

Social Worker: Karen Jobe

Registration Number: SW93993

Fitness to Practise:

Final Hearing

Date(s) of hearing: 28 June 2021 – 1 July 2021

Hearing Venue: Remote Hearing

Hearing outcome: Removal Order

Interim order: Interim suspension order 18 months

Introduction and attendees

1. This is a hearing held under part 5 of the Social Workers Regulations 2018 (the regulations). Procedure is governed by the Social Work England (Fitness to Practise) Rules 2019 (the rules).
2. Ms Jobe (the social worker) did not attend and was not represented.
3. Social Work England was represented by Ms Colette Renton, as instructed by Capsticks LLP.

Adjudicators	Role
Debbie Hill	Chair
Stella Elliott	Social Worker Adjudicator
Baljeet Basra	Lay Adjudicator

Agnes De Biase	Hearings Officer
Kathryn Tinsley	Hearing Support Officer
Gerard Coll	Legal Adviser

Service of Notice:

4. Ms Jobe did not attend and was not represented. The panel of adjudicators (the panel) was informed by Ms Renton that notice of this hearing was sent to Ms Jobe through email on 26 May 2021 to her email address on Social Work Register (the Register). Ms Renton submitted that the notice of this hearing had been duly served.
5. The panel had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of final hearing dated 26 May 2021 and addressed to Ms Jobe at her email address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register detailing Ms Jobe's registered address;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 26 May 2021 the writer sent by email at the address referred to above: Notice of Hearing and related documents;
6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to rules 44 and 45 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 Ms Jobe in accordance with the rules.

Proceeding in the absence of Ms Jobe

8. The panel heard the submissions of Ms Renton on behalf of Social Work England. Ms Renton submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Jobe and as such there was no guarantee that adjourning today's proceedings would secure her attendance. Ms Renton further submitted that Social Work England had communicated with Ms Jobe's son at her request copying the notices to him. Ms Jobe's son wrote that Ms Jobe had suffered an adverse health impact as a result of this case among other things and for health reasons would not participate in the hearing. He said that his mother had stated that she did not intend to continue in social work. Her non-participation in this case should be understood as being a consequence of her health issues and not as an unwillingness to cooperate with her regulator. Ms Renton 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 and to *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 Renton on behalf of Social Work England. The panel considered that Ms Jobe had decided voluntarily not to participate in the hearing for the reasons given by her son. There was no information to suggest that a delay in proceedings would result in Ms Jobe's participation at a later date. The panel noted that Ms Jobe and her son had been sent notice of today's hearing and the panel was satisfied that she was or should be aware of today's hearing.
11. The panel, therefore, concluded that Ms Jobe had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Jobe's attendance. Having weighed the interests of Ms Jobe 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 Jobe's absence.

Preliminary matters

12. Ms Renton on behalf of Social Work England made two applications under rule 32(a) to:
 - (i) hear any evidence relating to the health of Ms Jobe in private, and
 - (ii) to amend charge 1 of the statement of charge in order to better identify and particularise the facts alleged to be misconduct. This would result in the second and different head of charge 1 becoming head of charge 2. Ms Renton submitted first that she did not intend to lead any evidence of a private or confidential nature.

However, the effect of granting her application would be efficiency in the orderly hearing of the evidence. If any such evidence emerged, the panel would be able immediately to proceed without an interruption in the evidence to determine that any such evidence would be in private.

13. This matter was referred by Social Work England's case examiners following an online referral on 23 December 2019. The charges had been identified as:

- 1) *In December 2019 while employed at Portsmouth City Council you failed to safeguard a child in that you:*
 - a. *Used inappropriate restraints on a child.*
 - b. *Failed to write up a Violent Incident Report in relation to the inappropriate restraints.*
- 2) *The actions outlined in regulatory concern 1 amounts to the statutory ground of misconduct.*
- 3) *By reason of your misconduct your fitness to practise is impaired.*

In regard to her proposed amendment, Ms Renton submitted that the proposed rewording of the charges had the effect of more clearly identifying the alleged inappropriate restraints. The amendment would also separate out the distinct head of charge of an alleged failure to write up the alleged in a Violent Incident Report (VIR). Ms Renton submitted that there was no prejudice to Ms Jobe in a better particularised allegation being considered and the amendment proposed did not add to the seriousness of the allegation or materially alter it.

