



Social worker: Catherine Sigley

Registration number: SW20950

Fitness to Practise

Final Order Review Meeting

Meeting Venue: Remote electronic meeting

Date of Meeting: 13 January 2022

Final Order being reviewed: Conditions of Practice Order - expiring 15 February 2022

Hearing outcome: Removal from the register

Introduction and attendees:

1. This is the fifth review of a substantive order, imposed by a Fitness to Practice Committee of the previous regulator for social workers, the Health and Care Professions Council (HCPC), on 26 February 2015.
2. Ms Sigley did not attend and was not represented
3. Social Work England did not have a representative in attendance but provided written submissions within the notice of hearing letter which have been repeated within the body of this decision.

Adjudicators	Role
Gill Mullen	Chair
Jill Wells	Social Worker Adjudicator

Tom Stoker	Hearings Officer
Paul Harris	Hearing Support Officer
Lucia Whittle-Martin	Legal Adviser

Service of Notice:

4. The panel of adjudicators (“the panel”) had careful regard to the documents contained in the substantive order review hearing service bundle as follows:
 - A copy of the notice of substantive order review hearing, dated 30 December 2021, addressed to Ms Sigley at her address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register detailing Ms Sigley’s registered address;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 30 December 2021 the writer sent by ordinary first class post and special next day delivery, and by email, to Ms Sigley at her registered 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 Sigley’s registered address at 07.58 on 8 January 2022.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to all information before it in relation to the service of notice, the panel was satisfied that notice had been served on Ms Sigley in accordance with Rules 16 and 44.

Proceeding in the absence of the Social Worker

7. The notice of final order review hearing informed Ms Sigley that 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 4pm on 10 January 2022. 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 dealt with by way of a meeting the adjudicators will be provided with a copy of this letter setting out our Social Work England's submissions and a copy of any written submissions you provide."

8. The panel had sight of an email from Ms Sigley, dated 11 January 2022, attaching letters of support from her employer and GP, and which stated:

"I have taken the difficult decision that I no longer wish to practise as a Social Worker, so therefore request that my name be removed from the register, if that is possible."

I am available by telephone on the 13th February 2022..."

9. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the 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."

10. The legal adviser also reminded the panel of the relevant criteria when deciding to proceed in the absence of a social worker in accordance with the cases of *R –v Jones [2002] UKHL 5* and *GMC – v Adeogba [2016] EWCA Civ 16*.
11. In the light of the reference made by Ms Sigley to her availability by telephone today, the panel took the precaution of asking the Hearings Officer to telephone Ms Sigley to check that she had decided of her own volition not to attend any hearing that had been, or may be, offered to her. This was done. The Hearings Officer made two attempts to contact Ms Sigley by telephone, to which there was no response.
12. In all the circumstances the panel was satisfied that it would be fair and appropriate to conduct the review in the absence of Ms Sigley in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

13. This final order review hearing falls under the Transitional and Savings Provisions (Social Workers) Regulations 2019 and as a result the review will be determined in accordance with Part 5 of the Regulations, Schedule 2 paragraph 15 of the Regulations and Social Work England's Fitness to Practise Rules.
14. On 26 February 2015 a substantive hearing panel imposed a suspension order for a period of 12 months. At the first review hearing, on 18 February 2016, the order was replaced with an 18 month conditions of practice order. At the second review, on 24 August 2017, that order was extended for a further 18 months. At a third

review, on 14 February 2019, that order was extended for a further 12 months. At a fourth review, on 8 January 2020, that order was extended for a further 2 years.

15. The current order is due to expire at the end of 15 February 2022.

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

During the course of your employment as a social worker for Stoke on Trent City

Council between March 2012 and March 2013 you;

1. Did not meet the following deadlines set by the Court;

a) Statements in relation to case A filed over 3 months after the original deadline set by the Court;

b) Statements in relation to Case B, filed around 1 month after the deadline set by the Court in August 2012;

c) Statements in the relation to case C, filed over 1 month after the deadline set by the Court in November 2012.

2. Did not conduct and/or record numerous statutory visits between May 2012 and March 2013.

3. Did not complete Personal Education Plans within the required timescales in that Personal Education Plans or reviews were outstanding and/or not recorded for the following service users;

(a) D,

(b) E,

(c) F,

(d) G,

(e) H, and

(f) I.

4. Did not keep accurate records in respect of the following cases;

(a) In case A you did not recorded anything on the CareFirst case file for the period of time you were allocated the case file; and

(b), (c), (d)[not proved];

(e) in case L, you did not close the case on the CareFirst System within a reasonable timeframe.

