



Social Worker: Emma Louise
Lennard
Registration Number: SW57370
Fitness to Practise:
Final Hearing

Date(s) of hearing: 18 to 19 October 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.
2. Ms Emma Lennard did not attend and was not represented.
3. Social Work England was represented by Ms Tamasin Graham, as instructed by Capsticks LLP.

Adjudicators	Role
Caroline Healy	Chair
Suzanna Jacoby	Social Work Adjudicator
Tasneem Dhanji	Lay Adjudicator

Natasha Quainoo	Hearings Officer
Heather Hibbins	Hearing Support Officer
James Hurd	Legal Adviser

Service of Notice:

4. Mrs Lennard did not attend and was not represented. The Panel of adjudicators (hereafter “the Panel”) was informed by Ms Graham that notice of this hearing was sent to Ms Lennard at her registered email address on the Social Work Register (the Register) on 09 September 2021. Ms Graham 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 09 September 2021 and addressed to Ms Lennard at her address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register detailing Ms Lennard’s registered email address;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 09 September 2021 the writer sent the notice of hearing to Ms Lennard’s email address.
6. The Panel accepted the advice of the Legal Adviser in relation to service of notice.
7. Having had regard to Rules 13 and 43-45 of the Fitness to Practise Rules 2019 (hereafter “the Rules”) 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 Lennard in accordance with the Rules.

Proceeding in the absence of the social worker:

8. The Panel heard the submissions of Ms Graham on behalf of Social Work England. Ms Graham submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Lennard and as such there was no guarantee that adjourning today's proceedings would secure her attendance. Ms Graham further submitted that Social Workers have a responsibility to engage with Social Work England in response to concerns about their fitness to practise. She therefore invited the Panel to proceed in the interests of justice and the expeditious disposal of this hearing.
9. The Panel has seen a telephone note dated 18 August 2021 with Ms Lennard. During the call it was confirmed that the hearing was taking place on 18-20 October 2021. The call records: *"EL said she was no longer a registered social worker and will not be participating in the hearing. EL said she would send an email to confirm this."*
10. However, no such email has in fact been received.
11. 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*; *General Medical Council v Adeogba [2016] EWCA Civ 162* and *Sanusi v GMC [2019] EWCA Civ 1172*.
12. The Panel considered all of the information before it, together with the submissions made by Ms Graham on behalf of Social Work England. The panel noted that Ms Lennard had been sent notice of today's hearing and the panel was satisfied that she was or should be aware of today's hearing.
13. The Panel concluded that Ms Lennard had chosen voluntarily to absent herself, in light of the email set out above. The Panel had no reason to believe that an adjournment would result in Ms Lennard's attendance on a subsequent occasion.
14. The Panel also had regard to the fact that the allegation in this case is serious. Ms Lennard has been subject to a Removal Order, following a hearing before Social Care Wales. The decision about whether to proceed must be guided by Social Work England's primary objective of protecting the public.
15. Having weighed the interests of Ms Lennard 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 Lennard's absence.

Allegation(s)

16. The allegation arising out of the regulatory concern referred by Social Work England's Case Examiners on 22 March 2021 is as follows: -

On or around 16th of December 2020 and whilst registered as a social worker, your fitness to practise was found impaired by Social Care Wales.

Ground of impairment: Your fitness to practise is impaired by a determination by a regulatory body to the effect that the person's fitness to practise is impaired.

Summary of Evidence

17. On 8 June 2018, the Health and Care Professions Council (the "HCPC") received a self-referral from Ms Lennard.
18. Ms Lennard was employed by Foster Care Co-operative covering North Wales between September 2016 and June 2018. She was dismissed from this post and referred to Social Care Wales and the HCPC as a result of her conduct (FTP- Classification: Confidential 63803).
19. Ms Lennard subsequently worked for Cheshire East Council between July 2018 and February 2019. Social Work England's Statement of Case suggests that Ms Lennard was also dismissed by Cheshire East Council and referred to Social Care Wales and the HCPC (FTP-71300). In fact, it appears that her temporary contract expired and was not renewed.
20. The concerns involved failure to record case work in a timely manner, breaching data protection policies, being dishonest with management, failing to follow advice or communicate with managers in an open and transparent way and a failure to disclose to her employer that she had self-referred to Social Care Wales.
21. Ms Lennard was subject to a hearing conducted by Social Care Wales between 14 and 16 December 2020, following which Ms Lennard was removed from the Social Care Wales register. Social Work England was informed on 20 January 2021 that Ms Lennard had not appealed the decision and that the Removal Order was enforced on 17 January 2021.
22. The Panel has seen a witness statement from Samantha Jones dated 04 June 2021, who also gave oral evidence at the hearing, limited to confirming the contents of her witness statement. She is the Fitness to Practise Lead at Social Care Wales. She confirms that a fitness to practise final hearing took place on 14-16 December 2020.
23. Ms Lennard was present for part of the Social Care Wales final hearing in December 2020. She gave evidence, but waived her right to attend for the rest of the proceedings.
24. The allegation which Mr Lennard faced in the Social Care Wales proceedings is set out below:

That you, while registered as Social Worker between March 2018 and February 2019:

1. Whilst employed by Foster Care Co-Operative as a Senior Supervising Social Worker:

a. Between 20 March 2018 and 4 June 2018, whilst subject to an Employee Development Plan, you failed to achieve the level of performance required in respect of the following issues:

- i. Failure to properly record the work undertaken, in particular a failure to complete Monthly Placement Reports (MPRs) in a timely fashion in respect of one or more of the carers for whom you were responsible; and/or*
 - ii. Failure to follow advice and/or communicate with Managers in an open and transparent way regarding the timing for submission of the MPRs.*
- 2. Whilst employed by Cheshire East Council and engaged by Adoption Counts between 22 July 2018 and 17 February 2019:*
 - a. You failed to complete and/or submit Prospective Adopters Reports (PARs) in accordance with deadlines on one or more of the following dates:*
 - i. 5 December 2018;*
 - ii. 27 December 2018;*
 - iii. 8 January 2019;*
 - iv. 31 January 2019;*
 - v. 7 February 2019;*
 - vi. 13 February 2019.*
 - b. On 4 March 2019 you informed a Senior Manager that you had provided all documentation relating to adopters to Business Support, who had shredded them, when this was not true.*
 - c. You breached and/or risked breaching data protection regulations in respect of confidential information and/or documentation in that:*
 - i. You used your personal laptop for storing personal data and documents relating to adopters; and/or*
 - ii. You used your personal laptop to type confidential notes; and/or*
 - iii. You sent several emails to your personal email address.*
 - d. On 15 March 2019, when Mark Tobin attended your home, you denied having a paper chronology in your possession when you did have possession of this document.*
 - e. On an unknown date, after 25 March 2019, you informed Susan Westwood that you had never taken confidential documents from adopters when this was not true.*
 - f. Between approximately 2 July 2018 and 14 January 2019 you did not disclose to Adoption Counts that you had been referred and/or had self-referred to Social Care Wales following your dismissal from Foster Care Co-Operative.*
 - g. Your conduct was dishonest in respect of your conduct as set out at paragraphs 2 (b), (d) and (e), in that you knew the information to be untrue.*

And your fitness to practise is impaired by reason of your deficient performance in relation to your conduct at paragraph 1 and/or by reason of your deficient performance and/or serious misconduct in relation to your conduct at paragraph 2 (a) and/or by reason of your serious misconduct in relation to your conduct as set out at paragraph 2 (b) – (g).

25. The Panel has been provided with a transcript of the Social Care Wales final hearing and a Notice of Decision, dated 17 December 2020, which contains both the findings and the reasons for the findings that were made, which are set out below.

Decision on Facts

Charge 1 – found proved

Ms Lennard was employed as a Senior Supervising Social Worker by Foster Care Co-operative (FCC) as from September 2016. We have heard oral evidence from Ms Perkins, the previous Director of Child Care and Registered Manager for FCC. Ms Perkins informed us that Ms Lennard was responsible during her employment for the supervision and support of foster carers based in North Wales. She was also responsible for recruiting and training foster carers and undertaking Form F Fostering Assessments. She had a case load of four to five foster carer households and worked from home.

We have been informed that on 5 June 2017 a foster carer contacted Ms Lennard's line manager to complain that she had not had any monthly reports and had not been adequately supported since Ms Lennard had been in post. Similar concerns were flagged up by other foster carers regarding Ms Lennard. Ms Perkins said that the Monthly Placement Reports (MPRs) are viewed as important as they help to keep the child's LA Social Worker updated and provide a record for the child. They cover all aspects of the child's time in placement.

In response to the concerns raised by the foster carers an informal Capability Process was set up and a Development Plan implemented. The deadlines in the Development Plan were met and the process was deemed complete in August 2017. Ms Lennard was subsequently offered a permanent post in December 2017 by FCC.

Further problems were brought to FCC's attention in January 2018 by the foster carers. They reported issues such as Ms Lennard not turning up to meetings and MPRs not being done. A formal Capability Development Plan was put in place. Ms Lennard failed to complete all of the required tasks identified on the plan and she was issued with a verbal warning following a review meeting in March 2018. Ms Lennard did not give any reasons for her failure to complete the development plan at that time. A second formal capability review meeting was held in April 2018. As

a result, a written warning was issued to Ms Lennard for her failure to complete the plan. Once again Ms Lennard failed to give any reasons for her failure in this regard.

A third and final capability review meeting was held on 4 June 2018, which resulted in Ms Lennard's dismissal due to her failure to complete the recordings or paperwork. We find the evidence of Ms Perkins to be honest and forthcoming.

We consider that Ms Lennard was clearly supported by her employer and note the frustration expressed by Ms Perkins that she was unable to help Ms Lennard due to the fact she did not provide any reasons for the difficulty she was experiencing completing the paperwork. It is apparent that Ms Lennard did not follow advice and communicate with her managers at FCC in an open and transparent way in this regard.

We took into account the facts of this charge are admitted by Ms Lennard. This is confirmed in Ms Lennard's written response which was provided to us at the commencement of the hearing and during Ms Lennard's oral evidence.

Charge 2 – found proved

We have heard oral evidence from Ms Westwood, previously the Regional Adoption Manager of Adoption Counts. We find her evidence to be credible and truthful but note that she was not a direct witness to some of the matters to which she referred in her evidence.

Ms Lennard was employed by Cheshire East Council but engaged by Adoption Counts as an agency worker between 22 July 2018 and 17 February 2019. Ms Westwood was Ms Lennard's most senior manager but not her line manager. It is Ms Westwood's evidence that Ms Lennard would undertake the two-stage assessments of prospective adopters. This required her at stage 1 to gather and verify certain documents required by statute from the adopters, and stage 2 required a full assessment and the writing of the Prospective Adopters Report (PAR). She was then required to present the PAR to the Adoption Panel in order to propose that the applicants she had been working with were approved as adopters or not.

Ms Westwood informed us that the company started to have concerns about Ms Lennard's work on 5 December 2018, when she missed a Panel submission date. She failed to submit a PAR to her line manager for audit and had not told anyone she wasn't going to submit it.

