



Social Worker: Barbara Lule

Registration Number: SW14528

Fitness to Practise

Final Order Review Hearing:

Meeting Venue: Remote hearing.

Date of Hearing: Thursday 26 August 2021.

Final Order being reviewed: Suspension Order 12 months (expires on 13 October 2021).

Interim Order: Interim Suspension Order – 18 months.

Hearing Outcome: Removal Order - to take effect upon expiry of the final suspension order.

Introduction and attendees

1. This is a hearing of the Fitness to Practise Committee held under Part 5, Schedule 2 paragraph 15 of the Social Workers Regulations 2018 and Social Work England's Fitness to Practise Rules 2019 ('the Rules').
2. This is the first review of a final Suspension Order originally imposed for a period of 12 months by a Panel of Adjudicators, on 11 September 2020.
3. Ms Lule did not attend and was not represented.
4. Ms Fatania, presenting officer, instructed by Capsticks LLP, represented Social Work England.

Adjudicators	Role
Lesley White	Chair
Sabraj Akhtar	Social Worker Adjudicator
Colette Neville	Lay Adjudicator

Hearings Team/Legal Adviser	Role
Hannah McKendrick	Hearings Officer
Kathryn Tinsley	Hearing Support Officer
Francesca Keen	Legal Adviser

Allegation:

(as amended - with annotations to indicate amendments)

Whilst registered with the Health and Care Professions Council as a Social Worker:

1. *In relation to Service User 1, for whom you were the allocated Care Coordinator between 18 April 2016 and 9 February 2017:*
 - a) *You did not arrange for a mandatory seven day review of Service User 1, following her discharge from hospital in August 2016 **and/or ensure it took place as soon as possible after Service User 1's return to the UK.***
 - b) *Between September 2016 and February 2017, you did not review and/or recording reviewing Service User 1 on a monthly basis, as was expected.*

- c) *You did not ensure that the drug chart in use reflected Service User 1's increased prescription of risperidone.*
2. *In relation to Service User 2, for who you were the allocated Care Coordinator between 16 April 2016 and 8 March 2017:*
- a) *You did not establish whether Service User 2 was **or should have been** on a Care Programme Approach.*
 - b) *You did not adequately explore **with Service User 2** concerns raised with you in April 2016 that Service User 2 was continuing to hear voices.*
 - c) *You did not review Service User 2 and / or record reviewing Service User 2 within the expected timescales.*
 - d) *You cancelled a medical review of Service User 2 by her consultant psychiatrist, scheduled for 12 May 2016, ~~advising~~ **recording** that the psychiatrist was unwell, when this was not the case.*
 - e) *You re-scheduled the review at paragraph 2(d) above for 9 August 2016, despite the imminent need for a medical review.*
 - f) *Between ~~11-14~~ October 2016 and 20 February 2017, you did not meet with and/or record meeting with Service User 2.*
 - g) *Between 11 October 2016 and 8 March 2017, you did not arrange for Service User 2 to be reviewed by her psychiatrist.*
- ~~3. You made a retrospective entry in Service User 1's electronic case records for 10 February 2017 and / or the event recorded on this date did not occur.~~
3. ~~4.~~ *In or around April 2017 ~~✓~~ you made retrospective entries in Service User 2's electronic case records for the following dates **which were not marked as retrospective** and/or the events recorded on these dates did not occur.*
- a) *12 May 2016*
 - b) *5 August 2016*
 - c) ***13 September 2016***
 - d) *~~(e)~~ 16 January 2017*
 - e) *~~(d)~~ 23 January 2017*
 - f) *~~(e)~~ 30 January 2017*
 - g) *~~(f)~~ 21 February 2017*

