

Social Worker: Samantha Kareem

Registration Number: SW117661

Fitness to Practise

Final Order Review Hearing:

Hearing Venue: Remote hearing

Date of hearing: 4 November 2021

Final Order being reviewed:

Suspension Order 9 months – (expiring 11 December 2021)

Hearing Outcome: Removal Order (to take effect upon expiry of current suspension order on 11 December 2021)

Introduction and attendees

1. This is the first review of a final suspension order originally imposed for a period of 9 months by a panel of adjudicators on 12 February 2021.
2. Ms Kareem did not attend and was not represented.
3. Social Work England was represented by Ms Brieskova, presenting officer instructed by Capsticks LLP.

Adjudicators	Role
Wendy Yeadon	Chair
Louise Fox	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Natasha Quainoo	Hearings Officer
Laura Merrill	Hearings Support Officer
Gerry Coll	Legal Adviser

Service of Notice:

4. Ms Kareem did not attend and was not represented. The panel of adjudicators (the panel) was informed by Ms Brieskova that notice of this hearing was sent to Ms Kareem on 20 October 2021 by email at her email address on the Social Work Register (the register). Ms Brieskova submitted that the notice of this hearing had been duly served.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to rules 16 and 44 of Social Work England (Fitness to Practise) Rules 2019 as amended (the rules), together with all of the information before it in relation to service of the notice, the panel was satisfied that notice of this hearing had been served on Ms Kareem in accordance with the rules.

Proceeding in the absence of the Ms Kareem:

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

submitted that there were public protection concerns arising from the allegations that Ms Kareem had improperly accessed three patient records and there was no information to suggest that Ms Kareem had engaged meaningfully with the process to mitigate those risks.

8. Ms Brieskova referred to an email Ms Kareem sent to Social Work England on 10 August 2020 in which she said:

“I am not interested in being regulated by an authority that does not consider fairly both sides of the case. I have also made it clear numerous times that I want to be removed from the Social Work register. I will not be responding further because nothing I have said has been taken into account thus far”.

9. Ms Brieskova invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.

10. 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 16 and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162* etc; and Rule 43 of the Rules.

11. The panel had regard to the Social Work England guidance, “Service of Notices and Proceeding in the Absence of the Social Worker, last updated 5 December 2019”. The panel recognised that:

- The discretion to continue in the absence of the social worker should be exercised with caution and with close regard to the fairness of the proceedings.
- The decision about whether or not to proceed must be guided by Social Work England’s primary objective of protecting the public.
- Fairness to Ms Kareem is very important, but so is fairness to Social Work England and the public.
- Whether all reasonable efforts have been taken to serve Ms Kareem with notice.
- The panel should consider the nature of Ms Kareem’s absence and in particular whether it was, on the face of it, voluntary.
- Whether there is any reason to believe Ms Kareem would attend or make submissions at a subsequent hearing.
- The duty of professionals to engage with their regulator.

12. The panel had regard to the previous correspondence from Ms Kareem, asking to be removed from the register and her lack of response to invitations to participate in this review. In the panel’s view, all reasonable steps within the rules had been taken to notify Ms Kareem of today’s review. Ms Kareem had engaged with Social Work England only to the limited extent of declaring that she would not respond further.

13. Accordingly, the panel was satisfied that Ms Kareem had voluntarily absented herself from the review. She had not asked for an adjournment and there was no reason to think that an adjournment would secure her attendance at a review hearing. The panel accepted that

there was inevitably a potential disadvantage to a social worker who did not attend a hearing, but it balanced that against the reason for Ms Kareem's absence and the necessity of completing this mandatory review within a reasonable time.

14. The panel determined to proceed in Ms Kareem's absence.

Review of the current order:

15. 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 at the end of 11 December 2021.

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

Only list charges proved at the final order hearing

16. The allegation referred by the Health and Care Professions Council (HCPC) Investigating Committee on 29 October 2019 was:

While Registered with the Health and Care Professions Council as a Social Worker and employed by Northumbria Healthcare NHS Foundation Trust, you:

- 1. Accessed Patient A's records, without clinical reason to do so.*
- 2. Accessed patient B's records, without clinical reason to do so.*
- 3. Accessed patient C's records, without clinical reason to do so.*
- 4. The matters described at Particulars 1 to 3 constitute misconduct.*
- 5. By reason of your misconduct, your fitness to practice is impaired.*

The final hearing panel on 12 February 2021 determined the following with regard to impairment:

17. *'The panel considered both the personal and public elements when considering impairment. The panel accepted that Ms Kareem was a newly qualified social worker and was still in training. However, her departures from the standards expected of her were serious and had the potential to cause serious and lasting harm to the trust and the confidence that patients have in those responsible for their care. The reputation of the profession was at risk, as was that of Ms Kareem's former employer.'*

18. *There was, in this case, no evidence of remediation by Ms Kareem, and no evidence of any practical steps that she has taken to begin the process addressing the behaviour that led to*

her shortcomings. There has been no admission of fault by Ms Kareem. Whilst she had admitted accessing Patient A's records on one occasion she had not recognised or acknowledged the impact of this on either the patient or the profession.

- 19. In the panel's view, Ms Kareem has done nothing to alter the perception that she has no insight into her shortcomings. She has done nothing to demonstrate any reflections on these events, express her remorse for what she has done or appreciate the way in which this matter would be seen by patients, her fellow social workers and by her former employers. In the absence of full insight, remorse and remediation, the panel concluded that there is a risk of repetition. Whilst the panel had no evidence of harm caused, without insight, there was a risk of repetition. Accordingly, a finding of impairment is necessary to address any risk to the public, to protect the reputation of the profession and to declare and uphold the standards that the public rightly expect of social workers.*
- 20. The panel recognised that a social worker's fitness to practise can be impaired because they pose an ongoing risk to the public, and/or because what they have done is so serious it risks undermining public confidence in social workers or requires a signal to be sent to all social workers about the standards expected of them.*
- 21. In this case, the panel is satisfied that Ms Kareem's fitness to practise is currently impaired by her having breached one of the fundamental principles of confidentiality on more than one occasion in respect of a number of patients. Her actions have, in the panel's determination, acted to undermine public confidence in the profession and could have impacted adversely on the trust between social workers and patients and service users when dealing with sensitive information. A finding of impairment is required in this case in order to maintain public confidence in social workers; the public needs to know that matters of this kind will not be allowed to occur without regulatory consequences.*
- 22. A finding of impairment is required to protect the public. It is necessary to maintain proper professional standards for social workers in England. Social Workers must be required to acknowledge the importance of, and adhere to, policies in place which protect patient confidentiality. The panel found that Ms Kareem's fitness to practise is currently impaired both on the personal and public component.'*

The final hearing panel on 12 February 2021 determined the following with regard to sanction:

- 23. 'The panel considered the aggravating and mitigating factors in determining what sanction, if any, to impose.*
- 24. The panel identified the following aggravating factors:*
 - Ms Kareem's acts and omissions were a breach of a fundamental duty;*
 - Her actions related to three patient's and was repeated over several weeks;*
 - Ms Kareem demonstrated a persistent lack of insight of the risk of harm to patient's, her employer and to the wider profession;*
 - She sought to deflect responsibility to others;*

- *Ms Kareem made no material admissions;*
- *Ms Kareem has not shown any remorse or understanding of the need to remediate and how that could be achieved;*

The Panel identified the following mitigating factors:

- *Ms Kareem was a newly qualified social worker and the evidence was that her training had been adversely impacted by a change of AYSE supervisor after a period of no supervision;*
- *Her AYSE supervisor was a poor role model and she was introduced to her role in a badly managed and controlled team with issues of blurred boundaries, with damaging effect on her training;*
- *Reports state that Ms Kareem had completed good work on complex cases;*
- *Ms Kareem had good reports regarding her abilities as a social worker;*
- *Her training was, on the face of it, limited and fragmented, especially in the use of Nerve Centre software.*

No Action

25. *Having taken the aggravating and mitigating factors into account the panel first considered taking no action. The panel concluded that, in view of the nature and seriousness of Ms Kareem's misconduct which has not been remedied, and in the absence of exceptional circumstances, it would be inappropriate to take no action. Furthermore, it would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.*

Advice or Warning

26. *The panel then considered whether to issue Advice or a Warning. The panel noted that neither of these sanctions would restrict Ms Kareem's ability to practise and is therefore not appropriate where there is a current risk to public safety and reputation of the profession. Ms Kareem's persistent inability to meet the standards required of a social worker was not minor in nature or limited. Furthermore, she has disengaged with Social Work England and has provided no evidence that she has developed the required insight to support her remediation. There is risk of repetition. In any event, the deficiencies in Ms Kareem's practise had the potential to have adverse consequences for patients and colleagues and therefore some restriction on her practise is required. Therefore, the panel concluded that issuing Advice or a Warning would be inappropriate and insufficient to meet the public interest.*