14. The panel, having taken advice from the legal adviser and being of the view that agreeing now to hear any personal or private evidence in private would assist in the case running smoothly. In regard to the application to amend, the proposed amendment was not unfair to Ms Jobe. The panel agreed to permit the amendment.

Allegation

15. The allegation as amended is as follows:

1. *In December 2019 while employed at Portsmouth City Council you failed to safeguard a child in that you used inappropriate restraints on a child. The inappropriate restraints were:*
 - a) *Dragging a child by their ankle and/or*
 - b) *Use of a single elbow hold.*

2. *In December 2019 while employed at Portsmouth City Council you failed to write up a Violent Incident Report in relation to the use of inappropriate restraints as detailed in charge 1.*
3. *The actions outlined in charge 1 and/or charge 2 amount to the statutory ground of misconduct.*
4. *By reason of your misconduct your fitness to practice is impaired.*

Summary of Evidence

16. Social Work England received an online referral from DT, Head of Looked After Children at Portsmouth City Council (the council) on 23 December 2019. The referral related to Ms Jobe's actions on 6 December 2019 while employed by the council as the Registered Manager of a residential Children's Home (the home). Ms Jobe had been employed in that capacity between 1 January 2018 to 31 July 2020. She was responsible for the day to day running of the home, management of its staff and caring for the resident children. The allegations against Ms Jobe centred on an incident on 6 December 2019, regarding one looked after child; Child A.
17. Child A was a resident of the Children's Home. It was alleged that on 6 December 2019, Child A returned from school. He had a "bad day" and had been suspended from school. Ms Jobe and her colleague LDJ were on shift and were the only staff working.
18. LDJ has declined to assist Social Work England by providing a witness statement or participating in the case as a witness.
19. Child A began to show challenging behaviour, physically bothering another child resident, which caused LDJ and Ms Jobe to try and engage with Child A.
20. After some interactions with Child A, eventually Child A went into the lounge and Ms Jobe accompanied him. The council has a written policy for such situations which required that any social worker like Ms Jobe should first attempt to deescalate the situation and only to progress to physical contact if that was necessary to protect the child, was proportionate and was not a punishment.
21. The case against Ms Jobe is that she did not follow the council's procedures and policies. Instead she escalated the situation to one where she physically engaged with Child A. In doing so she implemented an unrecognised hold which placed the child in danger and could have had the effect of exacerbating the traumas suffered already by a vulnerable looked after child. Child A lay down on the floor. Ms Jobe took hold of one of his legs and tried to pull him out of the room by this method. The hold failed and she was unable to do so.
22. Child A subsequently left the room, followed by Ms Jobe, commanding him to speak to her. Child A did not want to. Child A returned to the lounge. At this point, Ms Jobe employed a Team Teach approved form of hold (a single elbow hold) inappropriately to move Child A onto the sofa. This method, used instead of de-escalation, was unacceptable, and in the circumstances was used contrary to all council Guidance and policy. The hold is approved for use only as a hold

as a last resort method after verbal deescalation has failed or if there is an immediate threat to health or property. Ms Jobe had deescalation techniques available to her. In particular, she ought to have tried to calm Child A verbally or give Child A space. Child A did not exhibit any behaviours which would have made it appropriate to use an approved hold in the circumstances.

