

Social Worker: Leanne Rowland-Bright

Registration Number: SW66425

Fitness to Practise:

Final Order Review Meeting:

Meeting Venue: Remote meeting

Date of meeting: Wednesday, 24 November 2021

Final order being reviewed: Suspension Order

Hearing Outcome: Removal Order - to take effect upon expiry of current suspension order on 5 January 2022

Introduction and attendees

1. This final order review is held pursuant to paragraph 15 of Schedule 2 to the Social Workers Regulations 2018. It is the first review of a final suspension order imposed for a period of 12 months made on 9 December 2020 in respect of Ms Leanne Rowland-Bright by a panel of adjudicators appointed by Social Work England. That final suspension order is due to expire at the end of 5 January 2021.
2. This review was conducted remotely.
3. Ms Rowland-Bright did not attend and was not represented.
4. As Social Work England had determined that this review should be conducted as a meeting, Social Work England did not attend but its solicitors, Capsticks LLP, had made submissions on its behalf in the notice of this review.
5. The panel of adjudicators conducting this review (the “**panel**”) and the other people involved in it were as follows:

Adjudicators	Role
Jayne Wheat	Chair
Sarah (Sally) Scott	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Jenna Keats	Hearings Officer
Heather Hibbins	Hearings Support Officer
Charles Redfearn	Legal Adviser

Service of Notice:

6. The panel had careful regard to the documents contained in the service bundle, which included the following:
 - an extract from Social Work England’s Register detailing the email address held by Social Work England for Ms Rowland-Bright;
 - a copy of the notice of this final order review, dated 12 November 2021 and addressed to Ms Rowland-Bright at her email address as it appears on Social Work England’s register;
 - a copy of an email from Capsticks LLP dated 12 November 2021, which was addressed to Ms Rowland-Bright at her email address as it appears on Social Work England’s

register and which stated in its heading that it had attached to it a 'Notice' and other documents;

- a copy of a signed Statement of Service dated 19 November 2021 which was made by the employee of Capsticks LLP who was the named sender of the above-mentioned email and which confirmed that, on 12 November 2021, that employee sent the notice of this review and related documents by email to Ms Rowland-Bright at her email address as it appears on Social Work England's register; and

7. The panel accepted the advice of the Legal Adviser in relation to service of notice, which included reference to rules 16, 44 and 45 of Social Work England's Fitness to Practise Rules (the "FTP Rules") and paragraph 15(5) of Schedule 2 to the Social Worker Regulations 2018.
8. Having considered all of the information before it in relation to the service of notice, the panel was satisfied that notice of this review had been served on Ms Rowland-Bright in accordance with rule 44 of the FTP Rules and that the requirements of rules 16(a) and (b) of the FTP Rules and paragraph 15(5) of Schedule 2 to the Social Worker Regulations 2018 had been fulfilled.

Proceeding with the final order review as a meeting:

9. The notice of final order review hearing informed Ms Raymond-Bright that, in line with the current government guidance concerning the COVID-19 virus (Coronavirus) pandemic, the review would take place electronically. The notice stated:
"If you wish to attend the electronic hearing, please confirm your intention by no later than 4:00pm on 19 November 2021. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and Social Work England may, under rule 16 of the Fitness to Practise Rules, decide to deal with the review as a meeting. If the review is held by way of a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide."
10. Given that wording and given that the panel had determined that notice of this review had been served on Ms Rowland-Bright in accordance with the FTP Rules, the panel was satisfied that Ms Rowland-Bright would have understood that, in her absence, this review could proceed as a meeting.
11. The panel heard and accepted the advice of the Legal Adviser with regard to rule 16(c) of the FTP Rules which provides:
"Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting."

12. The panel had no information before it to indicate that Ms Rowland-Bright had informed Social Work England or Capsticks LLP whether she intended to attend, or be represented at, this review. The panel therefore considered that rule 16(c) had been engaged.
13. Each member of the panel had received from Social Work England an email dated 22 November 2021, which informed them that this review would proceed as a meeting. The panel understood this to be a determination by Social Work England under rule 16(c).
14. The panel considered that this determination was fair and appropriate. In that regard, the panel noted that Ms Rowland-Bright (i) had not requested an adjournment, (ii) had not attended, or been represented at, the final hearing at which the current final suspension order had been made and (iii) had not engaged with the regulatory process for the past two and a half years.