On 21 December 2018 she emailed a different manager to ask if she could audit the PAR and the Panel date was changed to 10 January 2019. She was given a new deadline for the PAR of 27 December 2018. We have been informed that she missed that deadline.

On 3 January 2019 Mark Tobin, Senior Manager, emailed Ms Lennard asking for the two PARs to be sent in for the Panel on 25 January 2019. On 4 January 2019 she sent one of the PARs and said that the second would be completed by 8 January 2019 but by the 9th that hadn't been received. By 14 January 2019 the second PAR had not been completed. We are told that when the second PAR was received it was of poor quality and could not be submitted to the Panel.

On 29 January 2019 Adoption Counts requested that Ms Lennard be replaced, and she was told that her last date of employment would be 8 February 2019.

Ms Westwood's evidence is that on 31 January 2019 Ms Lennard had a further two PARs that were outstanding and Ms Lennard advised that one would be completed that day, but it wasn't sent. On 6 February 2019 she said she would complete it the next day and the second PAR within the next seven days. Ms Lennard's employment was extended until 15 February 2019 in order for her to complete the work. Neither PAR was received, and Ms Lennard said she would finish the PARs on her own time.

It is clear from the evidence of Ms Westwood and supported by the documents in the bundle that Ms Lennard failed to complete and/or submit PARs in accordance with deadlines on the dates set out in the charge.

Further, the facts of this charge are admitted by Ms Lennard.

We therefore find this charge 2(a) proved in its entirety.

(b) On 15 March 2019 Ms Lennard informed a Senior Manager that she had provided all documentation relating to adopters to Business Support, who had shredded them, when this was not true.

We have been presented with a conflict of evidence in relation to this charge.

It is Ms Westwood's evidence that on 27 February 2019 one of the applicants rang the company, very worried about where their documents were being held. The company need these documents to verify the identity of the application in Stage 1 of the assessment, but it was the policy of the company not to remove them or take copies of them from the applicants. We have been provided with a note of the telephone call from the applicant stating that they had provided copies of documents such as passports, driving licence and bank statements to Ms Lennard.

We are told that Cheshire East Legal Department wrote to Ms Lennard on 4 March 2019, telling her to return all documents she had gathered from her assessments, but she didn't respond. As a result, Mr Tobin went unannounced to Ms Lennard's home on 15 March 2019. Ms Westwood states that during this visit Ms Lennard told Mr Tobin she had given all the documents to Business Support, who had shredded them. Business Support said they had never had these documents and never would take them; they use confidential waste, not shredders.

Ms Lennard denies this charge. She states that she "did indeed file and/or shred any confidential information as described by Sue Westwood. I feel the quote was

out of context, in that I am aware that Business Support will have been in receipt of any confidential information required to carry out statutory checks. I agree this may not have involved forwarding documents but extracting information from them and verifying I had seen the documentation. Once recorded appropriately, it is my practice to ensure any documentation is destroyed. In the building in which I worked (Business Support was based elsewhere) we did have a shredder which I used for highly confidential waste, and we had a 'shred it' box also."

I hope that piece was clear to the Panel and to the hearing.

We have been provided with a copy of the attendance note of Mr Tobin's visit to Ms Lennard and note that this does not make any reference to Ms Lennard giving documents to Business Support. We are therefore having to assess whose evidence we prefer in this regard, Ms Lennard or Ms Westwood.

On the balance of probabilities, we find that is more likely than not that Ms Lennard informed Mr Tobin that she had provided all documentation relating to the adopters to Business Support, who had shredded them. We do not consider that Adoption Counts would have gone to Business Support to make specific enquiries as to whether they had received the documentation unless Ms Lennard had informed Mr Tobin that was the case.

When weighing up the evidence provided by the witnesses, we also took into account the inconsistencies of the accounts provided by Ms Lennard and the fact her evidence was quite vague and confusing at times. This is contrasted with the certainty of the evidence provided by Ms Westwood.

We do note, however, there may have been a misunderstanding regarding what was meant by Ms Lennard when she referred to documentation and the Business Support team.

Having found that Ms Lennard informed Mr Tobin that she had provided all documentation relating to adopters to Business Support, who had shredded them, we decided this statement was not true in view of the information relating to adopters which was found to be in Ms Lennard's possession. Further, Business Support denied having received these documents from Ms Lennard.

On a balance of probabilities, we find this charge 2(b) proved.

(c) Ms Lennard breached and/or risked breaching data protection regulations in respect of confidential information and/or documentation in that:

(i) She used her personal laptop for storing personal data and documents relating to adopters; and/or

(ii) She used her personal laptop to type confidential notes; and/or

(iii) She sent several emails to her personal email address.

Ms Westwood gave evidence that on 27 February 2019 one of the applicants rang Adoption Counts saying that they were worried about where their documents were being held. She said from the description given by the applicants it was clear that Ms Lennard was typing her notes on a personal laptop. This has been denied by Ms Lennard.

Ms Westwood also said that the company discovered Ms Lennard had sent several emails to her personal email address, which, combined with the documentation she had taken, made it a serious breach of security.

The note of Mark Tobin's meeting with Ms Lennard on 15 March 2019 refers to Ms Lennard denying having any documents on the hard drive of her personal laptop. She said the documents were stored on a pen drive. The note also refers to Ms Lennard intending to type up her notes using a voice recognition system, and she would do this by typing them directly on to Egress and then email the completed typed notes to Mr Tobin and Heather Robson.