23. Social Work England called evidence from two witnesses:

- (a) DT is the head of Looked After Children at Portsmouth City Council. DT took up her post on 1 December 2019. DT was Ms Jobe's direct line manager. DT expected to receive a VIR from Ms Jobe in relation to any such incident within 24 hours in order to fulfil her line management and child protection functions. The home's statement of purpose was referred to by DT. DT also expected Child A's risk assessment file to be updated to include the incident. She expected that the staff that came on to the next shift at the home would have the VIR as an important record to help them to manage and keep safe any child such as Child A. The VIR would provide information to help explain behavioural issues of concern and help to plan for next steps. Further, she required the VIR to allow her to respond with any management assistance and resources necessary to resolve the issue. Child A's triggers were associated with family contact especially at the holiday season. The VIR was an important missed opportunity to allow staff to respond to an escalation in his behaviours. The matter did not come to DT's attention until after an OFSTD inspection had revealed the issue while Ms Jobe was on annual leave. The incident resulted in the OFSTD report downgrading the home from 'good' to 'requiring improvement'. DT discussed the council's policies and their importance in safeguarding the looked after child. Ms Jobe had been trained and recently refreshed in deescalation techniques and approved holds in the Team Teach programme and she was a trainer in the system. DT's view was that the use by Ms Jobe of an unapproved hold had the potential to cause harm to a vulnerable and traumatised child, Child A. The use of an approved hold by Ms Jobe in unwarranted circumstances also had serious adverse implications for Child A's wellbeing. The absence of a VIR which ought to have been completed within 24 hours by Ms Jobe was a safeguarding issue. It ought to have informed DT and the succeeding shift staff what had happened, setting out the unapproved hold and unwarranted approved hold. In her opinion, the sequence of events were failures on the part of Ms Jobe in her duty to Child A and to the council and was a failure to safeguard Child

A individually and taken together. In her opinion, DT identified a series of serious failings by Ms Jobe linked to the training provided to Ms Jobe around physical restraint which was not observed; how the situation should have been managed; the policies of the specific Children's Home and Portsmouth's Children's Homes generally; Child A's risk assessment; the risk caused by Ms Jobe's alleged actions, and the failures in procedure around the reporting of violent incidents.

- (b) DM is the Employment Director at South East Employers (SEE). SEE is a consultancy firm offering services to local authorities relating to employment law or Human Resources issues. DM was asked to conduct an independent employment issues assessment and report in relation to Ms Jobe and another social worker. DM had available to him the results of a formal interview that he conducted with Ms Jobe and her union representative. Ms Jobe accepted that she had taken hold of Child A's leg. Based on that he made a recommendation that disciplinary action should be taken by the council. Ms Jobe had denied employing the approved elbow hold at all, far less in unwarranted circumstances. DM was unable to be satisfied that this element could be established in the context of the employment proceedings that he had been engaged to consider and report on.

24. Ms Jobe did not provide direct evidence to the panel. Her statements in the employment matters were made available to the panel. Ms Jobe position was that the incident had begun while she was dealing with a call from Child A's school in relation to the suspension issue. She had tried to deescalate the situation verbally but had taken Child A's leg in an unapproved hold. She accepted that this was wrong. Ms Jobe said that Child A's actions created a situation where she acted wrongly on the spur of the moment. Ms Jobe denied that she had employed an approved hold at any time. Instead, the situation had been deescalated verbally. In respect of the unwritten VIR, Ms Jobe accepted that this was an oversight. She had anticipated that a colleague would write the VIR in the context of writing other VIRs for incidents earlier that week. Ms Jobe did not appreciate that her use of an unapproved hold would necessitate a VIR. Ms Jobe believed that a VIR was required when an approved hold had been employed.

