons on current impairment:

20. 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.
21. The panel had regard to all of the documentation before it, including the decision and reasons of the original HCPC panel and the Social Work England adjudicators review panel. The panel also took account of the submissions made on behalf of Social Work England.
22. 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.

23. The panel first considered whether Ms Leadbitter's fitness to practise remains impaired.
24. Ms Leadbitter has not engaged with Social Work England since the last review hearing and she is in breach of the current conditions of practice order. On 26 May 2021 a case review officer sent a warning letter to Ms Leadbitter highlighting her breach of condition 14. Ms Leadbitter did not reply to the warning letter.
25. The panel noted that there was no evidence of reflection, insight or remedial action by Ms Leadbitter and no evidence of compliance with the conditions of practice. The panel concluded that there had been no material change in the circumstances since the last review. There was nothing to reassure the panel that there would be no repetition of the misconduct. The panel therefore decided that Ms Leadbitter's fitness to practise remains impaired.

#### Decision and reasons on sanction:

26. Having found Ms Leadbitter'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 by Social Work England and accepted the advice of the legal adviser. The panel also took into account the Sanctions Guidance published by Social Work England.
27. The panel was mindful that the purpose of any sanction is not to punish Ms Leadbitter, 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 Leadbitter's interests with the public interest and by considering each available sanction in ascending order of severity.

#### No Action

28. The panel had in mind that the misconduct involved assessments concerning deprivation of liberty decisions relating to vulnerable service users and that a significant sum of public money was paid to Ms Leadbitter for assessments she had not produced. The HCPC final hearing panel identified future risks that Ms Leadbitter would not properly manage demands placed upon her against her capacity at work. These matters and the ongoing risk are too serious for the panel to conclude that it would be appropriate to take no action.

#### Advice or Warning

29. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict Ms Leadbitter's ability to practise and is therefore not appropriate where there remains a current risk to public safety. Therefore,

the panel concluded that issuing advice or a warning would be inappropriate and insufficient to meet the public interest.

#### Conditions of Practice Order

30. The panel went on to consider the option of extending or varying the current conditions of practice order. Ms Leadbitter has been subject to a conditions of practice order for almost two years, but she has not responded or engaged with either the HCPC or Social Work England. She was strongly encouraged by the review panel to take the opportunity to address the identified failings, but she has not done so.
31. In the circumstances, the panel decided that conditions of practice would be insufficient and inappropriate. There was no evidence before the panel that Ms Leadbitter is willing to comply with conditions of practice or take steps to remedy the failings identified by the HCPC final hearing panel. The panel did not have sufficient confidence that Ms Leadbitter will comply with conditions of practice.
32. The panel had particular regard to the public interest in maintaining public confidence in effective regulation of social workers. Public confidence would be undermined if the panel were to extend conditions of practice in circumstances where Ms Leadbitter has failed to engage with her regulator for the entirety of the duration of the conditions of practice order. It would also send entirely the wrong message to other social workers if the panel were to extend an order for conditions of practice in these circumstances.

#### Suspension Order

33. Having determined that a conditions of practice order would not be appropriate, the panel considered the option of replacing the conditions of practice order with a suspension order.
34. The panel had no information before it that Ms Leadbitter wishes to remediate her practice either in the short term or the long term. The panel considered that Ms Leadbitter has had ample opportunity to engage with Social Work England and has been encouraged to do so. The conditions imposed on her registration were not unduly onerous. The information available to the panel suggested that she has not kept her contact details up-to-date with Social Work England. In the circumstances, the panel inferred that Ms Leadbitter has chosen not to engage with her regulator for some considerable period of time and is unlikely to do so in the future.
35. The panel noted the mitigating features highlighted by the HCPC final hearing panel, but decided that at this stage, after two years of failure to engage with no explanation of that failure, those circumstances should be given little weight.

36. The panel acknowledged that a suspension order would protect the public in that Ms Leadbitter would not be able to practise as a social worker. However, the panel decided that a suspension order would be insufficient to maintain confidence in the profession and the regulatory process. The panel agreed with the submissions of Social Work England that a suspension order would serve no purpose. The conditions of practice order and the review process has been ineffective in bringing about any change. The panel could not conceive that the impact of a suspension order would be different.
37. It is not in the public interest for the review cycle to continue where a social worker has chosen not to engage with the Regulator. The panel therefore decided that a suspension order would be insufficient to maintain public confidence in the profession and the regulatory process.

#### Removal Order

38. 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 has explained its reasons for concluding that a suspension order is insufficient to protect the wider public interest in the circumstances of this case.
39. The panel had regard to Ms Leadbitter's interests. She has put no information before the panel about her current circumstances, but the panel recognised that a removal order might have negative consequences for her. The panel decided that the public interest, particularly the need to maintain public confidence in the profession and the regulatory process, outweighed Ms Leadbitter's interests.
40. The panel decided that the appropriate and proportionate sanction is a removal order.

#### Right of Appeal:

41. 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,

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

- a. 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.

43. 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

44. 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.

45. 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.