Ms Lennard accepts in her witness statement and in oral evidence that she used a secure email system to email herself the tools she required to finish the PARs after her employment came to an end. She states that she used a personal laptop which was secured and stored the information on an encrypted pen drive. We find that on the basis of Ms Lennard's own evidence, and the fact she did not have a business laptop in her possession after her employment came to an end, she did use her personal laptop to type confidential notes and store personal data and documents relating to adopters. It also appears to be admitted by Ms Lennard that she sent several emails to her personal email address, albeit using Egress. Ms Lennard accepts that she did not discuss this with anyone at the time. This was not authorised. If she had told Adoption Counts what she was doing, it is Ms Westwood's evidence that it would have been stopped. Ms Westwood was clearly concerned about Ms Lennard's use of a Gmail email account.

In making these findings we consider that Ms Lennard risked breaching data protection regulations in respect of confidential information and/or documentation.

We find the facts of this charge 2(c) is proven in its entirety.

(d) On 15 March 2019, when Mark Tobin attended Ms Lennard's home, she denied having a paper chronology in her possession when she did have possession of this document.

We have been provided with the contemporaneous note of Mr Tobin's visit with Ms Lennard on 15 March 2019, which states that "Emma does not have any other hard copy/paper documents relating to any of the adopters she has worked with. More specifically, she does not have a paper chronology for the A/M adopters. She confirmed that she scanned this into CHARMS (Adoption Counts' IT system) and shredded the original copy in the office at Cledford House."

Ms Lennard denies, however, that when Mr Tobin returned to her home on 20 March 2019 that she gave him this chronology. She gave oral evidence that she cannot recall there being a paper chronology in the documentation provided. This contrasts with the evidence of Ms Westwood, who confirms that a written chronology was given. She could expressly recall the fact that the chronology was amongst the papers returned by Ms Lennard to Mr Tobin.

Having found that Ms Westwood's evidence was credible and truthful, we are persuaded by her evidence in this regard. On the balance of probabilities, we find this charge 2(d) proved.

(e) On an unknown date, after 25 March 2019, Ms Lennard informed Susan Westwood that she had never taken confidential documents from adopters when this was not true.

We have heard evidence from Ms Westwood that she spoke with Ms Lennard herself on or around 25 March 2019, who informed her that she had never taken confidential documents from adopters. As a result, Ms Westwood contacted the applicants and checked the position with them. The applicants were adamant that Ms Lennard had taken the documents, at which point Ms Westwood rang Ms Lennard back and put to her what the applicants had said. It is alleged that Ms Lennard said, "I don't know. I know you shouldn't take them. If I did take them, I haven't got them now."

During Ms Lennard's oral evidence, she appeared to admit that she may have taken copies of the applicants' identification documents.

We find that we accept Ms Westwood's evidence in relation to this charge. She has been clear and credible in her account. We also find that the statement was not true based on Ms Lennard's own admissions in this regard.

We find this charge 2(e) proved.

(f) Between approximately 2 July 2018 and 14 January 2019 Ms Lennard did not disclose to Adoption Counts that she had been referred and/or had self-referred to Social Care Wales following her dismissal from Foster Care Co-Operative.

Ms Lennard was referred to Social Care Wales on 11 June 2018, having self-notified a few days earlier.

We have heard evidence from Ms Westwood that Ms Lennard did not disclose this to Adoption Counts. Her evidence on this point was clear that the company knew nothing about any referral.

Ms Lennard has provided us with additional documentation which supports the fact that she notified Social Personnel and possibly her hiring manager of the referral. Ms Lennard referred in her oral evidence to believing that she told Cheshire East Council of the referral during her interview with them, who then went off to make enquiries of Adoption Counts.

Although Social Personnel, and possibly Cheshire East Council, may have been made aware by Ms Lennard of her referral to Social Care Wales, we do not have any evidence to show that Ms Lennard disclosed the referral to Adoption Counts between approximately 2 July 2018 and 14 January 2019.

We find, based on Ms Westwood's evidence, and on the balance of probabilities, that this charge 2(f) is proved.

(g) Ms Lennard's conduct was dishonest in respect of her conduct as set out at paragraphs 2(b), (d) and (e), in that she knew the information to be untrue.

Having found the facts of charges 2(b), (d) and (e) proved, we went on to consider whether Ms Lennard's conduct in this regard was dishonest in that she knew the information to be untrue. When reaching our decision in this regard we considered the legal test for dishonesty. We considered what Ms Lennard's knowledge or honestly held belief was in relation to the facts of the charges and decided whether her conduct was honest or dishonest applying the standards of ordinary decent people.

We find that Ms Lennard was dishonest in relation to charge 2(b). Ms Lennard informed a senior manager that she had provided all documentation relating to adopters to Business Support, who had shredded them. We have found that this statement is not true. We consider that it is possible her statement in regard to which Business Support she was referring to was misinterpreted. However, in her oral evidence Ms Lennard said that she carried out any shredding of confidential information. We therefore find that ordinary decent people would consider Ms Lennard's conduct in this regard was dishonest.

We also find that Ms Lennard was dishonest in relation to her conduct in charge 2(d) and (e). We are satisfied on the balance of probabilities that Ms Lennard would have known that she was in possession of the chronology and therefore she was dishonest, applying the standards of ordinary decent people, when she denied having this in her possession.

Further, having found that Ms Lennard had taken confidential information from the adopters, her statement to Ms Westwood was clearly dishonest. We do not accept that when referring to confidential information Ms Lennard interpreted this to mean original copies of identification documentation, as suggested. We consider that Ms Lennard would understand that copies of identification documentation would constitute confidential documentation.

