

Social Worker: Jane E Condon

Registration Number: SW57819

Fitness to Practise:

Final Hearing

Date(s) of hearing: Monday 15 November 2021 – Friday 19 November 2021

Hearing Venue: Remote hearing

Hearing outcome: Facts found proved. Impairment found. Removal Order.

Interim Order: Interim suspension order imposed for 18 months

Introduction and attendees

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018.
2. Ms Jane Condon did not attend and was not represented.
3. Social Work England was represented by Ms Jennie Ferrario, as instructed by Capsticks LLP.

Adjudicators	Role
Caroline Healy	Chair
Belinda Henson	Social Work Adjudicator
Lynne Vernon	Lay Adjudicator

Jyoti Chand	Hearings Officer
Paige Higgins	Hearing Support Officer
James Hurd	Legal Adviser

Service of Notice:

4. Ms Condon did not attend and was not represented. The Panel of adjudicators (hereafter “the Panel”) was informed by Ms Ferrario that notice of this hearing was sent to Ms Condon by special next day delivery to her address on the Social Work Register (the Register). Ms Ferrario submitted that a tracing service had been employed by Social Work England to confirm that Ms Condon still lived at the address on the Register. She also 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 14 October 2021 and addressed to Ms Condon at her address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register detailing Ms Condon’s registered address;
 - A trace report confirming that Ms Condon was resident at the address on the Register.
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 14 October 2021 the writer sent by special next day delivery to Ms Condon at the address referred to above: Notice of Hearing and related documents;
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Ms Condon’s registered address at 09.50 hours on 15 October 2021.

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 Condon in accordance with Rules.

Proceeding in the absence of the social worker:

8. The Panel heard the submissions of Ms Ferrario, on behalf of Social Work England. Ms Ferrario, submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Condon and as such there was no guarantee that adjourning today’s proceedings would secure her attendance. Ms Ferrario submitted that Ms Condon had not engaged with Social Work England, since they replaced the previous regulator, the Health and Care Professions Council (hereafter HCPC). The last contact with Ms Condon was with the HCPC, by email on 23 February 2019. She therefore invited the Panel to proceed in the interests of justice and the expeditious disposal of this hearing.
9. The Panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162* and *Sanusi v GMC [2019] EWCA Civ 1172*.
10. The Panel noted that Ms Condon had been sent notice of today’s hearing and the Panel was satisfied that she was or should be aware of today’s hearing. The Panel considered all of the information before it, together with the submissions made by Ms Ferrario, on behalf of Social Work England.
11. The Panel considered that Ms Condon has not engaged with Social Work England or with the HCPC since 23 February 2019. The Panel had no reason to believe that an adjournment would result in Ms Condon’s attendance. The Panel determined that Ms Condon had voluntarily absented herself from these proceedings. In addition, social workers have a responsibility to engage with Social Work England in response to concerns about their fitness to practice.
12. Having weighed the interests of Ms Condon 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 Condon absence.

Allegation(s)

13. The allegation arising out of the regulatory concern referred by Social Work England’s Case Examiners on 10 September 2021 is as follows:

Whilst registered with the Health and Care Professions Council as a Social Worker and employed by Rochdale Borough Council:

- 1. On or around 14 September 2018 you inappropriately:*
 - a. requested Service User A provide you with a quantity of the controlled drug Tramadol for your personal use.*
 - b. procured the controlled drug Tramadol, a prescription drug, from Service User A.*
 - 2. On or around 14 September 2018 you asked Service User A not to report the conduct referred to in Paragraph 1(a) and/ or (b).*
 - 3. On 27 September 2018 you failed to maintain professional boundaries in that you:*
 - a. contacted Service User A by telephone to discuss your personal circumstances.*
 - b. attempted to coerce Service User A into denying the matters referred to in Paragraph 1.*
 - 4. Your conduct in Paragraphs 2 and 3(b) was dishonest.*
 - 5. The matters set out in Paragraphs 1-4 constitutes misconduct.*
- By reason of your misconduct your fitness to practice is impaired.*

Preliminary matters

14. The Panel was provided with the following bundles of documents/evidence:
 - (a) A witness statement bundle of 15 pages,
 - (b) An evidence bundle of 88 pages,
 - (c) Service bundle of 35 pages,
 - (d) Two voice recordings made by Service User A dated 19 September and 27 September 2018.