h) ~~(g)~~ 7 March 2017

4. ~~5-~~ Your actions as described at paragraphs 2(d), **and/or 3 and/or 4** above were dishonest.
 5. ~~6-~~ The matters described at paragraphs 1, 2(a) – 2(c) and 2(e) – 2(g) above amount to misconduct and / or lack of competence.
 6. ~~7-~~ The matters described at paragraphs 2(d) and 3 - ~~5~~ **4** above amount to misconduct.
 7. ~~8-~~ By reason of your misconduct and/or lack of competence, your fitness to practise as a Social Worker is impaired.
5. The substantive hearing panel found the following particulars proved: 1(b), 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 3(a), 3(b) - (h) and particular 4 in respect of 2(d) and 3(a). The substantive hearing panel determined that the conduct proved amounted to misconduct and that Ms Lule's fitness to practise was impaired.
 6. The substantive hearing panel found the following particulars not proved: 1(a), 1(c) and 4 in respect of 3(b)-(h).
 7. At the outset of the hearing, Ms Fatania, appearing on behalf of Social Work England, made an application for parts of the hearing relating to Ms Lule's health, to be considered in private.
 8. The panel of Adjudicators (hereafter 'the panel') accepted the Legal Adviser's advice and carefully considered the grounds in the case being heard in public. The panel was satisfied that there was a need to protect Ms Lule's right to a private life and decided that parts of the hearing pertaining to her health should be conducted in private.

Service of Notice:

9. The panel had careful regard to the documents contained in the service bundle as follows:
 - i. A copy of a Letter, received by HCPC on 02 July 2019, from Ms Lule to the HCPC regarding her attendance at previous and future fitness to practise regulatory hearings;
 - ii. A copy of the Notice of Substantive Order Review hearing ('the Notice'), dated 13 August 2021, and addressed to Ms Lule at her registered address as it appears on the Social Work England Register;
 - iii. An extract from the Social Work England Register detailing Ms Lule's registered address;

- iv. A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 13 August 2021 the writer sent Ms Lule, by recorded delivery to the registered address referred to above, the Notice and related documents; and
 - v. A Royal Mail 'Proof of Delivery' signed for document, identifying that the documents sent by Social Work England were delivered on 14 August 2021 and signed for at 09.35am.
10. The panel noted that the Notice informed Ms Lule that adjudicators had been appointed to review the Suspension Order to which she was subject, at 09.30am on 26 August 2021. The Notice invited Ms Lule to either confirm her intention to attend by 4pm on 23 August 2021 or to make written submissions by that time. The Notice also informed Ms Lule *'Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and Social Work England may under Rule 16 of the Fitness to Practise Rules, decide to deal with the review as a meeting'*.
11. The Notice contained instructions on how to make written submissions and asked her to indicate whether she would be attending the hearing or making submissions.
12. The panel accepted the advice of the Legal Adviser in relation to service of notice.
13. Having regard to Rules 16, 43 and 44 of the Rules and all of the information presented to it in relation to service of notice, the panel was satisfied that notice had been served on Ms Lule in accordance with the Rules.

Proceeding in the absence of the social worker:

14. Ms Fatania, on behalf of Social Work England, made an application to proceed in Ms Lule's absence. She submitted the following to the panel:
- i. Ms Lule had been provided with appropriate notice for the hearing;
 - ii. Ms Lule had not responded to the Notice and had not engaged in the regulatory proceedings for a number of years;
 - iii. the onus was on Ms Lule to engage with her regulator and she had failed to do so; and
 - iv. in all of the circumstances, the panel could be satisfied that Ms Lule had voluntarily absented herself from the hearing and that it would be fair to proceed in her absence.
15. The panel noted from the documentation provided to it, that Ms Lule had neither replied to the Notice nor sent written submissions to be considered by the panel.

16. The panel accepted the advice of the Legal Adviser in relation to the factors it should take into account when considering Social Work England's application to proceed in the absence of Ms Lule. This included reference to the Social Work England guidance '*Service of Notices and Proceeding in the Absence of the Social Worker*', Rule 43 of the Rules and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also considered all of the information before it.
17. The panel noted that Ms Lule had been sent notice of today's hearing. The panel considered that Social Work England had made all reasonable efforts to serve the Notice on Ms Lule and that she had been informed of the date, time and venue of the hearing. It took into account the obligation on social workers to keep their regulator informed of their current contact details. Consequently, the panel formed the view that Ms Lule's non-attendance was voluntary and should be considered as a deliberate waiver of her right to participate in person. She had not sought an adjournment of the proceedings and given her previous non-engagement in the regulatory proceedings, the panel was also not satisfied that adjourning today's proceedings would be likely to secure her attendance at a future hearing.
18. Further, the panel also considered the public interest need to deal with substantive review matters expeditiously. Having weighed the interests of Ms Lule 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 that it was reasonable and was in the public interest, to proceed with the hearing.