During Ms Lennard's oral evidence, she informed us that she may have taken copies but not documents, and did not mean to mislead or be dishonest. We find that this statement is an acknowledgement by Ms Lennard that she had misled her employer by her statement. Ms Lennard was not very clear and transparent with her responses to her employer. We consider that, applying the standards of

ordinary decent people, she was dishonest. We therefore find this charge 2(g) proved.

Impairment

26. The Social Care Wales panel went on to consider impairment:

We find that Ms Lennard's fitness to practise is currently impaired.

First, we considered whether one or more grounds of impairment were present. Two grounds are potentially relevant in this case, namely serious misconduct and/or deficient performance. It is the position of Social Care Wales that Ms Lennard's fitness to practise is impaired by reason of her deficient performance in relation to her conduct set out in charge 1 and Charge 2(a).

We understand that deficient performance may include negligence and/or a failure to comply with the Code of Professional Practise for Social Care.

We consider that the completing of the MPRs and PARs were fundamental aspects of Ms Lennard's role. We do not find, based on the evidence before us, that she had a high caseload. Ms Lennard was an experienced social worker and was given a lot of support from her employers. This is particularly the case in relation to her employment with FCC.

At no time did Ms Lennard highlight to her employers that she was experiencing difficulties completing the paperwork and did not provide any explanation for her failings in this regard.

We find that Ms Lennard's behaviour in relation to charge 1 and charge 2(a) was negligent and clearly fell short of the standards set out within the Code of Professional Practice for Social Care including in particular sections 2.1, 2.2, 2.5, 2.6, 3.3, 5.7 and 5.8.

We have therefore decided that Ms Lennard's conduct at charge 1 and 2(a) constitutes deficient performance.

We then went on to consider whether Ms Lennard's conduct at charge 2(a) to (g) constitutes serious misconduct.

We find that Ms Lennard's conduct forms part of a pattern of improper practice. It is concerning that, despite an extensive informal and formal capability process, followed by her subsequent dismissal by FCC, nearly identical issues arose with Adoption Counts regarding her failure to communicate and meet deadlines.

We are also concerned about the potential impact of her actions on the foster carers, adoption applicants and the children concerned. Her failings caused additional stress and anxiety to the families impacted, exacerbating what is already a very difficult and sensitive situation.

Our findings in relation to Ms Lennard's dishonesty are serious. Ms Lennard has failed to act in an open and transparent way. We find that her behaviour has called into question her suitability to work in the social care profession.

Having carefully considered the submissions of the Social Care Wales presenter and the Code of Professional Practice for Social Care, we find that Ms Lennard's conduct clearly fell short of the standards set out within the Code, and in particular the following elements of the Code: sections 2.1, 2.2, 2.4, 2.5, 3.6, 3.9, 6.1, 6.4 and 6.5. In our view, Ms Lennard's actions clearly amount to deficient performance in relation to charges 1 and 2(a) and serious misconduct in relation to Charges 2(a) to (g), and this was so serious as to amount to an impairment of her fitness to practise.

We then went on to consider whether Ms Lennard's fitness to practise is currently impaired. We have found that Ms Lennard's conduct forms part of a pattern of improper practice. It is not an isolated incident and we are not confident that it will not happen again.

Ms Lennard herself admits in evidence that she does not feel confident she can keep up with the expectations of the role, which are too high, and there is a possibility of the same thing happening again. This is why she told us she does not wish to return to work in the social care profession.

We consider that Ms Lennard could pose a risk to individuals using services in the future. We have not been made aware of any remedial steps taken by Ms Lennard during the period between the time referred to in the charges and the time of this hearing, and in any event we note that dishonesty is not easily remediable.

In light of our finding that Ms Lennard was dishonest, we do not consider that her integrity can be relied upon, and by being dishonest she has breached a fundamental tenet of the social care profession.

We also consider that public confidence in the social care profession would be undermined if a finding of impairment was not made. We have therefore concluded that Ms Lennard's fitness to practise is currently impaired by reason of her deficient performance and serious misconduct.

Sanction

27. The Social Care Wales panel then went onto consider sanction:

We impose a Removal Order.

We have accepted the legal advice provided and have had regard to the Social Care Wales Indicative Sanctions Guidance. We also took into consideration the submissions made on behalf of Social Care Wales.

In considering which, if any, disposal is appropriate, we noted the following mitigating factors.

- Ms Lennard attended part of the hearing to give evidence, which enabled us and the Social Care Wales presenter to ask her questions.*
- Ms Lennard admitted some of the facts alleged at an early stage.*
- We find that she has shown partial insight into her conduct. She accepted during evidence that she should have behaved differently in relation to the charges she admitted.*
- She has not been the subject of previous disciplinary findings by Social Care Wales.*
- We have been provided with some evidence of previous good history. Ms Perkins gave oral evidence that Ms Lennard was likeable and a caring person.*

We also considered whether there were any aggravating factors and noted the following:

- Ms Lennard has been dishonest.*
- We consider that Ms Lennard has attempted to conceal her wrongdoing by not being open and transparent regarding her conduct.*
- Her conduct took place in the course of carrying out her professional duties. We do not find that Ms Lennard has demonstrated full insight into her conduct. We are not satisfied that Ms Lennard would take steps to prevent a recurrence.*
- We have found that Ms Lennard presents a risk to individuals who use services.*
- Ms Lennard has not fully engaged with the Social Care Wales proceedings and failed to meet the deadlines set by Social Care Wales.*
- We also consider that she has shown a serious disregard for the Social Care Wales Code of Professional Practice for Social Care.*
- Ms Lennard provided an apology and expressed regret regarding her conduct, but we are not convinced that Ms Lennard has taken full responsibility for her actions and has learnt from her mistakes.*

We first considered whether to close the matter without any action or to impose a warning. In view of the serious nature of the aggravating factors, we do not consider that either would reflect the seriousness of Ms Lennard's misconduct and deficient performance. Ms Lennard has not fully co-operated with the Social Care Wales investigation. She has only partially admitted the facts and not displayed full insight or remorse into her conduct.