Summary of Evidence

15. On 13 November 2018, the HCPC received a referral regarding the social worker, Jane Condon. The referral was made by Laura Finley, Operations Compliance Advisor for Randstad Agency UK Holding Limited (“Randstad”) who were Ms Condon’s employers.

Ms Condon was at the time of the referral working for Rochdale Metropolitan Borough Council within the Community Mental Health Team (hereafter “CMHT”). Ms Condon had started this position on 2 July 2018 which she had obtained via Randstad, and remained working for Rochdale Council until 28 September 2018.

16. On or around 14 September 2018 Ms Condon is alleged to have taken advantage of her professional relationship with Service User A, a 50-year-old male with paranoid schizophrenia and delusional disorder, by requesting that Service User A provide her with Tramadol medication for her personal use. It is said that Ms Condon procured the Tramadol from Service User A, and pressurised Service User A not to disclose this incident to anyone in case she was reprimanded.
17. Service User A disclosed the above incident to a support worker, Faye Drysdall on 19 September 2018 (a support worker employed by Newmark Care) and a formal complaint was then raised with the CMHT on 27 September 2018. On this date Ms Condon was advised that the substance of the complaint would be investigated by the CMHT. Ms Condon subsequently left work early on 27 September and was told not to contact Service User A.
18. However, in the afternoon of 27 September 2018 it is alleged that Ms Condon called Service User A on a number of occasions using a private number. During one of those calls Ms Condon explained that the complaint against her involving Service User A was being investigated by her employers and she was “devastated”. Ms Condon put pressure on Service User A to retract/ deny the allegation.
19. On 28 September 2018 Ms Condon’s employment was terminated. Ms Condon’s manager Hayley McLellan informed Ms Condon that she was aware that Ms Condon had spoken to others about the complaint, and once again advised Ms Condon not to speak with Service User A. Ms Condon responded “*he told you then*”.
20. The Panel has seen witness statements, on behalf of Social Work England, from three witnesses:
 - (a) Hayley McLellan (NHS Community Mental Health Team Manager);
 - (b) Laura Finley (Randstad Group Operations Compliance Advisor);
 - (c) Sharon Whitworth (NHS Community Mental Health Team Nurse).
21. The Panel heard oral evidence from Ms Hayley McLellan, who was a consistent, credible and reliable witness. Her evidence was corroborated from other sources.

22. The Panel also heard evidence from Laura Finley, her evidence was of limited value as she had not actually met Ms Condon and was unable to recognise her voice on the recordings.
23. The Panel has heard and accepted the Legal Advisor's advice and exercised the principle of proportionality at all times. In approaching the task of deciding the facts, the Panel has kept at the forefront of its deliberations, the importance of requiring Social Work England to prove matters against the Registrant. The standard of proof to which Social Work England is required to prove matters is the civil standard – on the balance of probabilities.
24. There is no direct evidence from Service User A or his sister, Person B. He was considered mentally unstable at the time of the incident in September 2018. He has limited insight into the symptoms of his illness and he does not believe he has mental health needs. In oral evidence, Hayley McLellan clarified that Service User A was unstable, in the sense of not being able to be discharged from the service, but had not been admitted to hospital in some time and he was more stable than she had seen him in 1-2 years.
25. Although Service User A had made complaints in the past, this was limited to one doctor, involved in his previous care, who he alleged had framed him for the murder of this wife. This was delusional as his wife is still alive. He had not made allegations against any other professionals involved in his care.
26. Hayley McLellan's statement notes that the relationship with Service Under A has been affected by the events surrounding this incident: *"It broke down years of building a relationship with him. It is now two years after the incident and we have still not been able to regain Service User A's trust.* She confirmed in oral evidence that the position remains the same today. Service User A is currently in hospital. Hayley McLellan reported a recent conversation where Service User A had stated that all social workers are corrupt, like Jane Condon.
27. Service User A has been asked on a number of occasions if he was willing to provide a witness statement in support of the allegations but has declined to do so. The position is the same regarding Service User A's sister, Person B.
28. This is confirmed in the witness statement from Sharon Whitworth, who was Service User A's Care Coordinator from 2018 until March 2021 and the emails sent by Hayley McLellan to the HCPC on 24 July 2019 and to Social Work England on 02 February 2020.
29. The Panel was very conscious that when a witness has not given oral evidence, this is hearsay evidence. When considering hearsay evidence, the Panel has paid due regard to the weight which it can attach to it, bearing in mind that it has not been possible for that evidence to be challenged or probed and sought where possible to identify other evidence which corroborated the hearsay evidence, which is admissible in these proceedings, by virtue of Rule 32(b)(vii).