Preliminary Issues:

Additional documentation requested by the panel:

19. Prior to the hearing convening, the panel requested sight of a letter ('the letter') from Ms Lule to the HCPC, which was referred to in the substantive hearing panel's determination. The letter, which was date stamped as received by the HCPC on 02 July 2019, stated the following:

'Dear Sir/Madam

I am writing to advise you that [I] am unable to attend the meeting scheduled for the 27.06.19 due to ill health for now almost a year.

It's also the reason for my absence for the previous meetings.

PRIVATE

I have no intention of returning to social work hence my letter to you last year requesting my removal from the register.

Further meetings / decisions unfortunately will have to be held in my absence as I will not be able to attend for the above mentioned reasons.'

20. Ms Fatania, on behalf of Social Work England, informed the panel that the letter had not been sent to Ms Lule, when the document was provided to the panel, as Social Work England did not seek to place any reliance on the contents of it. She stated that the letter had been provided to the panel at its own request, but notwithstanding this, the panel could place reliance on the letter because Ms Lule could not be prejudiced by a document that had been drafted by Ms Lule herself.
21. Ms Fatania further submitted that there was a reasonable expectation that when Ms Lule submitted the letter to the HCPC, that it would be considered by it and/or subsequent hearing panels. Further, she drew the panel's attention to the fact that the letter had been relied upon by the substantive hearing panel in its determination, a copy of which had been provided to Ms Lule.
22. The panel accepted the Legal Adviser's advice, which reminded the panel that there was an expectation that both parties would have sight of any and all documentation provided to a panel, either before or during a hearing. She reminded the panel that equality of arms was a fundamental principle of the right to a fair hearing and that the panel ought to consider whether Ms Lule would be prejudiced in any way by the panel considering the letter without it having been furnished to her as part of this review hearing.
23. The panel had regard to the letter. It noted that it was drafted by Ms Lule and had been provided to the HCPC, in 2019, as part of the fitness to practise regulatory proceedings faced by her. The panel also noted that the letter had been referred to and relied upon by the substantive hearing panel, when making its decision to proceed in Ms Lule's absence. The panel noted that the letter provided an explanation for Ms Lule's non-attendance in the proceedings and provided reasons for her non-engagement prior to 2019. Having carefully considered the contents of the letter the panel determined that Ms Lule would not be prejudiced by its inclusion in the proceedings as she was aware of its contents and had been afforded an opportunity to provide further submissions to the panel, prior to today's hearing, but she had not availed herself of that opportunity.
24. Therefore, taking all of the aforementioned into account, the panel decided to admit the document into the proceedings.

Background:

25. Ms Lule is a registered social worker, initially registered with the HCPC, and subsequently registered with Social Work England when it took over as the regulator for social workers.
26. Ms Lule was employed by the London Borough of Tower Hamlets ('the Borough') between 2013 and 2018. Ms Lule was placed in the Bow and Poplar Community Mental Health Team ('CMHT') in April 2016 and before that she had been in the Home Treatment Team ('HTT'). Ms Lule was the allocated care coordinator ('CCO') for service user 1 between 18 April 2016 and 9 February 2017 and the CCO for Service User 2 between 16 April 2016 and 8 March 2017.
27. A CCO is allocated to a service user who has a severe and enduring mental illness. The CCO works to support the service user's mental-health, social and financial issues, relationships, physical health, and to provide assistance with work or education. If a service user suffers a relapse and has to be admitted to hospital, then their CCO would be there to support them in that process.
28. A Care Programme Approach ('CPA') is a process put in place to support a service user with mental health problems. A service user can be placed on CPA following an agreement made by the doctor. The decision to place a service user on CPA would usually be recorded on Rio, which was the electronic case recording system used by the Borough. The expectation was that a service user on CPA would be seen by the CCO at least every month. If a service user was not on CPA, this would be because they were doing better, and the expectation was that they would be seen at least every three months by the CCO.