Allegations:

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

Whilst registered as a Social Worker and employed with Dorset County Council as a Safeguarding Practice Manager:

1. On 27 July 2017, while chairing a Multi- Agency Risk Management Protocol Meeting (MARM) in relation to Service User A you:

a. Made inappropriate comments and / or engaged in inappropriate discussions at the meeting in that you:

i. referred to a social worker who had been assaulted by Person A, as a 'stereotypical woolly social worker' or words to that effect;

ii. stated that you had told Person A, 'Fucking sit in the car and shut up' and / or "'go and fucking sit down'" or words to that effect;

iii. were engaged in a conversation that Service User A should be introduced to and / or visit a service user with dementia at a day centre, who had similar sexual needs, or words to that effect;

iv. inappropriately discussed confidential information about the sexual needs of the service user with dementia.

b. Did not address and / or challenge inappropriate comments and / or discussion made at the meeting in relation to:

i. use of sex toys, or remarks to that effect;

ii. service User A renting a room to sell sex and calling this room 'Madame Crops and Props', or words to that effect;

- iii. *a Community Psychiatric Nurse (CPN) starting her own brothel;*
 - iv. *[NOT PROVED];*
 - v. *a service user at Facility A having a 'scabby penis' and / or 'scabby willy' and / or 'scabby dick', or words to that effect.*
- c. *Did not conduct the meeting in an appropriate manner in that you:*
- i. *did not ensure a confidentiality statement was signed or discussed;*
 - ii. *did not ensure that the risk to Service User A including the risks posed by Person A were adequately considered and / or a risk assessment completed.*
2. *Did not complete and / or circulate the minutes of the MARM meeting in a timely manner.*
3. *Recorded in the minutes that you challenged an inappropriate comment made by another professional, referred to at 1(b)(v), when you had not done so.*
4. *Your action in particular 3 was dishonest, in that you knew you had not challenged the relevant comment but nonetheless made a false and misleading record in the document to the contrary.*
5. *Your actions in particulars 1 – 4 constitute misconduct.*
6. *By reason of your misconduct, your fitness to practise is impaired.*

Final hearing panel's determination on impairment

16. The determination made by the panel conducting the final hearing regarding impairment was as follows:

The panel took note of the fact that the Social Worker has displayed some limited insight into her conduct in the hearing statement prepared for the disciplinary proceedings. However, this insight was very limited as she sought to minimise her engagement in and failure to challenge inappropriate comments by referring to this as 'banter' on the basis of the sensitive nature of what was being discussed. Notably there is no reference in her statement to her dishonesty and the fact that she failed to be honest with her line manager on 9 August 2017 about what actually happened at the meeting. The apology she makes is limited to her not taking a stronger role as a Chair and being disorganised. There is a total lack of acknowledgment that at the meeting she lost sight of her duty to safeguard Service User A, failed to maintain the confidentiality of service users, failed to speak about them with respect and disrespected another social work professional.

Given that Ms Rowland-Bright has in effect failed to engage at all with the Regulator over the last three years and has failed to cooperate with these proceedings, the panel has no choice but to conclude that there is no evidence of remediation by her, or any developed insight into the impact of her conduct. Further there remains no proper explanation as to

why the meeting was conducted in the way it was and no explanation as to what she was thinking when she dishonestly drafted the minutes. On that basis the panel finds that there is a risk of Ms Rowland-Bright repeating such behaviour as she appears unable to recognise that she put service users at risk of harm.

The panel considered that a finding of current impairment is also made to protect the public from the risk of harm caused by the failure to adequately conduct MARM meetings and the failure to properly conduct risk assessments in relation to potentially vulnerable service users. Further, the Social Worker's conduct and dishonesty undermines public confidence in the profession. By reason of her misconduct Ms Rowland-Bright's fitness to practise is impaired.