Finding and reasons on facts

The Panel's Approach:

- I. The panel was aware that the burden of proving the facts was on Social Work England. Ms Jobe did not have to prove anything and the individual particulars of the Allegation could only be found proved if the panel was satisfied on the balance of probabilities.
- II. In reaching its decision the panel took all of the witness statements and documentary evidence contained within the hearing bundle, as well as the oral submissions made by Ms Renton and the written accounts in the bundles of the account given by Ms Jobe.
- III. Apart from the live testimony of DT and DM in regard to expert matters, the records of events were all hearsay. The account closest in time to the incident was the VIR by LDJ dated 10 December 2019.
- IV. The panel also had regard to the fact that Ms Jobe had made an informal admission to what is now charge 1 a) of the allegation in the course of the SEE investigation.
- V. The panel accepted the advice of the legal adviser.

- 25. The panel found charge 1 proved in both particulars.
- 26. The panel accepted that the VIR dated 10 December 2019 was a reliable and credible record of events, close in time to the distressing and memorable incident of 6 December 2019. The writer, LDJ, wrote a detailed narrative that was sequential, factual and comprehensive. It contained a number of elements that had the potential to reflect badly on LDJ and so enhanced the value that the panel could place on the VIR as a truthful and reliable record. While denying having used an approved single elbow hold inappropriately, Ms Jobe had accepted in the SEE investigation that she had used an unapproved leg hold in the manner described in the VIR, which further supported the reliability of the VIR.
- 27. Ms Jobe had admitted in the SEE investigation taking hold of Child A's ankle and acknowledged that this was not an approved Team Teach hold. She admitted that she had dragged Child A across the floor, causing his clothing to become displaced and with the result that Child A had responded adversely, and the situation had become more unmanageable.
- 28. The panel accepted the expert opinion of DT that Ms Jobe had not followed the correct Team Teach deescalation techniques and had acted outside of the council's policies and the home's statement of intent. Ms Jobe was a trainer in the Team Teach technique. She would therefore be particularly aware of the impact that unapproved holds and the use of approved holds inappropriately could have on the child. The looked after child is vulnerable, and likely to have experienced a significant range of adverse life events leading to their becoming looked after. They may have been traumatised. Their sense of physical safety, autonomy and personal dignity is likely to be very much more fragile than many of their peers. Their welfare and development as looked after children is likely to be appreciably

negatively impacted by such holds being used on them. Ms Jobe would know that the Team Teach technique had a wide range of deescalation techniques and the VIR makes clear that she did not explore, far less exhaust, these techniques before resorting to a physical control.

29. The panel was satisfied that Ms Jobe had acted as recorded in the VIR. In doing so, she failed to safeguard Child A. Her obligation was to care for Child A within the scope of the council's policies, the home's statement of intent and the Team Teach response to service user incidents. Child A had been placed at risk of physical and emotional harm as a consequence of Ms Jobe's actions.
30. The panel found charge 2 proved. The council's policies and procedures mandated that a VIR is written up in respect of the use of inappropriate restraints for the reasons set out by the panel above. The obligation to write up a VIR cannot be delegated in a situation like this. The panel found that Ms Jobe's defence of not having written a VIR was incomprehensible. In the SEE investigation, Ms Jobe said that the unapproved ankle hold was not described as an approved hold in Team Teach and therefore did not require to be written up in a VIR. The panel was unable to identify any coherent reason to support that approach and the panel was unable to find a reason in Ms Jobe's SEE investigation response. Ms Jobe denied that she had used an approved single elbow hold at all in the incident. Ms Jobe had not offered any reason why LDJ would be wrong or mistaken in her recorded observations.
31. The panel found that Ms Jobe had failed to safeguard Child A's welfare in failing to write up the VIR. The VIR would have been an important document for other staff including succeeding shift staff to understand that Child A may have particular difficulties arising out of the inappropriate holds employed by Ms Jobe. The use of the holds mandated that the VIR be written as soon as possible and certainly before Ms Jobe left the shift for a period of annual leave.