Finding and reasons on facts

Particular 1(a) and (b): Proved

30. The particular of allegation relates to events originally suggested to have taken place on or around 14 September 2018, although in fact it appears more likely that the incident in fact took place on 19 September 2018.
31. The Incident/Information Record Form sets out that Service User A had disclosed to Person A (at Newmark Care, the Care Agency) that *"the CPN who visited him on the 14th September 2018 asked him to give him [sic] a strip of his tramadol capsules"* and that Service User A had agreed. The form also states that Service User A had recorded his conversation with the Community Psychiatric Nurse (CPN) and played it to Person A. Although the form refers to a CPN, Ms Condon was a registered social worker, and was the only practitioner visiting Service User A.
32. This safeguarding concern was reported to Rochdale Council on 27 September 2018. On 27 September 2018, Hayley McLellan, visited Newmark Care and spoke with Person A. Person A reiterated the concerns, as set out in the Incident/Information Record Form, along with concerns regarding Service User A's mental health and medication.
33. Hayley McLellan's witness statement sets out what happened thereafter when she visited Service User A on 28 September 2018. Service User A's sister, Person B was also present. Service User A confirmed that Ms Condon had visited him on 19 September 2018. There was a planned visit by Ms Condon on this date at 13.00 hours. The visit itself was not documented by Ms Condon.
34. Service User A confirmed to Hayley McLellan that Ms Condon had asked him if he had any Tramadol medication, and when he responded that he did, *"she requested to borrow some and asked him not to tell anyone as she would get into trouble."*
35. Service User A regularly records visits from professionals. This is documented in his Care Plan and is a long-standing arrangement. Initially he did not want to share the recording, but Person B persuaded him to do so. Hayley McLellan, with the permission of Service User A recorded the conversation on her phone, having downloaded a voice recording app, to do so.
36. The Panel listened to a copy of the voice recording, both before and during the hearing. A transcript has also been provided, which is recorded as being inaudible in some places. Ms Condon asked Service User A: *"Did you buy any Tramadol?"*. He replies *"Yeah."* Hayley McLellan's account of the voice recording, as set out in her witness statement is that Ms Condon then asks: *"Can you lend me some?"*. Service User A asks: *"how many?"*. The response is inaudible, but Ms Condon thereafter says, *"Don't tell anyone you'll get me into trouble,"* and then *"just a few."*

37. Ms Condon says shortly thereafter: *"...I don't know. I think I'm scared of the prognosis. I've got massive headache, massive tummy ache so just a few for the weekends. Do you not mind?"* The response is *"Not at all."*
38. Ms Condon is then heard to say: *"They make me feel better"* and *"Will you not tell anybody, I'll get into a load of trouble."*
39. Hayley McLellan's evidence was that she was 100% sure that the account given in her witness statement was accurate and the Panel accepted that evidence, having listened to the voice recording.
40. The Panel concluded that the reference to *"Did you buy any Tramadol?"* in the transcript was likely to be inaccurate and preferred the account provided by Hayley McLellan of *"Have you got any Tramadol?"* She confirmed in her evidence that Service User A was prescribed Tramadol by his GP and there would therefore be no need for him to purchase any.
41. The Panel has seen the email which Ms Condon sent on 04 October 2018 to Andrew Patterson, setting out her alternative account:
- "This is what happened.*
- A support worker from another agency said that a service user, (that has a history of making allegations about all workers) that I was seeing recorded my visit without me knowing and she heard that recording and she believed that I was asking for some of the service users medication. I can't tell you whether there is a recording of my visit or not. I can tell you that I have absolutely NOT done this. I will have asked the service user about his medication, especially tramadol as the doctor was prescribing a wrong amount to the service user for a while and this was corrected. The support worker involved took the tablets back to the GP surgery and the prescription was changed. I believe that she has heard me asking about his medication and she has thought that what she said happened...I fully deny these allegations and wish to put my own grievance in regarding this.... when I am stronger..."*
42. When Ms Condon's account was put to Hayley McLellan in oral evidence, she disputed that it was accurate, saying that it was not in accordance with the transcript/voice recording and that there were other inaccuracies in the email, including the references to Service User A's having his Tramadol prescription changed and the support worker taking the medication back to his GP.
43. The Panel had no hesitation in finding 1(a) proved on the basis of the transcript, the voice recording and the evidence from Hayley McLellan. The Panel rejected alternate version of events provided by Ms Condon in her email dated 04 October 2018.