Final hearing panel's determination on sanction

17. The determination made by the panel conducting the final hearing regarding sanction was as follows:

The panel considered all the features of this case, the dishonesty aspect and the seriousness of the misconduct at the MARM meeting. Equally, the panel acknowledged that Ms Rowland-Bright held a twelve-year unblemished record as a social worker and was previously considered by her manager and colleagues to be a good social worker.

In light of the serious findings of impairment, the panel decided that taking no further action, issuing an advice or a warning, would not be appropriate in this case as these would not restrict Ms Rowland-Bright's practice would therefore not protect the public from the risks that have been identified.

The panel went on to consider whether a conditions of practice order would be appropriate. Whilst such an order might address most aspects of the misconduct, there is no evidence that Ms Rowland-Bright would comply with any conditions and given her non-engagement, the panel has no information to enable it to be confident that she would agree to any conditions, if imposed. In terms of her dishonest behaviour, the panel was concerned that it has no acknowledgment about it from Ms Rowland-Bright. Therefore, it is difficult to see how a conditions of practice order might address and safeguard members of the public from the risks of this aspect of her misconduct. In the circumstances, the panel concluded that on the current information a conditions of practice order would not be workable or would sufficiently protect the public from the risks identified.

The panel was also concerned that without any evidence of cooperation and engagement from Ms Rowland-Bright, a member of the public would likely lose confidence in the profession and the Regulator, if they learned that she was allowed to practice with conditions that are not guaranteed to prevent the risk of repetition.

The panel then considered whether a suspension order should be imposed to protect the public and the wider public interest, balanced against the interests of Ms Rowland-Bright. Such an order would mark to the public and the profession the seriousness of her misconduct, it would give her the opportunity to engage with the Regulator and it would allow her time to consider the ways in which her misconduct might be remediated. Equally it would mean that she would not be able to practise as a social worker in the intervening period.

The panel acknowledged that the misconduct was a limited occurrence and not a series or course of behaviours over a period of time, however the panel concluded that the seriousness of the misconduct, compounded by the dishonest behaviour, the risk of harm to the public due to the risk of repetition and the lack of demonstrable insight or remedial behaviours mean that a suspension order is the only sanction that would sufficiently protect the public and meet the wider public interest. Whilst this order might cause her financial hardship, the protection of the public outweighs the harm that might be caused to the Social Worker by the imposition of this order.

The panel went on to consider the duration of the Suspension order and concluded that a period of 12 months is reasonable and proportionate. This period of time will allow Ms Rowland-Bright to consider her future within the profession and to attempt to address the impairment in her fitness to practise.

Social Work England submissions:

18. In the notice of this review Capsticks LLP, on behalf of Social Work England, made the following submissions:

Since the Suspension Order was imposed, the Social Worker has not engaged with Social Work England and has not provided any evidence of complying with the recommendations made by the Panel. This is a continuation, as the Social Worker has not engaged with the fitness to practice proceedings, or her Regulator in any other way. There has therefore been no new material to indicate a decrease in risk or that the Social Worker is no longer impaired. The continued lack of engagement with her Regulator, notwithstanding the opportunity she was given under the Suspension Order, suggests an increase in risk.

Social Work England invite the Panel to now impose a Removal Order. The charges found proven were serious and wide-ranging. There are no prospects of remediation, and prolonged suspension carries a real risk of deskilling. A Removal Order is available and appropriate notwithstanding that the Social Worker has only been suspended for one year, both to mark the seriousness of her misconduct and set appropriate professional standards in regards to non-cooperation with the Regulator.

A Removal Order is now the minimum necessary sanction to sufficiently protect the public from the risk of harm, and to protect the wider public interest in promoting and maintaining the reputation of the social work profession.

Social Worker submissions:

19. Ms Rowland Bright did not attend, or arrange to be represented, at this review in order to make oral submissions and no written submissions were provided by her or on her behalf.