Finding and reasons on grounds

32. The panel having determined the disputed facts in terms of rule 32(c)(i)(a) then went on to determine whether Ms Jobe's fitness to practise is impaired in terms of rule 32(c)(i)(b). The first issue was whether the grounds of misconduct were established.
33. Ms Renton invited the panel to find that the grounds were established on the basis that Ms Jobe had breached a number of Social Work England Professional Standards (the standards) which are available on Social Work England's website and were binding on Ms Jobe on 6 December 2019. Ms Renton submitted that Ms Jobe's actions were serious and fell far short of the standards expected of social workers.
34. The panel accepted the legal adviser's advice. The panel recognised that a finding of misconduct sufficient to establish the grounds was a matter for the panel's independent professional judgement. There is no statutory definition of misconduct, but the panel had regard to the guidance of Lord Clyde in *Roylance v General Medical Council (No2)* [2001] 1 AC 311: '*Misconduct is a word of general effect, involving some act or omission which falls*

short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a...practitioner in the particular circumstances'.

35. Misconduct does not necessarily follow from breaches of the standards by a social worker. However in this case, Ms Jobe's actions breached a number of the standards. She did so in a way that disregarded the risks of harm to Child A and was in defiance of the council's policies and the home's statement of intent. The standards are expressed in the first person to assist a social worker to grasp and internalise their importance and the impact of a breach on service users. The panel judged that these were failings on Ms Jobe's part which were profoundly serious and her actions fell far below what was expected of her as a social worker and as a manager. In the panel's view the following six standards were relevant:
- 1.7: Recognise, and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate and in people's best interests.
 - 2.5: Actively listen to understand people, using a range of appropriate communication methods to build relationships.
 - 3.8: Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me.
 - 3.11: Maintain clear, accurate, legible, and up to date records, documenting how I arrive at decisions.
 - 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 work.
36. The panel considered that two distinct forms of misconduct were demonstrated by Ms Jobe on 6 December 2019. The use of the holds created a direct physical and emotional risk to Child A. Ms Jobe's failure to complete the VIR engaged both her personal responsibilities as a social worker and also her management duties.
37. Ms Jobe had failed as a social worker to recognise and use her authority in a proportionate way and in the best interests of Child A. Her 21 years of experience and her special training in Team Teach techniques should have helped her to recognise that the situation should have been approached by using verbal deescalation. She should have recognised that the time was approaching when the handover shift would arrive and she would have available two additional professionals to resolve the incident. Her conduct amounted to a measure of abuse and exploitation of Child A. Child A's response, apparently laughing the matter off, might well mask a deeper harm caused to Child A who was potentially deflecting attention

from how he was truly experiencing being harmed. The panel considered that Ms Jobe could have, but did not, pause to consider the underlying issues affecting Child A and whether his harmful beliefs and experiences were being reinforced by her actions. Accordingly, there were serious breaches of standards 1,7, 2.5 and 5.1 by Ms Jobe.

38. Ms Jobe was accountable and could not in the circumstances delegate her obligation to report the matter in writing. The succeeding shift was disadvantaged in not having this important information available to assist them to safeguard Child A. In the panel's judgement this was an inexcusable lapse in the standards expected of Ms Jobe as a manager and a social worker. In this respect, Ms Jobe seriously breached standards 3.8 and 3.11.
39. Ms Jobe's failings called seriously into question her suitability to work as a social worker. Accordingly, she has breached standard 5.2.