44. Ms Ferrario accepted in closing submissions that there was no direct evidence that Service User A actually provided Ms Condon with the Tramadol. She sought to rely on what she submitted was a significant omission from the later recorded conversation on 27 September 2018. It was suggested that the Tramadol was in fact provided, otherwise Ms Condon, would have said to Service User A, words to the effect: whilst I asked you, you never actually provided me with the Tramadol. She therefore invited the Panel to draw the inference that the Tramadol was in fact provided to Ms Condon.
45. The Panel carefully listened to the voice recording. After Ms Condon states, *“just a few for weekends. Do you not mind”* it is recorded that Service User A states *[I want you to like me]* and Ms Condon replies *“Chick.”* The Panel’s view was that in fact Ms Condon could clearly be heard to say *“Cheers”* and that this was an acknowledgement that the Tramadol had been received by Ms Condon.
46. The Panel therefore found 1(b) proved on the basis of the voice recording on 19 September 2018 and the absence of any contra indication in the subsequent recording on 27 September 2018.

Particular 2: Proved

47. The particular of this allegation is that during the conversation on or around 14 September 2018 (or in fact more likely the 19 September 2018), Ms Condon asked Service User A not to report the fact that she had asked him to provide her with Tramadol and had thereafter procured it from him.
48. The evidence in support of this is contained in the transcript of the recording made by Service User A, as set out at paragraph 38 above and in the following further extract:
- JC: *“...do not tell anybody anyway” ...*
- JC: *“The neighbours – what I think you should do is make some coffee [inaudible].*
- WF: *Yes, I can make some coffee, yes.*
- JC: *Because I don’t want to get [inaudible] from this. That, yeah, that’s [inaudible] out of that.”*
49. It is clear from the transcript that Ms Condon was aware that requesting medication, especially controlled medicine such as Tramadol, from a service user, was likely to get her into trouble with her employer and hence the request for medication to be kept secret.
50. The Panel found this allegation proved on the basis of the transcript/ voice recording.

Particular 3 (a) and (b): Proved

51. The allegation is that on 27 September 2018, Ms Condon, failed to maintain professional boundaries by (a) contacting Service User A by telephone to discuss her personal circumstances and (b) attempted to coerce Service User A into denying that she had asked, and received Tramadol from him.
52. Hayley McLellan sets out the chronology of events in her witness statement. Ms Condon became aware of the safeguarding concern on 27 September 2018, as it was discussed in the CHMT team room. Ms Condon then read the complaint on Anna Marie Ashworth's computer, over her shoulder.
53. Thereafter, Ms Condon entered Hayley McLellan's office, appearing *"upset and distressed"* and told her, *"she had done nothing wrong and that Service User A was making it up."* Ms Condon further stated that *"support worker Person A "had it in" for her and that Person A did not like Jane."*
54. Ms Condon wanted to telephone Service User A. However, Hayley McLellan *"firmly instructed Jane Condon not to do so."*
55. However, there is clear and unambiguous evidence that Ms Condon breached this direct instruction and did telephone Service User A.
56. Hayley McLellan's witness statement describes, during her visit on 28 September 2018, that Service User A's sister, Person B, told her that Ms Condon had telephoned Service User A the night before, despite her explicit instruction. She photographed Service User A's telephone, showing 3 calls at 12.47 (19 minutes 44 seconds), 15.21 and 15.23 (missed calls). Service User A also reported that he had received a telephone call from a Tesco mobile number later than evening, which Hayley McLellan knew to be Ms Condon's personal number.
57. The Panel has seen the photographs which are exhibited to Hayley McLellan's witness statement. These show that Service User A received three telephone calls from a private number on 27 September 2018. There is no photograph of the Tesco mobile call, later in the evening.
58. In addition, Hayley McLellan also exhibits a transcript of one of the telephone calls made by Ms Condon to Service User A, which is also contained in the transcript in the evidence bundle:

"JC: ...but now if you don't cease bollocks, I'm out of a job.

SUA: Well, I never intended for that to happen.

JC: I know you didn't. So, please, please, I am asking that you need to as I haven't done anything but support you and I've been there. Service User A?" ...

SUA: Yeah

JC: *Is it pointless talking to you?*

SUA: *Say again, sorry?*

JC: *Is it pointless talking to you?*

SUA: *No, it's not pointless, it's not that I'm out to get anybody in trouble. It's just Southern Resource Centre has made my life a misery.*

JC: *I understand that, but I've only been there a bloody month or summat. I'm just asking you to just deny it. Please?"*

SUA: *It's going to make me look a bit of an idiot, innit?*

JC: *No, it would make them look like an idiot. If you go and say that you haven't said that, then they will look like an idiot. They're the ones going behind your back telling everything.*

SUA: *I know, but it's about a measly complaint and I've been stopped by the police, I've been stopped by the mental health, I've been stopped by everybody. JC: I know, but this is about –*

SUA: *And this is something which is absolutely paramount to me that I must prove myself right.*

JC: *Yeah. Honestly, I'm fine with that, but I just don't understand why you can't say that she got it wrong or something because, like, because I'm devastated. You know they haven't done anything to you, they're on your side.*

SUA: *[I'm thinking you've got three kids?].*

JC: *Service User A?*

SUA: *Yeah.*

JC: *Please.*

59. Hayley McLellan had a further telephone conversation with Ms Condon on 28 September 2018, when she denied all the accusations. Hayley McLellan told Ms Condon that she was aware that she had contacted *"people and advised once again that she should not be making contact with any service users*. Jane Condon replied, *"he told you then" ...*
60. Laura Finley's evidence was that she considered that Ms Condon's manner in the recordings, although not threatening, it appeared that, *"Jane Condon was emotionally and psychologically influencing Service User A."* When asked about this in evidence, Ms Finley, was unable to expand any further on this, other than to say this was how she, Ms Finley, felt at the time she made her statement.
61. Ms Ferrario's submission was that the telephone conversation breached professional boundaries as its purpose was to discuss matters pertaining to Ms Condon personally, as opposed to Service User A. The Panel accepted this submission. There is no reference in the transcript to Service User A's health or care needs. The sole purpose of the telephone conversation, made against Hayley McLellan's direct instruction, is to discuss Ms Condon's personal circumstances, given the difficulty she now found herself, given the reported allegation to her employer.
62. The Panel therefore found 3(a) proved, having regard to the evidence of Hayley McLellan and the transcript/voice recording.

63. The Panel also found 3(b) proved. The transcript clearly shows that Ms Condon sought to coerce or manipulate Service User A to change the truthful account provided in the initial complaint. This starts with Ms Condon expressing concern she will lose her job and/or get into trouble, having only been in the role for approximately a month. She then asks Service User A directly to deny the reported account. Even when Service User A expresses reservations about the fact that he would “*look a bit of an idiot*” if he changes his account, Ms Condon still seeks to persuade him, concluding that she is “*devastated.*”

64. Ms Condon, used her professional position to seek to coerce a vulnerable service user to change his account, in essence to lie on her behalf, in order to assist her in defending herself against the complaint.