We then considered the imposition of a conditional registration order but concluded that this was neither practical nor appropriate. Ms Lennard is not present, and we do not have a social care employer with whom to engage with the implementation of any suitable conditions. Ms Lennard has not displayed sufficient insight into her failings, and we are not satisfied that any conditions would satisfactorily remedy the deficiencies in her work. Her conduct does not relate to an isolated incident. Despite repeated attempts by her employers to address concerns regarding her practice, she continually failed to take steps to address her failings. We do not consider that any conditions would provide the necessary level of public protection in this case.

A suspension order would protect members of the public and the public interest during the period for which it is in place. For the imposition of a suspension order to be appropriate, we would need to have some confidence that Ms Lennard would be fit to practise by the time that order came to an end. We are not satisfied that her behaviour is unlikely to be repeated, and find that dishonesty is not easily remedied. We do not have any evidence that demonstrates Ms Lennard will be able to resolve or remedy the cause of her impairment during the period of a suspension.

We find that Ms Lennard's behaviour is fundamentally incompatible with being a registered person, thereby warranting the imposition of a removal order. We consider that such an order is proportionate and necessary to protect the public and the wider public interest. Ms Lennard has shown a blatant disregard for and serious departure from the relevant professional standards set out in the Code of Professional Practice for Social Care.

We also find that she has displayed a lack of insight into the seriousness of her actions and their consequences. This is supported by copies of Ms Lennard's emails, as contained within the bundle, which we feel do not appreciate the impact of her delay on the individuals she was supporting. Having heard Ms Lennard's oral evidence, we are not convinced that she has demonstrated full insight into the additional stress and anxiety caused by her conduct. We consider that she has abused her position and the trust of those she was meant to help.

Both the foster carers and the adoption applicants were at a particularly emotional and vulnerable stage of their lives and had the right to expect a professional service. We find that through her negligence Ms Lennard seriously let them down, and hasn't sufficiently shown to us that she appreciates the lasting impact her behaviour may have on those concerned. We also do not consider she considered the reputational damage her behaviour could have caused to the agencies at which she worked.

Ms Lennard's conduct took place over a substantial period of time and demonstrates a pattern of unacceptable behaviour. We have not been provided with any evidence that there is likely to be satisfactory remediation.

We have found that Ms Lennard was dishonest. Dishonesty is particularly serious because it may undermine trust in social care services. The public must be able to place complete reliance on the integrity of registered persons.

We have decided that confidence in the social care profession would be undermined by allowing Ms Lennard to remain on the Register. We therefore impose a Removal Order.

28. The Panel notes, from Samantha Thomas' statement, as confirmed in oral evidence, that Ms Lennard was informed of the Social Care Wales decision and of her right of appeal. Ms Lennard did not exercise her right of appeal and was hence subsequently removed from the Social Care Wales Register.

Finding and reasons on facts

29. The Panel finds it proved as a fact that Ms Lennard's fitness to practise was found to be impaired at the Social Care Wales hearing and that she was subject to a Removal Order, which was effective from 17 January 2021.

Finding and reasons on grounds

30. The Panel accepted the legal advice that pursuant to section 25(2)(f) of The Social Work Regulations 2018, that one of the statutory grounds for bringing fitness to practise proceedings is that there has been a determination by a regulatory body to the effect that the person's fitness to practise is impaired.

Finding and reasons on current impairment

31. The Panel then went on to consider whether Ms Lennard's current fitness to practise is impaired. The Panel had regard to the submissions made by Ms Graham:
- (a) Due to the finding of impairment by Social Care Wales, and Ms Lennard's subsequent removal from the register in Wales, public confidence in the profession would be undermined should no finding of impairment be made.

- (b) A finding of impairment is required to promote and maintain proper professional standards for social workers in England. A reasonable, well-informed bystander would be shocked if there was no finding of impairment, given the serious findings by Social Care Wales.
- (c) Ms Lennard has not provided the Panel or Social Work England with any evidence of additional steps taken she has taken or proposes to take to remediate the underlying conduct which resulted in her being removed from the register in Wales. On the contrary, she appears to have stated that she is no longer a registered Social Worker
- (d) A finding of current impairment should be made as Ms Lennard's underlying conduct and the risk of repetition, places service users at risk.
- (e) It is also submitted that the finding by the Social Care Wales panel that Ms Lennard's fitness to practise was impaired, breaches Social Work England's Professional Standards and in particular:

"As a Social Worker I will not: 5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work."

32. The Panel also had regard to the written submissions by Ms Lennard. She made written submissions to the HCPC dated 06 August 2019 and 28 October 2019. In addition, she made written submissions to Social Work England, dated 20 January 2020, and which are set out in full below:

As submitted previously, I admit that my practice had fallen below standards expected for a Social Worker. I admit I did not complete MPR's and two significant event forms which were statutory and agency requirements in a timely manner. I did manage to complete the MPR's but not as agreed in the Capability Development Plan with regards to timing. I accept my failings in the past have had potential serious implications this causes me much anguish and I have learned to accept my failings and am determined to continue to address the concerns in my practice.

I am completing training offered by my current employer within the Safeguarding Children's Partnership, which includes Safeguarding Training. I can provide a list of courses completed and certificates on request.

I have ensured that I am appropriately trained in using the recording software in my current workplace and other work place related training courses. I have identified that my workplace offers training in Microsoft word and Excel and Personal Effectiveness and intend to access this when they become available.