Service User 1

29. Service user 1 had been under the care of community services since 2004 with recurrent depression and possible obsessive-compulsive disorder (OCD). In early 2016 she suffered a severe psychotic disorder with symptoms of schizophrenia and between 14 February 2016 and 11 April 2016, was admitted to hospital. On her discharge from hospital, she was under the HTT, and on 18 April 2016 Ms Lule was allocated as her CCO. On 29 July 2016, Service User 1 was sectioned under the Mental Health Act and again admitted to hospital until she was discharged on 23 August 2016 on a Community Treatment Order ('CTO'). She subsequently attended the CMHT office fortnightly for depot medication.
30. On 8 February 2017 a thorough CPA review meeting was held with the multi-disciplinary team ('MDT'), including the psychiatrist and Ms Lule. On 9 February 2017, service user 1 was found dead. An inquest was held (concluding on 24 July 2017), which concluded that service user 1's death was the result of suicide. The Serious Incident Review Report, prepared by CM, and dated 1 June 2017, recorded that service user 1's death was neither predictable nor preventable, there having been nothing in service user 1's

presentation, on 8 February 2017, to indicate that she posed an immediate risk to herself.

Service User 2

31. Service user 2 first developed a psychotic illness in March 2016, when she was in her 50s. On 9 March 2016, she was seen and assessed by a consultant psychiatrist, and was found to be acutely psychotic with distressing auditory hallucinations. She was informally admitted to hospital and discharged on 8 April 2016. Service user 2 was supported on discharge by the HTT. On 16 April 2016, Ms Lule was allocated as her CCO. On 16 September 2016, service user 2 was taken back on by the HTT as her mental health had deteriorated. On 11 October 2016 she was discharged from HTT and transferred back to Ms Lule, as CCO.
32. On 9 March 2017, service user 2's sister telephoned the CMHT to inform it that service user 2 had been found dead at home, the previous day, on 8 March 2017. An inquest was held (concluding on 10 September 2017), which concluded that service user 2's death was the result of suicide.
33. On 5 April 2017, Ms Lule was informed that she was required to provide a report for the inquest into service user 2's death, detailing her involvement with service user 2.
34. The substantive hearing panel determined the following with regard to impairment:

'117. In relation to the non-dishonesty areas of misconduct, the panel was of the view that they were in principle capable of remediation. The panel noted that for a period of time when the social worker was the CCO for service user 1 and service user 2, she had not been receiving regular, formal supervision. When witness 1 took over as her line manager, he had identified an improvement in the social worker's recordkeeping. In a supervision record of 29 August 2017, he recorded having conducted random checks on the social worker's case notes, finding that she had completed them in a timely and comprehensive manner. He also noted relevant training courses in record keeping, information governance, and risk assessment which the social worker was due to attend.

118. In the panel's judgement the social worker had begun the process of remedying aspects of the non-dishonesty misconduct. However, in the absence of any recent information from the social worker, the panel did not consider that she had sufficiently remedied her misconduct, to satisfy it that there was a low risk of repetition.

119. The panel considered the issue of insight. For this the panel had regard to the social worker's answers at the disciplinary hearing held on 15 March 2018. It noted that she accepted full responsibility for not keeping accurate records and said there

were times she felt overwhelmed. She said she had found the disciplinary process distressing and traumatic, and had learned a lot through the process. She said her record keeping and timekeeping were issues she struggled with, and with regards to promoting and protecting the interest of service users, there were some occasions when she did see the service users and their families, and times when she did not.

120. The panel was of the view that there was some evidence of reflection by the social worker, noting that she had told the disciplinary hearing, thinking about the things which had happened, she knew where she went wrong. She said she recognised that her role was clearly written in the policy and she could not blame anyone else. She accepted she had missed vital signs she should have looked out for, but had not followed the procedures to deal with issues adequately.

121. The panel was of the view that in 2018, the social worker had been reflecting on her actions, had expressed remorse, and was developing some insight into her actions. However, that was the last information before the panel, and there was nothing recent from the social worker. The consequence of this was that there was no current information before the panel to satisfy it that the social worker had developed sufficient insight into her actions, to demonstrate that the risk of repetition was low.

122. In relation to dishonesty, while the panel considered that this was more difficult to remedy, it did consider that it was capable of remedy, for example through reflection, to develop an understanding of its seriousness, particularly in respect of the damage it can have on public confidence in the profession. In the absence of sufficient reflection from the social worker in this regard, the panel was unable to conclude that the risk of repetition was low.