Particular 4: Proved

65. The allegation is that Ms Condon’s conduct in relation to Particulars 2 and 3(b) was dishonest.

66. The Panel accepted the advice from the Legal Advisor as to the legal test to be applied for dishonesty, in accordance with **Ivey v Genting Casinos (UK) Limited (t/a Crockfords)** [2017] UKSC 67. When dishonesty is in question, the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter for evidence (often in practice determinative) going to whether he/she held that belief, but it is not an additional requirement that his/her belief must be reasonable; the question is whether it is genuinely held. Once his/her actual state of mind as to knowledge or belief as to the facts is established, the question whether his/her conduct was honest or dishonest is to be determined by the fact finder by applying the (objective) standards of ordinary decent people. There is no longer any requirement that the social worker must have known that what he had done is, by those standards, dishonest.

67. Applying this standard, the Panel concluded that Ms Condon’s actions were dishonest by the ordinary standards of reasonable honest people for the following reasons:

- (a) Ms Condon's initial actions (2(b)) were clearly designed to conceal the obtaining of the Tramadol, from Service User A, from her employer.
- (b) Secondly, her conduct in (3(a) and (b)) was deliberate and intended to persuade Service User A to provide what she knew to be a false and contrived account of the incident on or around the 19 September 2018, in order to protect herself.
- (c) Ms Condon knew her actions were wrong. She was asking Service User A to be dishonest and to corroborate the false account she gave to her employers in the email dated 04 October 2018.

Finding and reasons on grounds

68. The Panel then considered, in light of all the evidence it had heard, whether Ms Condon's actions amounted to misconduct.
69. The Panel accepted the Legal Advisor's advice on the definition of misconduct. In particular, the Panel paid regard to the definition given by Lord Clyde in **Roylance v General Medical Council** (No.2) [2000] 1 AC 311: *"Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances..."*
70. The Panel also had regard to the guidance in **Nandi v GMC** [2004] EWHC 2317, where Collins J suggested that misconduct could be defined as: *"conduct which would be regarded as deplorable by fellow practitioners..."*
71. Ms Ferrario, on behalf of Social Work England submitted that there were two clear components to Ms Condon's behaviour, which individually amounted to misconduct:
 - (a) A failure to maintain appropriate professional boundaries. Ms Condon obtained Tramadol from Service User A, which was wholly unacceptable, and fell well short of what would be proper in the circumstances. This was aggravated by Service User A's poor mental health and the subsequent impact on his trust in social workers which has been broken, as set out earlier in this decision.
 - (b) The proven dishonesty. Ms Condon's actions amounted to serious dishonesty because of the vulnerability of Service User A, in trying to coerce him into keeping her request secret and then to retract the original complaint, even when he was obviously reluctant to do so. Secondly, the dishonesty was aggravated by the fact it was neither isolated nor one-off incident. Ms Condon's behaviour in seeking to persuade Service User A to conceal her request and then making a number of subsequent telephone calls to Service User A, amounted to a pattern of dishonest behaviour.

72. The Panel concurred with the submissions made by Ms Ferrario and concluded that Ms Condon's actions amounted to misconduct, falling well below what would be proper in the circumstances, for the following reasons:

- (a) Ms Condon's conduct amounted to a serious breach of professional boundaries. There are no circumstances in which it would be acceptable to seek to obtain a controlled medication such as Tramadol from a service user, for her own personal use.
- (b) The Panel agreed that Ms Condon's conduct was aggravated by the mental health issues which Service User A had, and in particular his lack of trust in professionals, which had led him to routinely record meetings. The effect of both obtaining the Tramadol and then seeking to persuade Service User A to not tell anyone, and thereafter to change his account, has undermined further his trust in social workers and the ability to provide ongoing care to him.
- (c) The proven dishonesty in this case is serious. The Panel agreed there was a pattern of dishonest behaviour, which continued even once it was clear that Service User A was reluctant to change his account, with pressure being placed on him to provide a dishonest account, to further bolster Ms Condon's dishonest denial of her inappropriate behaviour.
- (d) In addition, Ms Condon gave little or no consideration to the risk of harm to Service User A, or the effect her behaviour would have on him or on fellow professionals who worked with him in the future.