Panel's decision and reasons on current impairment:

20. In considering the question of current impairment, the panel:
- had regard to all of the documentation before it as well as the submissions made on behalf of the Social Work England;
 - undertook a comprehensive review of the final order in light of the current circumstances;
 - took into account the decision and reasons of the panel which conducted the final hearing, whilst exercising its own judgement in relation to the matters to be determined; and
 - was mindful of Social Work England's overarching objective of protection of the public, which, in s.37(2) of the Children and Social Work Act 2017, is defined as comprising (i) protecting, promoting and maintaining the health, safety and well-being of the public, (ii) promoting and maintaining public confidence in social workers and (iii) promoting and maintaining proper professional standards for social workers; and
 - heard and accepted the advice of the Legal Adviser on impairment, which included reference to paragraph 15 of Schedule 2 to the Social Workers Regulations 2018, relevant parts of Social Work England's Sanctions Guidance and the cases of CHRE v Grant and NMC [2011] EWHC 927 (Admin), Meadow v GMC [2006] EWCA Civ 1390, [2007] QB 462 and Cohen v GMC [2008] EWHC 581 (Admin).
21. The panel noted that much of Ms Rowland-Bright's misconduct occurred whilst she was chairing a multi-agency risk management protocol meeting. As a result, the panel considered that, not only would Ms Rowland-Bright's conduct have caused distress to the service users concerned and their families, but it also adversely affected the proceedings at that meeting, thus causing a failure to assess risks, thereby putting service users at risk of harm. In addition, the finding that Ms Rowland-Bright had acted dishonestly threw into question her professional integrity and this, given her position as a safeguarding practice manager, posed a further risk to service users. The panel therefore concluded that Ms Rowland-Bright's misconduct posed a clear risk to the health, safety and well-being of the public (and, in particular, service users).

22. The panel considered that Ms Rowland-Bright's misconduct was capable of being remedied. In this regard, the panel noted that, when imposing the current 12-month suspension order on Ms Rowland-Bright, the panel conducting that hearing stated:

"This period of time will allow Ms Rowland-Bright to consider her future within the profession and to attempt to address the impairment in her fitness to practise.

The panel hopes that having read this determination, Ms Rowland-Bright will engage with the Regulator and make an attempt to cooperate with this process. The panel believes that something went very wrong in July/August 2017 and that this misconduct occurred during a short time in Ms Rowland-Bright's otherwise unblemished career.

The panel would encourage Ms Rowland-Bright to engage with the Regulator prior to the hearing that will be held to review this order. The panel believes that the following actions would help a future panel undertaking the review in order to establish whether Ms Rowland-Bright's practice remains impaired:

- a) engagement with the proceedings;*
- b) a reflective piece to show how she has developed proper insight into her misconduct and how she has remedied the failings identified;*
- c) evidence of how she has maintained continuing education and professional development; and*
- d) testimonials from any current workplace whether the employment is paid or unpaid."*

23. However, this panel also noted that:

- The panel conducting the final hearing had referred to the limited insight into her misconduct demonstrated by the statement which Ms Rowland-Bright had prepared for the disciplinary proceedings brought against her by her employer. Apart from that, there was no evidence before the panel of Ms Rowland-Bright showing any remorse for, or demonstrating any insight into, her misconduct, either during the regulatory investigation into that misconduct, in the course of the regulatory proceedings against her or subsequently.
- Similarly, other than the hearing statement mentioned above, the panel had no evidence before it to show that Ms Rowland-Bright had taken any steps to remedy her misconduct, whether as suggested by the panel conducting final hearing or otherwise.
- Indeed, Ms Rowland-Bright did not appear to have engaged with the fitness to practice process for the four years since her misconduct occurred and certainly since her case was transferred to Social Work England in December 2019.

24. Given that lack of insight and remediation, the panel considered that the risk of Ms Rowland-Bright's misconduct being repeated was high.

25. The panel therefore concluded that Ms Rowland-Bright's fitness to practise remained impaired in terms of the risk which she posed to the health, safety and well-being of the public.
26. Furthermore, the panel considered that:
 - Ms Rowland-Bright's fitness to practise remained impaired in terms of the need to maintain public confidence in social workers in that reasonable and informed members of the public would be seriously concerned if, having failed to engage with the fitness to practice process and remediate her misconduct, she were allowed to practice without restriction.
 - Ms Rowland-Bright's fitness to practise remained impaired in terms of the need to maintain proper professional standards for social workers in that her misconduct, including her proven dishonesty, clearly fell short of the standards of behaviour expected of social workers and the maintenance of those standards would be adversely affected if, having failed to engage with the fitness to practice process and remediate her misconduct, she were allowed to practice without restriction.