123. In all circumstances, given the risk of repetition, the panel concluded that the social worker's fitness to practice is currently impaired on the basis of public protection.

124. The panel went on to consider the wider public interest, which includes the protection of the public, maintaining public confidence in the profession, and declaring and upholding proper standards of conduct and behaviour. The panel was of the view that in the absence of sufficient remediation and insight, there remained a risk to service users, which in turn would have a detrimental impact on public confidence in the profession. In addition, the dishonesty was a breach of a fundamental tenet of the profession, which in itself, risked damaging public confidence in the profession. Therefore, in the panel's judgement, a finding of current impairment was required in order to maintain public confidence in the profession. Further, it was required in order to reassure the public that the standards expected of a social worker, charged with the responsibility of safeguarding service users, were being upheld. Accordingly, in respect

of the wider public interest, the panel concluded that the social worker's fitness to practice is currently impaired.'

35. The substantive hearing panel determined the following with regard to sanction:

'135. 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.

136. Mitigating factors:

- As identified above at paragraph 117, in respect of recordkeeping, under supervision from witness 1 there had been noticeable improvement and examples of good practice, and the social worker had been booked to attend relevant training;*
- As identified above at paragraphs 120 and 121, there was evidence of some reflection, insight and remorse in respect of the practice concerns;*
- The social worker had a busy caseload, and for around three months during the period of misconduct, there had been a lack of supervision and support, meaning the appropriate managerial safeguards and accountability was not in place as expected;*
- The social worker had no previous adverse regulatory findings against her.*

137. Aggravating factors:

- The issues involved wide ranging concerns with the social worker's practice and included core aspects of social work;*
- A risk of repetition had been identified, and repetition would lead to a risk of harm to vulnerable service users;*
- The issues were not isolated but related to two service users over a significant period of time;*
- There has been a lack of engagement throughout this regulatory process.*

138. The panel considered the sanctions available beginning with the least serious. It did not consider that the options of taking no further action, giving advice or imposing a warning order to be appropriate or proportionate in the circumstances of this case, as none of these options would be sufficient to protect the public. Whilst the panel had identified some significant mitigation, it had also identified the risk of repetition and consequent risk of harm to vulnerable service users in a number of the areas of misconduct. It had also identified that it did not have information to evaluate whether the social worker had reflected upon or gained

insight into her dishonesty. The panel also had regard to paragraph 71 of Guidance, which advised that these options were likely to be inappropriate where the social worker had not engaged with the fitness to practice proceedings as was the case here.

139. The panel next considered the imposition of a conditions of practice order. The panel, in its findings on impairment, had considered that the practice concerns were capable of remediation, and in respect of record keeping there had been some remediation. However, in the absence of any up-to-date information the panel was not satisfied that the social worker had fully remedied the failings in her practice. Further, although the panel had considered that the dishonesty was capable of remediation, it did not have evidence that the social worker had, in fact recognised and reflected on her dishonesty and remedied it. In light of this and given the social worker's lack of engagement, the panel was not reassured that the social worker would be willing to comply with conditions or that it could formulate workable conditions to address her misconduct. Accordingly, it did not consider that conditions were the appropriate or proportionate response in this case.

140. 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...

141. The panel considered that suspension was the minimum level of sanction appropriate in order to protect the public, as it prevents the social worker from working as a social worker for the period that it is in place. In relation to the dishonesty, the panel was of the view that it was a single incident rather than a pattern of behaviour, albeit it was a covert, falsified entry in a service user's case notes, entered on learning that she was required to provide information at that service user's coroner's inquest. The question for the panel was whether the combination of the social worker's practice concerns and dishonest behaviour was fundamentally incompatible with her remaining on the register.

142. The panel reminded itself that although the service users had committed suicide, it was no part of Social Work England's case that there had been a causal link between the social worker's actions and omissions and those deaths. Her statements for the employer's disciplinary process had contained expressions of remorse and reflection. Taking account of the mitigation it had identified and the principle of proportionality, the panel did not consider that removal from the register was required at this time, and at this stage, taking such a course would be disproportionate. The panel was satisfied that a fully informed member of the

public would consider that a suspension order would both maintain standards of professional behaviour and promote public confidence in the profession.