73. The Panel further concluded that Ms Condon was in breach of the following professional standards:

HCPC Standards of Conduct, Performance and Ethics:

1. Promote and protect the interests of service users and carers

Maintain appropriate boundaries:

1.7. You must keep your relationships with service users and carers professional.

6. Manage Risk

Identify and minimise risk

6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

6.2. You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk.

9. Be honest and trustworthy

Personal and professional behaviour:

9.1 You must make sure that your conduct justifies the public's trust and confidence in you and your profession.

Finding and reasons on current impairment

74. The Panel had to consider whether Ms Condon's fitness to practise is currently impaired, in light of her proven misconduct.
75. The Panel had regard to the Social Work England guidance on impairment, as contained in the Sanctions Guidance (dated 02 August 2019) and has accepted the advice of the Legal Advisor. The Panel has also exercised the principle of proportionality.
76. The Panel is mindful of the forward-looking test for impairment.
77. The Panel heard submissions on the issue of impairment, from Ms Ferrario, on behalf of Social Work England:
- (a) Ms Condon has not engaged with Social Work England, or the HCPC since 23 February 2019. Her last substantive communication on 03 December 2018 was to deny the allegation.
 - (b) There is no evidence of insight, remediation or remorse.
 - (c) The Panel cannot be satisfied that there would not be a repetition of the misconduct if Ms Condon were allowed to return to unrestricted practice.
 - (d) Ms Condon has brought the social work profession into disrepute.
78. The Panel concluded that Ms Condon's current fitness to practise is impaired, having regard to both the personal and public components, for the following reasons:
- (a) The proven misconduct by Ms Condon is serious and had significant implications for Service User A and his trust in professionals;
 - (b) Ms Condon had made the decision not to engage with Social Work England regarding these proceedings. The effect of this is that the Panel has been provided with no evidence of insight or any 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 practice without restriction.

- (c) The Panel also found Ms Condon to have been dishonest, and by being dishonest she has breached a fundamental tenet of the profession. The Panel concluded that public confidence in the social work profession would be undermined if a finding of impairment was not made.
- (d) The Panel also considered, in any event, that it is very difficult to remediate dishonesty, and there was no evidence of any attempt by Ms Condon to do so.
- (e) The Panel also had regard to the guidance on impairment in the Social Work England Sanction guidance on dishonesty. Social workers are routinely trusted with access to people's homes, and with highly personal information. Any individual dishonesty is likely to threaten public confidence in the proper discharge of responsibilities by all social workers.
- (f) The Panel had regard to the public component of impairment and concluded that a reasonably well-informed member of the public would be shocked to learn that Ms Condon's current fitness to practise had not been found to be impaired, given her breach of professional boundaries and proven dishonesty.
- (g) A finding of impairment is also necessary to declare and uphold proper standards of behaviour.

Decision on sanction

79. The Panel heard submissions from Ms Ferrario on behalf of Social Work England, that the only appropriate sanction, in the circumstances of this case was a Removal Order, as it was the only sanction to provide the level of public protection which was required.

80. The Panel carefully considered the mitigating and aggravating features in this case. The Panel concurred with Ms Ferrario's submission that there was no evidence of mitigating features.

81. The Panel concluded that the following are aggravating features in this case:

- (a) The misconduct was serious and represented a significant departure from the standards expected of Ms Condon as a registered social worker, in regard to both breach of professional boundaries and dishonesty.
- (b) The seriousness of the misconduct is compounded by the fact that the proscribed drug that Ms Condon was seeking and procured from Service User A was a controlled drug.
- (c) There was a significant impact on Service User A and the ability of the Social Care team at Rochdale Council to provide him with care, given his lack of trust in social workers,