Finding and reasons on current impairment

40. Ms Renton submitted that Ms Jobe's fitness to practise is currently impaired. She said that there had been no engagement by Ms Jobe with Social Work England except through her son. She had not taken the opportunity to submit to Social Work England or the panel any evidence of her recognition of the seriousness of her failings. There was no evidence of any reflection by Ms Jobe on how Child A might have been harmed by her failings. She had not evidenced how the public might be concerned by her failings and how the reputation of the profession and her regulator might have been diminished. She had not evidenced how she could remedy her failings either by insight, training, and education. Neither could she reassure the public and her professional colleagues that there would be no repetition of any serious falling short by her.
41. The panel accepted the legal adviser's advice. It considered Ms Jobe's fitness to practise at today's date. It had regard to relevant passages in the Indicative Sanctions Guidance. It considered whether the conduct is remediable, whether it has been remedied and the current risk of repetition. It also considered the wider public interest and the guidance in the case of *CHRE v Nursing and Midwifery Council and Grant* [2011] EWHC 927 that '*The relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the profession in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances*'.
42. The panel considered first the level of Ms Jobe's insight. There was no evidence before the panel that Ms Jobe has reflected on her past behaviour, that she understands the impact of her past behaviour, nor that she has accepted a need to act differently in the future. The panel found that Ms Jobe has not demonstrated any level of insight.
43. The panel considered whether the conduct is remediable. In the panel's view, Ms Jobe's failings are remediable. There was, however, no evidence before the panel that Ms. Jobe has recognised or is remorseful for her misconduct in respect of failing to safeguard Child A in two important ways. Further, the panel was informed that Ms Jobe has expressed an intention not to return to social work in the future. In the panel's view, that had the effect

of increasing risks since it followed that Ms Jobe would not take any steps to remediate. The panel determined that Ms Jobe has not remediated her past misconduct and does not intend to do so.

44. The panel considered that a breach of professional standards may take different forms, not limited to the evidence of the breaches which occurred in the past. An absence of insight and an intention to no longer practice as a social worker created a high risk that Ms Jobe would in the future breach professional boundaries and so fail to safeguard vulnerable service users.
45. The panel considered the test for fitness to practise recommended in the case of *CHRE v Grant* [2011] EWHC 927 and decided that:
 - Ms Jobe has acted and is liable in the future to act so as to put a service user or service users at risk of harm
 - Ms Jobe has in the past brought and is liable in the future to bring the profession into disrepute
 - Ms Jobe has in the past and is liable in the future to breach one of the fundamental tenets of the profession (failure to safeguard a vulnerable service user).
46. The panel next considered the wider public interest considerations including the need to maintain confidence in the profession and to uphold proper professional standards.
47. The panel considered that informed members of the public would consider Ms Jobe's actions to be entirely inappropriate and unacceptable. The potential for damage to the reputation of the profession is highlighted by the response of the Ofsted inspectors in downgrading the home as a result the incident and Ms Jobe's failure to complete a VIR. The council also began disciplinary proceedings, engaging the services of an external body, SEE, and the police were involved to investigate any criminal issues. In the panel's view, members of the public would be concerned about the ongoing risk of repetition which involves a risk of harm to vulnerable service users. The panel determined that public confidence in the profession would be undermined if the panel did not conclude that Ms Jobe's fitness to practise is impaired.
48. The panel also decided that a finding of impairment was required to mark the seriousness of Ms Jobe's breach of the required standards for social workers, including the breach of fundamental tenets of the profession.
49. The panel found Ms Jobe's fitness to practise is impaired having regard to the need to protect the public and the wider public interest considerations.

Decision on sanction

50. Having determined that Ms Jobe's fitness to practise is currently impaired because of her misconduct, the panel next went on to consider whether some restriction needed to be imposed on her registration by the imposition of a sanction.
51. The panel took account of the submissions of Ms Renton and the written material already available. The panel did not have any up to date information from Ms Jobe. The panel, therefore, considered the few points that Ms Jobe may have made had she attended within the limits of the material available to the panel.
52. The panel accepted the advice of the legal adviser and exercised its independent judgement. The panel had regard to the Sanctions Guidance (the Guidance) and the need to act proportionately, balancing the public interest with Ms Jobe's interests. The panel considered the sanctions in ascending order of severity. The panel was aware that the purpose of a sanction is not to be punitive but to protect members of the public. In this regard, it held in mind paragraph 1 of the Guidance, which states:
- 'Social Work England's overarching objective is to protect the public. We do so by protecting, promoting, and maintaining the health and well-being of the public; by promoting and maintaining public confidence in social workers in England; and by promoting and maintaining proper professional standards for social workers in England. Our fitness to practise powers enable us to deliver this overarching objective through proportionate sanctions where an individual social worker's fitness to practise is impaired.'*
53. Before considering the individual options open to it, the panel identified what it considered to be the relevant aggravating and mitigating features in the case.