143. The panel considered that the length of the order should be for a period of 12 months. The panel was of the view that this length was required to protect the public and to uphold public confidence in the profession. The panel considered that this period of time would also be sufficient to give the social worker the opportunity, should she decide to take it, to consider her position; reflect on the panel's findings; and re-engage with Social Work England with a view to regaining her fitness to practice. Accordingly, the panel determined to impose a suspension order for a period of 12 months.

144. Under paragraph 15 (1) of Schedule 2 of the Regulations, this order must be reviewed before its expiry. This panel does not seek to fetter the discretion of a future reviewing panel but it considers that such a panel may be assisted by the following:

- Evidence of engagement by the social worker with Social Work England, including participation of the social worker at any review, for example by telephone or in person;*
- A reflective statement addressing her behaviour, including her dishonesty and how such behaviour may impact on public confidence in individual social workers and the profession as a whole;*
- Evidence that she has kept her knowledge and skills up-to-date;*
- Up-to-date testimonials from paid or unpaid employment.'*

Submissions:

Social Work England:

36. The panel noted that Social Work England's submissions, in respect of the Order, were contained within the Notice sent to Ms Lule and were as follows:

'Social Work England invite the Panel to impose a Removal Order. The lack of engagement and lack of information before the Panel demonstrates that the Social Worker did not seize the opportunity to re-engage with a view to regaining her fitness to practise. In the absence of any information or evidence to suggest that the Social Worker wishes to be provided with an opportunity to practise again in the future, it is not possible to foresee what can be achieved by a further period of suspension. As such, the Panel may consider that the Social Worker's fitness to practise remains impaired.

Therefore, at this stage, it can be reasonably concluded that against the backdrop of the serious facts proved where there was a risk of harm to very vulnerable Service Users alongside an element of dishonesty and where the Social Worker had not engaged in any way to demonstrate any progress towards remediation and reflection, the Panel may conclude that no other outcome, other than a Removal Order, would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for Social Workers in England.'

37. In addition to drawing the panel's attention to the written submissions contained within the Notice, Ms Fatania, on behalf of Social Work England, made the following oral submissions:

- i. Ms Lule had not provided any submissions or representations since the Order came into force. She was provided with a deadline of 23 August 2021 by which to engage in the proceedings and she had failed to do so;
- ii. she had failed to provide any additional information in respect of her reflections or insights on the substantive hearing panel's findings, nor has she provided any evidence of remediation;
- iii. Ms Lule has had 2 years to re-engage in the regulatory proceedings and she has failed to do so;
- iv. consequently, the panel has no new information before it;
- v. the matters raised relate to serious harm caused to two service users;
- vi. she has failed to provide any information which demonstrates her wish to practise as a social worker again and therefore it is reasonable to conclude that her fitness to practise remains impaired; and
- vii. Social Work England invite the panel to impose a removal order, owing to the lack of engagement and the lack of information received from Ms Lule and because no other order would be appropriate to safeguard the public and/or maintain the reputation of the profession and declare and uphold proper professional standards.

Social Worker:

38. The panel noted that Ms Lule had not provided any submissions for it to consider.

Panel decision and reasons on current impairment:

39. The panel took account of the documents provided to it by Social Work England and had regard to the written and oral submissions. It also took into account the decision of the previous panel. However, the panel exercised its own independent judgement in relation to the question of current impairment.
40. The panel considered the relevant Social Work England Guidance and accepted the advice of the Legal Adviser, which had drawn its attention to Schedule 2 paragraph 15 of the Social Workers Regulations 2018 and the proper approach to be adopted when considering current impairment.
41. In making its decision, the panel had regard to both the personal and public elements of impairment. In considering the question of current impairment, the panel undertook a comprehensive review of the substantive order in light of the current circumstances. 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.
42. The panel first considered whether Ms Lule's fitness to practise remains impaired. It bore in mind that in deciding whether Ms Lule's fitness to practise is still impaired it should follow the approach of Dame Janet Smith endorsed in the High Court in *CHRE v NMC and Grant [2011] EWHC 927 (Admin)*.
43. The panel noted the substantive hearing panel's determination in respect of impairment and Ms Lule's journey towards demonstrating insight and remedying her conduct. The panel also noted, since the previous panel's determination had been handed down, Ms Lule has not provided any evidence to demonstrate that she has taken steps to address her misconduct. She has not provided any evidence of additional training, or skills learned in a non-social work role, which might have addressed her failings and which had an impact on vulnerable service users. Further, she has not demonstrated any additional insight or remorse for her actions, other than that which she demonstrated during her disciplinary hearing.
44. The panel observed that Ms Lule has had twelve months, whilst suspended, to provide evidence of insight and remediation and she has failed to do so. The panel considered that it could not yet be confident that Ms Lule has the required level of insight and that she has remedied her failings and therefore could not be confident that the behaviour would not be repeated.