- (d) The misconduct was not isolated but represented a pattern of behaviour, aggravated by Ms Condon seeking to persuade Service User A to give dishonest evidence, when he was clearly reluctant to do so,
 - (e) The misconduct involved a breach of trust by Ms Condon. She had established a relationship with Service User A, who had invited her into his home, which she had exploited in a deplorable manner, as submitted by Ms Ferrario,
 - (f) Ms Condon knew that her actions were wrong, and were not compatible with the standards expected of a social worker, hence her repeated efforts to conceal and deny the misconduct,
 - (g) Ms Condon breached an express management instruction from Hayley McLellan not to contact Service User A, and attempted to do so on four occasions,
 - (h) Ms Condon has not engaged with Social Work England throughout the investigation or these proceedings. She has therefore not been able to provide any evidence of insight, remorse, or remediation or any acknowledgement that her actions were inappropriate.
82. The Panel has carefully considered what type of order should be imposed, starting with the least restrictive sanction. It has taken into account the principle of proportionality, and balanced the rights of the public and the rights of Ms Condon to practise 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, and in particular the guidance on abuse of trust (paragraph 101-102) and dishonesty (105-108).
83. The Panel reminded itself that the purpose of a sanction was not to punish the individual practitioner but to protect the public.
84. In light of the serious misconduct and in particular the finding of dishonesty and Ms Condon's subsequent lack of engagement, the Panel concluded that it would be inappropriate to take no action. It would also not be appropriate to impose an advice order or a warning order. 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 and damage public trust in social workers.
85. As Ms Condon did not attend the hearing and has failed to engage with her regulator, the Panel concluded that it was not practical to draft any workable conditions. Further, a conditions of practise order would not be appropriate, given the finding of dishonesty and breach of trust, which the sanctions guidance suggests should usually warrant suspension or removal from the register. In addition, conditions would not be appropriate as Ms Condon has not displayed any insight or remorse regarding her misconduct. The Panel's view was that conditions would not provide the necessary level of public protection required in this case.

86. The Panel considered a suspension order for a period of up to 3 years, but concluded, for the imposition of a suspension order to be appropriate, it would need to have some confidence that Ms Condon would be fit to practise by the time the order came to an end. The Panel is not satisfied that Ms Condon's misconduct is unlikely to be repeated and further notes that dishonesty is not easily remedied. The Panel does not have any evidence that demonstrates Ms Condon will be able to resolve or remedy the cause of her impairment during any period of suspension. The Panel further concluded that a suspension order would not provide the level of public protection which it has identified as being required, given the serious breach of professional boundaries, dishonesty and the impact on Service User A.
87. In addition, the sanctions guidance suggests that suspension was appropriate for cases which fall short of requiring removal from the register or where removal is not an option. The Panel was not satisfied that this criterion was met, given the serious findings which have been made against Ms Condon.
88. The Panel therefore concluded that a Removal Order was the only sanction which would adequately protect the public, maintain public confidence in the profession and maintain proper professional standards, in summary:
- (a) Ms Condon has shown a blatant disregard for and serious departure from the relevant professional standards.
 - (b) There is no evidence that Ms Condon has demonstrated any insight into the seriousness of her failings and the impact on Service User A of her breach of professional boundaries. She abused her position and the trust placed in her to obtain Tramadol for her own personal use.
 - (c) Ms Condon hasn't demonstrated that she appreciates the lasting impact her behaviour may have on Service User A or those subsequently engaged in his care. She has shown no insight, remorse or remediation and has not engaged in these proceedings.
 - (d) Ms Condon 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 Condon to remain on the Register.

Order: Removal Order

Interim order

89. In light of its findings on sanction, the Panel next considered an application by Ms Ferrario for an Interim Suspension Order to cover the appeal period before the Removal Order becomes operative.

90. The Panel decided to proceed to hear the application in the absence of Ms Condon, for the same reasons as are set out above, in deciding to proceed with the final hearing, in Ms Condon's absence.
91. The Panel was aware that the notice of hearing dated 14 October 2021 did not provide Ms Condon with notice that an interim order application might be made at the conclusion of the hearing, after a final order had been made, as required by paragraph 11(2), Schedule 2 of the Social Workers Regulations 2018. The Panel exercised its power to waive this requirement, having regard to Rule 16(b) of Social Work England Fitness to Practice Rules 2019, as this was necessary to protect the public and was otherwise in the public interest.
92. The Panel next 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.
93. Accordingly, the Panel concluded that an Interim Suspension Order should be imposed on public protection/public interest grounds for the same reasons as are set out above. 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

94. 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.

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.

95. 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.

96. 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

97. Under paragraph 15 (2) and 15 (3) of schedule 2, part 4 of the Social Workers Regulations 2018:

- 15 (2) – The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
- 15 (3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under regulation 25(5), and a final order does not have effect until after the expiry of that period.

98. 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.