Mitigating factors:

- Ms Jobe admitted employing an ankle hold on the spur of the moment. She did not say that this was unacceptable, however. She did not link that with the standards and the impact that it may have had on Child A.
- Ms Jobe had practised without criticism for 21 years and was an accredited Team Teach trainer.
- Ms Jobe is said to have suffered ill-health linked to this case

Aggravating factors:

- There is no evidence of Ms Jobe accepting her failings.
- Her accreditation as a Team Teach trainer had been recently renewed in November 2019.
- Ms Jobe was the senior responsible officer for the care home.
- More knowledge and competence was expected of Ms Jobe.

- Ms Jobe carried out unapproved holds and instructed a less senior worker to complete a VIR.
- Ms Jobe was well aware of the need to complete a VIR herself.
- Ms Jobe said that there was no need for a VIR for a hold outside of Team Teach – this was very concerning.
- There was no evidence of any concern shown by Ms Jobe for the welfare of Child A.
- There was no engagement by Ms Jobe with the proceedings.
- The panel were provided with no evidence of insight, remediation, or commitment to improvement from Ms Jobe.

54. The panel considered the sanctions available beginning with the least serious. The panel held in mind that the Guidance (at paragraph 71) noted that the first three options were likely to be inappropriate where the social worker has not engaged with the fitness to practise proceedings, as Ms Jobe had not. The panel remembered the nature of Ms Jobe's offences were two distinct failures to safeguard Child A. The panel agreed that a reasonable and informed member of the public would be troubled if the options of taking no further action, giving advice, or imposing a warning order were thought to be appropriate or proportionate in the circumstances of this case. None would be sufficient to protect the public. What little mitigation there was fell far short of what was necessary. The panel had also identified the risk of repetition and consequent risk of harm to vulnerable service users in the event of repetition by Ms Jobe. Ms Jobe would be required to respond to a warning or to engage with advice which is improbable as she has not engaged personally with the regulatory process. In any event, these sanctions expire without review. Imposing such a sanction would amount to a disregard by the panel of the risks to the public.
55. The panel next considered the imposition of an order of conditions of practice. Paragraph 85 of the Guidance provides that conditions may be appropriate where some restrictions can deliver public protection, and supporting public confidence does not require that the social worker's registration is suspended. In its findings on impairment, the panel had considered that Ms Jobe's impairment could be remediated with sufficient insight and a commitment to improvement.
56. The panel had no evidence of remediation or a commitment to improvement. There was no recognition of wrongdoing. Ms Jobe acted in a way that placed Child A at risk of physical and emotional harm. The events, however appear to have been uncharacteristic of Ms Jobe's professional practice. Potentially, conditions of practice are available to protect the public while building a route to return to safe practice for Ms Jobe. However, Ms Jobe appears not to wish to resume practice as a social worker. There is no practical way that conditions of practice could be made workable and verifiable in the circumstances. Ms Jobe would be required to find voluntary or paid work in which supervision was workable and practical. It

would be necessary for her to demonstrate her development and improvement. In the circumstances, Ms Jobe does not appear to be open to this possibility. The panel was not persuaded that Ms Jobe was invested in the process of a return to practice. Accordingly, conditions of practice would not sufficiently protect the public.

57. The panel next considered a suspension order. It had regard to paragraph 92 of the Guidance, which identified that:

'Suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register.'