5. Provided misleading and inaccurate information and/or did not provide relevant information to the Court in relation to case A as you;

(a) did not ensure the Court was informed that the Fostering Assessment for the proposed carer for A had been put on hold.

6. Provided misleading and inaccurate information to line managers and colleagues as you;

a) did not inform your line managers and colleagues that you were behind with your work in the cases of A and C;

b) allowed your line managers and colleagues to believe that you had almost completed your work in the cases of A and C.

7. Your actions at paragraphs 5 and 6 were dishonest.

8. The matters described in paragraphs 1-4 constitute misconduct and/or lack of competence.

9. The matters described in paragraphs 5-7 constitute as misconduct.

10. By reason of that misconduct and/or lack of competence, your fitness to practise is impaired.

Preliminary matters

16. The panel decided that when publishing this determination, any matters relating to Ms Sigley's health should remain in private, in accordance with Rule 38.

Background

17. Ms Sigley was employed as a Social Worker by Stoke on Trent City Council in June 2006. In 2008 she joined the Children in Care (CIC) Team. Concerns were raised about her practice in or around 2012. On 19 March 2013 she was suspended pending an investigation by her principal manager. In July 2013, following a disciplinary hearing, during the course of which Ms Sigley made a number of admissions to the alleged failures, she was dismissed for gross misconduct on grounds that included her having knowingly misled her colleagues and advocates in court proceedings. On appeal it was found that there was no deliberate falsehood and that the delays were contributed to by personal circumstances and a lack of support by management. She was reinstated with a final written warning but subsequently resigned in November 2013 and the case was referred to the HCPC.
18. The HCPC final hearing panel found that the facts proved in particulars 1, 2, 3 and 4 of the Allegation as set out above constituted a lack of competence on the part of Ms Sigley but not misconduct. It determined that particulars 5, 6 and 7 did not amount to lack of competence but did amount to misconduct. The final hearing panel concluded that the failings by Ms Sigley were '*persistent, repeated and occurred over an extensive period of time*', involving a significant number of service users and a range of tasks that were basic and fundamental to the work of any social worker.
19. The final hearing panel heard evidence of Ms Sigley's health and its effect upon her practice at the time of the allegation. The findings led the panel to impose a Suspension Order for 12 months. This was reviewed on 18 February 2016, when the reviewing panel decided to replace the Suspension Order with a Conditions of Practice Order for 18 months.
20. At the second review, on 24 August 2017, the Conditions of Practice Order was extended for another 18 months. The reviewing panel recommended that any reviewing panel might be assisted by the production of up to date health reports, together with evidence of CPD and other material.

21. At the third review, on 14 February 2019, the reviewing panel heard from Ms Sigley that she accepted and agreed with the further Conditions of Practice Order being made and that she was not yet ready to return to unrestricted practice. The Panel heard that Ms Sigley had been working as a Waking Nights Care Support Worker for Rossendale Trust since January 2015 and that this work included supporting adults with learning and physical disabilities. That panel decided that it was appropriate and proportionate to extend the Conditions Practice Order for a further 12 months.

The fourth review panel's decision on impairment:

22. The fourth, and most recent, review panel found that Ms Sigley's fitness to practise was impaired on the following basis:

"The Panel first considered the 'personal component'.

The Panel was of the view that the Registrant had, in the past, placed three vulnerable service users at unwarranted risk of harm. There were indications within the papers that the Registrant had some insight into her failures within her practice. There had been some admissions to her employer during the disciplinary process, and there were her detailed representations provided in October 2017 in which she accepted failings in relation to the three service users, and acknowledged their potential to cause harm to the individual service users. Her representations also indicated that she would seek to act differently in the future. The Panel noted that, at that stage, the Registrant did not fully accept full accountability for her failures which, she had in part attributed to a loss of confidence as a result of a poor appraisal and some missed supervisions.

In the Panel's view, the Registrant's key failures had been in respect of safeguarding and risk assessment; not being proactive in her role as a Social Worker, either in sharing information or adequately consulting with professionals and carers involved in the procedures as well record keeping failures. It was of the view that these were fundamental breaches of the social work profession, which is charged with supporting some of the most vulnerable in society. If there were similar failings in the future, then this would be liable to place service users at risk of harm.

The Panel was of the view that each of these key failures was capable of remediation, and the most recent information submitted by the Registrant on 5 December 2017 indicated that she had started to take steps in this regard, including putting strategies in place in respect of record keeping, and undertaking relevant training. She also indicated a willingness to undertake further remedial action in order to facilitate a future return to practice as a Social Worker.