I started an accredited typing course, and whilst I have improved typing skills, I wish to improve further before taking a skills assessment.

I had enrolled on a level 3 admin, secretarial and PA diploma course, but found the ongoing costs overwhelming. I have since enrolled on a similar course- Diploma in Office

Admin, which I anticipate I will be able to complete with certification by the end of March. The course curriculum includes Business Report Writing, Typing Speed and Development, Tips for Speed reading, Microsoft Word, Excel, Powerpoint, Outlook, and Access use, Diary Management, Handling Confidential Documents, Taking Minutes, Note Taking, Proof Reading, Data Management including Record Keeping, Planning meetings and events and Time Management.:

Summary

I have always recognised the importance of supervision and mentoring. I am now in employment outside the social care sector, but in a sector where supervision and mentoring are a focus and are accessible and regular. My line manager has agreed to provide a reference but is currently on holiday and is not available until the end of January. I did make applications for Social Worker roles prior to my current employment but was not offered any interviews.

I recognise and accept my failings and am deeply sorry for the effect this has had on service users, my colleagues and my family and career. I continue to take steps to ensure that in the future I will be a more competent worker and will continue to reflect on my practice, complete training and engage in supervision and take steps in order to overall improve my practice.

I have provided consent to access to my medical records for the HCPC to access pertinent information relating to anxiety and depression only and from July 2015 but believe this was not received in an adequate format. I have since consented for Social Care Wales to access my records as above. If necessary, I will provide further consent for Social Care England to access medical records.

I am committed to ensuring that I improve my skills and I continue to seek out any learning and development opportunities to improve and evidence my ability.

33. The Panel also had regard to the telephone note dated 02 February 2021, between Ms Lennard and a representative of Social Work England. Ms Lennard was asked why she had not accessed the observations bundle. The note records Ms Lennard's response as: *"She stated that she had not opened it yet and that if she admitted everything could she be removed from the register..."*
34. The Panel had regard to the guidance on impairment in the Social Work England Sanctions Guidance (02 August 2019) and accepted the advice from the Legal Advisor.
35. The Panel concluded that Ms Lennard's current fitness to practise is impaired, having regard to both the personal and public components.
36. In summary:
 - (a) Ms Lennard was found to have committed serious misconduct and to have deficient performance. This was found to form part of a pattern of improper practice which

could not be regarded as an isolated event. The Social Care Wales panel concluded that there was no evidence to suggest that there would not be a repetition of similar behaviour in the future, if Ms Lennard were to be allowed to practise without restriction.

- (b) There were serious potential consequences for foster carers, adoption applicants and the children involved, causing additional stress and anxiety to families who were already in very difficult situations.
- (c) The Social Care Wales panel found that Ms Lennard posed a risk to individuals using services in the future.
- (d) The Social Care Wales panel also found Ms Lennard to have been dishonest. They found that her integrity could not be relied upon, and by being dishonest she has breached a fundamental tenet of the social care profession. They further concluded that public confidence in the social care profession would be undermined if a finding of impairment was not made.
- (e) Ms Lennard herself admitted that she did not feel confident she could keep up with the expectations of the role, which she regarded as too high, and there was hence a possibility of the same thing happening again. This is why she told Social Care Wales that she did not wish to return to work in the social care profession.

- 37. The Panel noted that Ms Lennard had admitted some of the particulars of the allegation in the Social Care Wales hearing. There was some evidence of developing, albeit limited, insight on her part and she was undertaking training to improve her IT and administrative skills. However, it appears that at some point in or around February 2021, Ms Lennard made the decision not to engage with Social Work England regarding these proceedings, and appears to have decided on a career change away from being a registered social worker.
- 38. The net effect of this is that the Panel has been provided with no evidence upon which to consider whether Ms Lennard's current fitness to practise is impaired, over and above the evidence before the Social Care Wales panel and Ms Lennard's submissions in January 2020, which is now 21 months ago. There is no more recent evidence of insight or steps taken to remediate the concerns, from which the Panel could conclude that there was not a risk of repetition, if she was free to practise without restriction, or to reach a conclusion which in any way differs from the decision made by Social Care Wales.
- 39. The Panel also considered, in any event, that it is very difficult to remediate dishonesty, and there was little evidence of any attempt by Ms Lennard to do so.
- 40. The Panel also had regard to the guidance on impairment in the Social Work England Sanction guidance on dishonesty and in particular the fact that any individual dishonesty is likely to threaten public confidence in the proper discharge of responsibilities by all social workers.
- 41. The Panel agreed with the submissions made in relation to the public component of impairment and in particular that a reasonable, well-informed member of the public would

be shocked to learn that Ms Lennard's current fitness to practise had not been found to be impaired, given the serious findings in the Social Care Wales proceedings.

42. Confidence in the profession would also be undermined if there was no finding of current impairment. A finding of impairment is also necessary to declare and uphold proper standards of behaviour.

Decision on sanction/warning/advice (where applicable)

43. The Panel heard submissions from Ms Graham on behalf of Social Work England, that the appropriate sanction was a Removal Order, for the following reasons:

1. The proven allegations in the Social Care Wales hearing were serious and that panel imposed a Removal Order.
2. There was a significant departure from proper professional standards, both in the Social Care Wales proceedings and these proceedings, given the above findings on facts and impairment.
3. There is little evidence that Ms Lennard had addressed the identified failings and hence there was an ongoing risk of harm to the public.
4. Ms Lennard has not engaged with these proceedings, and appears to already regard herself as having been removed from the register or has expressed a desire to be removed.