Conditions of Practice Order

27. *The panel went on to consider a conditions of practice order. The panel took the view that Ms Kareem's deficiencies are potentially capable of being remedied and was satisfied that, in theory, appropriate, workable conditions could be formulated. Had Ms Kareem applied herself to a consideration of how she could remediate her practice, founded on evidence of insight, the panel would have had little difficulty in dealing with this matter by way of a conditions of practice order. However, the panel noted that paragraph 89 of the Sanctions Guidance states:*

“Decision makers must also be satisfied that the social worker is willing and capable of complying with conditions. Previous breaches of guidance or protocols, especially where deliberate, may raise significant doubt about whether the social worker could or would comply with conditions. On the other hand, early engagement with retraining and remediation may be strong indicators that conditions may be workable.”

28. *The panel observed that a conditions of practice order requires a willingness on the part of the social worker to comply with them and to remediate. This is because attending courses and training and being subject to supervision is only the starting point. It is the demonstration of commitment to professional confidentiality that is of critical importance in this case. The panel concluded that given Ms Kareem’s failure to engage with the regulatory process and the resulting failure to provide any evidence that she has understood and embedded the core tenets of the profession it had no confidence that she would comply with a conditions of practice order. In the absence of any evidence of commitment and readiness to remediate her practice, the panel concluded that there were no conditions it could impose which would be workable or appropriate.*

Suspension Order

29. *Having determined that a conditions of practice order would not be appropriate, the panel concluded that the appropriate sanction is a suspension order. A suspension order would send a signal to Ms Kareem, the profession and the public re-affirming the standards expected of a registered social worker. The panel took the view that a Suspension Order would prevent Ms Kareem from practising during the suspension period, which would therefore protect the public and meet the needs of the wider public interest.*
30. *The panel determined that the suspension order should be imposed for a period of 9 months.*
31. *The panel was satisfied that this period was appropriate to mark the seriousness of the Ms Kareem’s misconduct. This is the primary purpose of the suspension order. However, in addition the panel noted that the suspension period would give Ms Kareem sufficient time to consider whether she wished to resume her social work career. She would have the opportunity to consider the findings of this panel and to use that as a gateway to developing insight and then to consider how to accumulate evidence of remediation. Therefore, the suspension period reflects the amount of time that Ms Kareem may need to reflect on the panel’s findings and devise a plan of action targeted towards a return to the register unrestricted.*
32. *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 took the view that a removal order would be punitive and disproportionate at this time.’*

Social Work England submissions:

33. *The panel heard submissions from Ms Brieskova as to the background and the previous panel’s findings in relation to impairment and sanction. Ms Brieskova submitted that Ms*

Kareem's lack of any meaningful engagement meant that Ms Kareem had not remediated the failings identified by the previous panel. Ms Kareem had not done anything to show that she was not impaired or that her impairment had materially changed as at today's date. Ms Brieskova emphasised the following:

- Ms Kareem had declared that she did not wish to engage with her regulator. She was dissatisfied with how her case had been dealt with by Social Work England.
- Ms Kareem had repeated a wish to be removed voluntarily from the register. Social Work England had responded by advising that voluntary removal was not an option at this stage.

34. Ms Brieskova submitted that in all of the circumstances the proportionate and appropriate order today was a removal order. Ms Kareem had made plain her intention not to respond positively to the invitation by the previous panel to take advantage of the suspension order as a means of her return to safe and effective practice.

Social Worker submissions:

35. Ms Kareem had not made any submissions for the panel today.

Panel decision and reasons on current impairment:

36. 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 panel. However, it has exercised its own judgement in relation to the question of current impairment.

37. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel. There was no new documentation provided by Ms Kareem. The panel also took account of the submissions made by Ms Brieskova on behalf of the Social Work England

38. The panel 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 maintain public confidence in the profession.

39. The panel first considered whether Ms Kareem's fitness to practise remains impaired.

40. The panel noted that the original panel found that Ms Kareem had very limited to no insight and had demonstrated no remediation. In particular, Ms Kareem had not recognised the impact that her actions had in relation to public trust and confidence in social workers to maintain the confidentiality of their records. Ms Kareem had not recognised the wider public interests in maintaining the trust and confidence of social workers in England to act always with scrupulous regard for the confidentiality of patient records. The previous panel had set out with care and precision the adverse impacts that Ms Kareem's actions could have had and the public safety implications. Ms Kareem had not responded in any meaningful way. Instead of expressing remorse and any appreciation of the issues raised, Ms Kareem had emphasised her desire to be removed voluntarily from the register. There

had been no evidence supplied by Ms Kareem of any insight by her and of any reflection. She had not acted on the previous panel's recommendations. The panel had not been given a reflective account or any other evidence on which to find that there was any movement in Ms Kareem's impairment of fitness to practise.