58. Ms Jobe has not been employed in social work since December 2019, a period of 18 months. The panel had no information to suggest that Ms Jobe has done anything to reassure her regulator during that time. She has not accepted her failings and has not shown that she would respond to a suspension order as a means of rebuilding her professional standing while protecting the public. The panel considered that Ms Jobe's absence of insight demonstrated that she had not contemplated the safety of the public in any material way. She had not recognised that public safety and public trust and confidence in the profession in England and its regulator had been impacted. She had not grasped the impact that her actions may have had on Child A, Ms Jobe's professional colleagues and the public, who rightly expect high standards from social workers.

59. The panel understood that sanctions were not in any sense a punishment for Ms Jobe. Sanctions exist to protect the public primarily. Even in a serious case like this, if it is possible to find a sanction that restricts a social worker's practise but builds over time a scheme to assist in restoring to good standing an otherwise valuable member of the profession, then that ought to be attempted. Ms Jobe is capable of reaching a good standard of practice in the panel's view. She was the head of a home. However, the panel concluded that Ms Jobe has done nothing since December 2019 that would give the panel any confidence in the value or purpose of a suspension order, even for a very lengthy period.

60. The panel also recognised that a lengthy period of suspension was discouraged in the Guidance. The Guidance points out the deskilling of a social worker that may arise in a lengthy enforced absence from professional practice. In Ms Jobe's case, she has already been absent from professional practice for a lengthy period without any evidence of attempts to maintain her skills. In the circumstances, the panel considered that a suspension period would not serve to address the more comprehensive public interest elements of this case.

61. The panel had regard to paragraph 97 of the Guidance, which provides that:

'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.'

62. The panel considered that the unaddressed risks by the disengaged Ms Jobe made it impossible to avoid considering a removal order. In the panel's view, the reasons it has

already given express why a less restrictive order would not protect the public and promote and maintain the public's trust and confidence in the profession and promote proper professional standards for social workers in England. Furthermore, Ms Jobe has demonstrated by default that her attitudes and commitment to service users such as Child A and the public are so far removed from what is acceptable that they are incompatible with her continued registration. Accordingly, the panel decided that a removal order must be made.

Interim order

63. Ms Renton made an application under Schedule 2 paragraph 11(1)(b) of the Regulations for an interim order of suspension to cover the appeal period before the substantive removal order comes into effect, or if Ms Jobe appeals, until the appeal is withdrawn or otherwise concluded. Ms Renton applied on public protection grounds, promoting public confidence in the profession, and maintaining standards.
64. The panel accepted the legal adviser's advice and recognised that it must first be satisfied that an interim order needed to be in place. If necessary, the panel must approach this matter proportionately, identifying the least restrictive interim order required to protect the public.
65. The panel was satisfied that an interim order was necessary to protect the public for the same reasons as the substantive decision. In particular, the panel found that Ms Jobe continued to pose a risk to the public, potentially leading to a consequent real risk of significant harm to service users. Furthermore, given the panel's findings regarding the likelihood of recurrence in the absence of insight and remediation, some harm would be caused to public confidence if no interim order were to be in place and standards would not be upheld. Therefore, an interim order was required to promote and maintain public confidence in the profession and maintain standards for the same reasons as the substantive decision.
66. Having concluded that an interim order is necessary to protect the public, the panel considered what type of interim order to impose. As a consequence of Ms Jobe's disengagement, the panel considered that there were no workable conditions to protect the public and maintain public confidence.
67. The panel considered the principle of proportionality and acknowledged that this interim order would prevent Ms Jobe from working as a social worker. However, the panel determined that the need to protect the public outweighed Ms Jobe's interests in this regard.
68. Accordingly, the panel concluded that an interim suspension order should be imposed on public protection and public interest grounds. It determined that it is appropriate that the interim suspension order be imposed for a period of 18 months to cover the appeal period. When the appeal period expires, this interim order will come to an end unless there has been an application to appeal. If there is no appeal the removal order shall apply when the appeal period expires.

Right of Appeal

69. 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.
70. 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.
71. 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.
72. 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

73. 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.
74. 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.