Panel's decision and reasons on sanction:

27. Having found Ms Rowland-Bright's fitness to practise remained impaired, the panel then considered what, if any, sanction it should impose in this case.
28. In arriving at its decision on sanction:
 - The panel heard and accepted the advice of the Legal Adviser on impairment, which included reference to paragraphs 12, 13 and 15 of Schedule 2 to the Social Workers Regulations 2018 and the relevant parts of Social Work England's Sanctions Guidance.
 - The panel was mindful that the purpose of any sanction was not to punish Ms Rowland-Bright, but to (i) protect, promote and maintain the health, safety and well-being of the public, (ii) promote and maintain public confidence in social workers and (iii) promote and maintain proper professional standards for social workers.
 - The panel applied the principle of proportionality by weighing Ms Rowland-Bright's interests against the public interest and by considering each available sanction in ascending order of severity.
29. Given the risk which Ms Rowland-Bright posed to the health, safety and well-being of the public, and given the need to maintain public confidence and proper professional standards, the panel considered that it was necessary to impose some form of restriction on her practice. Accordingly, taking no action or giving advice or a warning were not appropriate measures in the present case as they would not restrict Ms Rowland-Bright's practice.
30. Similarly, the panel did not consider that conditions of practice will be appropriate in the circumstances of Ms Rowland-Bright's case for the following reasons:

- Her lack of engagement with the fitness to practice process and her failure to take any significant steps at remediation over the past four years made it highly unlikely that she would cooperate with any conditions of practice which might be imposed on her, thus making a conditions of practice order unworkable.
 - Ms Rowland-Bright's misconduct included dishonesty and, in this regard, paragraph 84 of Social Work England's Sanctions Guidance indicated that conditions of practice are less likely to be appropriate in cases of character, attitudinal or behavioural failings.
 - A conditions of practice order would not adequately address the need to maintain public confidence and proper professional standards, given Ms Rowland-Bright's almost total failure to engage with the fitness to practice process and to take any steps towards remedying her misconduct.
31. The panel next considered whether it will be appropriate to extend the period of the current suspension order. In this regard:
- The panel shared the view of the panel conducting the final hearing when it stated *"The panel believes that something went very wrong in July/August 2017 and that this misconduct occurred during a short time in Ms Rowland-Bright's otherwise unblemished career."*
 - The panel were therefore surprised that, although Rowland Bright could easily have taken steps to remedy her misconduct, such as those suggested by the panel conducting the final hearing, she had consistently failed to do so. Indeed, it appeared from the information before the panel that she had completely disengaged, not only with the fitness to practice process, but also with social work generally since the events of 2017 to which these proceedings relate.
 - The panel noted that, in imposing a suspension order for a period of one year and suggesting ways in which Ms Rowland-Bright might remediate her practice and return to social work, the panel at the final hearing had, in effect, given her one last chance to engage with the fitness to practice process and remain a social worker. However, Ms Rowland-Bright had not availed herself of that opportunity or given any other signal that she intended to remedy her practice and return to social work.
 - In the circumstances, the panel concluded that extending the current suspension order would serve no useful purpose.
32. Accordingly, the panel determined that, in the present case, the most appropriate means of protecting the health and maintaining public confidence and professional standards would be to make an order removing Ms Rowland-Bright from the register.
33. **ORDER: that Ms Rowland-Bright's entry be removed from the register.**

Right of Appeal:

34. Under paragraph 16(1)(b) of Schedule 2 to the Social Workers Regulations 2018, the Social Worker may appeal to the High Court against:
 - a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
35. Under paragraph 16(2) of Schedule 2 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.
36. 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.
37. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practise Rules 2019.

Review of final orders

38. Under paragraphs 15(2) and 15(3) of Schedule 2 to 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.
39. 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.