41. The panel agreed with the view taken by the previous panel that Ms Kareem's misconduct was serious and placed several vulnerable service users at real risk of harm from having their private records improperly accessed. The essential trust and confidence which patients and the wider public are entitled to expect from Ms Kareem's professional practice had been diminished. The panel was satisfied that there remains a real risk of repetition and a real risk of harm to service users if Ms Kareem were to be permitted to return to practise without restriction. In the absence of having material which would satisfy the panel, it considered that the risks of serious harm to service users and members of the public still existed.
42. In the panel's view, the risks had increased due to Ms Kareem's continued unwillingness to recognise the impact of her actions on the wider public interest in not maintaining the confidentiality of patient records; and the impact that has on the public's trust and confidence in social workers. The fundamental principles of the profession include a commitment to the confidentiality of patient and service user records. In these circumstances, the adverse impact on the wider public interest which is included under the head of public protection had been exacerbated.

Decision and reasons on sanction:

43. Having found Ms Kareem'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 Ms Brieskova and all the information currently available. The panel accepted the advice of the legal adviser.
44. Ms Brieskova invited the panel to consider imposing a removal order. The panel also took into account the Sanctions Guidance published by Social Work England.
45. The panel was mindful that the purpose of any sanction is not to punish Ms Brieskova, 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 Kareem's interests with the public interest and by considering each available sanction in ascending order of severity.

No Action

46. The panel concluded that, in view of the nature and seriousness of Ms Kareem's impairment which has not been remedied, and in the absence of exceptional circumstances, it would be inappropriate to take no action. Furthermore, it would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

Advice or Warning

47. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict Ms Kareem's ability to practise and is therefore not appropriate where there is a current risk to public safety. In any event, the deficiencies in Ms Kareem's practise had the potential to have wide-ranging adverse consequences and therefore some restriction on her practise is required. Therefore, the panel concluded that issuing advice or a warning would be inappropriate and insufficient to meet the public interest.

Conditions of Practice Order

48. The panel went on to consider a conditions of practice order. The panel took the view that Ms Kareem's deficiencies are potentially capable of being remedied and was satisfied that, in theory, appropriate, workable conditions could be formulated. However, despite the clear steps set out by the previous panel to assist Ms Kareem to evidence remediation, her response had been the opposite of that expected from a social worker who was committed to a safe and effective return to professional practice. The panel considered that this was unfortunate. Without engagement from Ms Kareem to confirm that she would be willing to engage with conditions the panel was not confident that any conditions that it could devise would be workable, measurable and capable of fully protecting the public.

Suspension Order

49. Having determined that a conditions of practice order would not be appropriate, the panel considered whether the appropriate sanction remains a suspension order. A suspension order would serve to protect the public in that Ms Kareem would be prevented from practising during the suspension period. However, Ms Kareem has quite clearly disengaged from the fitness to practise process and has not made any response to the suspension order. In the panel's view, the risks created by Ms Kareem's expressed wish to be removed from the register significantly increases the concerns that the public would feel inadequately protected by a suspension order. There is a risk that the public would be concerned that the regulator had responded inadequately to these risks. In these circumstances, the panel concluded that a continued suspension order was no longer a proportionate and appropriate response.

Removal Order

50. 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 was unable to be satisfied that a lesser sanction would fully protect the public. The public would be shielded from the risk of a repetition by Ms Kareem by continuing the current suspension order. However that would not address the increased risks that now exist to the wider public interest that is an essential part of protecting the public. There is now a risk that the public would lose confidence in the regulator were it to appear to be unwilling or unable to respond to Ms Kareem's plainly stated intentions not to remediate and not to engage at all with her regulator.

51. For those reasons, the panel considered that the only appropriate and proportionate sanction in Ms Kareem's case was a removal order.

Right of Appeal:

52. 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,

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

- b. 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.

54. 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

55. 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.

56. 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.