45. The panel noted the substantive hearing panel's determination in respect of the public component of impairment. The panel was of the view that Ms Lule remained impaired in respect of the public component. Her misconduct occurred a number of years ago and she has not provided any evidence of further training, which would satisfy the panel that she has addressed her conduct, nor has she provided evidence to demonstrate that she has not become de-skilled during this time. The panel was of the view that there remained a risk to the public in these circumstances and that a finding of current impairment was required to maintain public confidence in the profession, which would be undermined should Ms Lule be permitted to return to unrestricted practice.
46. Accordingly, taking all of the aforementioned into account, the panel concluded that, with the personal and public components in mind, and taking into account Ms Lule's non-engagement, her fitness to practise remains impaired.

Decision and reasons on sanction:

47. Having found Ms Lule's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel accepted the Legal Adviser's advice and had regard to Social Work England's Sanction Guidance.
48. The panel bore in mind that sanction is a matter for its own independent judgment and that the purpose of a sanction is not to punish Ms Lule but to protect the public. Further, that any sanction must be proportionate, so that any order must be the least restrictive order that would protect the public interest, including public protection.
49. The panel first considered taking no action. The panel concluded that, in view of the serious nature of the concerns, which remain unaddressed, it would be inappropriate to take no action, as it would be insufficient to protect the public. Due to the continuing concerns about Ms Lule's fitness to practise, the panel also concluded that a caution would be inappropriate and insufficient to protect the public. Neither sanction would be subject to a review nor would either adequately address the concerns that have been identified in this case.
50. The panel next considered a Conditions of Practice Order. However, owing to Ms Lule's non-engagement, there is no information before the panel regarding her current circumstances, other than her letter (received by HCPC on 02 July 2019) where she states that she wishes to be removed from the Register. The panel could therefore not be satisfied that any conditions imposed would be proportionate, appropriate, workable or able to be put into practice.
51. Having determined that a conditions of practice order would not be appropriate, the panel next considered extending the current Suspension Order versus imposing a Removal Order. Having regard to the fact that Ms Lule has, over the past 12 months, failed to engage in the proceedings and has failed to provide any evidence of insight or

attempts at remediation, the panel was not satisfied that extending the current Suspension Order would serve any legitimate purpose. Further, the panel noted at paragraph 96 of Social Work England's Sanction Guidance, that panels are required to consider whether an individual who has been subject to a period of suspension for longer than one year would be likely to be '*deskilled*'. The panel noted, that Ms Lule has been suspended for a period in excess of twelve months and has not furnished any evidence of up-to-date continuing professional development to satisfy it that she has not become deskilled.

52. Having regard to all of the circumstances of this case, and without any evidence to the contrary, the panel determined that there is a real risk that Ms Lule has become deskilled. Further, the panel is also satisfied that a member of the public, appraised of all of the facts of this case, would be satisfied that Ms Lule has been provided with a reasonable opportunity to demonstrate insight and remediation, during the last twelve months, and that she had failed to do so.
53. 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 also had regard to Ms Lule's comments that she wished to be removed from the Social Work Register and did not wish to return to social work. Balancing the public interest with those of Ms Lule, the panel was of the view that a Removal Order would, in this case, would now be the only order, which would protect the public and uphold public confidence in the regulator.
54. Consequently, the panel was of the view that the appropriate order is one of Removal and that the current order should be varied to a Removal Order to come into effect from the expiry of the current suspension order.

Right of Appeal:

55. 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,
56. 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.

57. 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

58. 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.

59. 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.