44. The Panel carefully considered the mitigating and aggravating features in this case. The Panel adopts the mitigating and aggravating factors as found by the Social Care Wales panel as set out at paragraph 27 above. The Panel noted, on the one hand, the very serious findings and in particular that of dishonesty made against Ms Lennard. On the other hand, there was some evidence that Ms Lennard was well liked by her colleagues. She was described as "very child centred"; having a "good knowledge of research" and completed a form F (fostering assessment) to a good standard, despite it containing some complicated issues.

45. In addition, the Panel noted the additional mitigating features:

- (a) Ms Lennard in her submissions dated 10 January 2020, admitted that her practice had fallen below expected standards and there was some evidence of developing insight.

- (b) She recognised the effect that her failings had had upon service users and colleagues and offered an apology, stating that she was “*deeply sorry*”.
- (c) Ms Lennard had embarked upon a number of training courses to address her IT and administrative skills.

46. The Panel also noted the additional aggravating features:

- (a) The most serious factor was that Ms Lennard had not engaged with Social Work England since January 2020 and has not attended at this final hearing.
- (b) The effect of this has been that the Panel has been provided with little or no evidence that Ms Lennard had developed any further insight or has been able to, or has any intention of, adequately remediating her proven failings.

47. The Panel concluded that the aggravating features, both those found by this Panel and Social Care Wales panel, outweighed the mitigating features.

48. The Panel has carefully considered what type of order should be imposed, starting with the least severe sanction. It has taken into account the principle of proportionality, and balanced the rights of the public and the rights of the Ms Lennard to practice in her chosen profession. The Panel accepted the advice of the Legal Advisor and had regard to the Social Work England practice note on Sanctions Guidance. The Panel reminded itself that the purpose of a sanction was to punish the individual practitioner but to protect the public.

49. The Panel concluded that it would not be appropriate to impose no action, advice order or a warning order in light of the serious concerns that led to the Social Care Wales panel making findings of serious misconduct and in particular the finding of dishonesty and Mr Lennard’s subsequent lack of engagement. The Panel bore in mind the Social Work England Sanction guidance on dishonesty, and that individual dishonesty is likely to threaten public confidence in the proper discharge of responsibilities by social workers, having regard to issues such as highly sensitive and confidential information, as well as being trusted to manage budgets.

50. The Panel went on to consider whether to impose a conditions of practice order but concluded that it was not practical to draft any workable conditions, as Ms Lennard did not attend the hearing and had failed to engage with her regulator since January 2020. Further, conditions would not be appropriate as Ms Lennard has indicated that she does not intend to return to social work and regards herself as having already been removed from the social work register.
51. In addition, such an order would also not address the serious nature of the failings identified by the Social Care Wales Panel, and in particular the finding of dishonesty. The Panel agrees with the conclusions of the Social Care Wales panel that conditions would not be appropriate as Ms Lennard has not displayed sufficient insight into her failings, and considered that any conditions imposed would not satisfactorily remedy the deficiencies in her work. Her conduct does not relate to an isolated incident. The Panel's view was that conditions would not provide the necessary level of public protection in this case.
52. The Panel considered a suspension order for a period of up to 3 years, to allow Ms Lennard with an opportunity to remedy her shortcomings whilst providing an appropriate degree of public protection, but concluded, as did the Social Care Wales panel that for the imposition of a suspension order to be appropriate, it would need to have some confidence that Ms Lennard would be fit to practise by the time that the order came to an end. The Panel is not satisfied that Ms Lennard's behaviour is unlikely to be repeated and notes that dishonesty is not easily remedied. The Panel does not have any evidence that demonstrates Ms Lennard will be able to resolve or remedy the cause of her impairment during the period of suspension. In addition, given Ms Lennard's seeming intention not to return to social work, any future panel is likely to find itself in a similar position, at the expiry of the suspension order.
53. The Panel therefore concluded that Removal Order was the only sanction which would adequately protect the public, maintain public confidence in the profession or maintain proper professional standards, for the similar reasons to those identified by the Social Care Wales panel, namely:

- (a) Ms Lennard has shown a blatant disregard for and serious departure from the relevant professional standards.
- (b) There is inadequate evidence Ms Lennard demonstrated full insight into the seriousness of her failings and the stress and anxiety caused by her conduct. She abused her position and the trust of those she was meant to help. Both the foster carers and the adoption applicants were at a particularly emotional and vulnerable stage of their lives and had the right to expect a professional service. Ms Lennard seriously let them down and hasn't sufficiently demonstrated she appreciates the lasting impact her behaviour may have on those concerned to either the Social Care Wales panel, or in these proceedings, given her lack of engagement.
- (c) Ms Lennard's conduct took place over a substantial period of time and demonstrated a pattern of unacceptable behaviour. There is no evidence that there is likely to be satisfactory remediation.
- (d) Ms Lennard was found to be dishonest. Dishonesty is particularly serious because it may undermine trust in social care services. The public must be able to place complete reliance on the integrity of registered persons. The Panel concludes that confidence in the social care profession would be undermined by allowing Ms Lennard to remain on the Register.

Order:

That the Registrar is directed to strike the name of Ms Emma Lennard from the Register on the day this order comes into effect

Interim order

- 54. In light of its findings on Sanction, Ms Graham made an application for an Interim Suspension Order to cover the appeal period before the Sanction becomes operative.
- 55. The panel considered whether to impose an interim order. It was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a Removal Order to conclude that an Interim Suspension Order

was not necessary for the protection of the public or otherwise in the public interest for the appeal period.

56. Accordingly, the panel concluded that an Interim Suspension Order should be imposed on public protection 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

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