In her most recent representations, the Registrant had confirmed a future wish to return to work as a Social Worker. She identified that her current role had given her the opportunity, in part, to remedy some of the issues in respect of her practice, in particular in respect of carrying out risk assessments, support plans and referrals. She had also been able to link her current experience in housing matters back to how she had failed in relation to Service Users 2 and 3.

The Panel recognises there is a public interest in retaining the services of an experienced Social Worker. However, the Panel was mindful of the Registrant's position that she had not practised as a Social Worker, in effect, since October 2015. While she had been employed in a relevant social care setting since December 2016, the Panel did not have before it corroborative evidence of the specific training undertaken or courses attended, nor references from her current employers attesting to the standards to which she was now working. In the absence of such evidence, the Panel was unable to assess the extent of the remediation.

In all the circumstances, given the length of time for which the Registrant had not actively practised as a Social Worker and the absence of corroborative evidence to satisfy the Panel that the Registrant now had fully remediated her practice, it could not rule out that there remained a risk of repetition of the failures by the Registrant. Accordingly, the Panel concluded that, in respect of the personal component, her fitness to practise was currently impaired.

The Panel went on to consider the “public component”.

The Panel was of the view that the Registrant’s failings in respect of the three service users had brought the profession into disrepute, and would have had an adverse impact on her employer’s reputation. In light of this, and that the risk of repetition could not be ruled out, the Panel was of the view that the public would expect the Regulator to take action in order to protect members of the public. It therefore concluded that public confidence in the reputation of the profession would be undermined if a finding of impairment were not made in this case. Similarly, the Panel concluded that professional standards would be undermined if it did not make a finding of Impairment. Accordingly, in respect of the ‘public component’ the Panel concluded that the Registrant’s fitness to practise is currently impaired.”

The fourth review panel’ determination on sanction

23. The fourth, and most recent, review panel made the following remarks in relation to sanction:

“The Panel was very impressed by the Social Worker’s level of insight demonstrated into her failings: (PRIVATE). She demonstrated awareness of the need for self-care should she return to social work practice and explained the coping strategies that she might employ in such a scenario.

The Panel found on the current evidence that the Social Worker’s fitness to practice remains impaired. She has not yet had the opportunity to remediate the wide range of failings found by the substantive hearing Panel. She herself accepts that she is not yet ready to commence unrestricted practice and that she sees a Conditions of Practice Order as a supportive way of monitoring and helping her in addressing those failings were she to commence social work. The Panel agrees with the Case Presenting Officer that in light of her failings there still remains a risk to the public and for the protection the public it would be appropriate and proportionate for a Conditions of Practice Order to be amended and further extended

The Panel considered the duration of the order and whether to make the order for for 12 months or longer than 12 months. The Panel having had legal advice on the options available to the Panel decided that a 2 year Conditions of Practice Order was appropriate and proportionate.

The Panel was mindful of the Social Worker’s recognition that sourcing and securing a social work position part time in adult services could take some considerable time and that she still needed to demonstrate the skills required to ensure her competency levels are at an acceptable and professional standard and that were she to gain such employment a longer period of a Conditions of Practice Order would assist her in being monitored and supported in her return to practice. The Panel was also acutely aware of the stress and distress of having annual hearings when no progress in remediation has been possible.

The Panel is keen to point out that this length of order is intended to be supportive and not punitive to the Social Worker and that, if she has managed to fulfil the conditions, she can apply for an early review.”.

24. The fourth review Panel imposed the following conditions of practice:

- 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*
- 2. a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England’s register.*
b. You must not start/ restart work until these arrangements have been approved by Social Work England.
c. You must allow your reporter and Social Work England to exchange information
- 3. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.*
- 4. You must provide reports from your reporter to Social Work England every 3 months and at least 28 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.*
- 5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect and of any investigations or complaints made against you from the date these conditions take effect.*
- 6. You must inform Social Work England if you apply for social work employment/ self-employment (paid or voluntary) outside England within 7 days of the date of application.*
- 7. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application for future registration] or 7 days from the date these conditions take effect [for existing registration].*
- 8. a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the close*

supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England's register. (This can be the same person as the reporter.)

b. You must not start/ restart work until these arrangements have been approved by Social Work England.

9. You must provide reports from your workplace supervisor to Social Work England every 3 months and at least 28 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.

10. You must keep your professional commitments under review and limit your social work practice in accordance with your workplace supervisor's advice

11. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

Time management

Record Keeping

Communication

12. You must provide a copy of your personal development plan to Social Work England within 14 days of completion of the personal development plan and an updated copy 28 days prior to any review.

13. You must inform, within 7 days from the date these conditions take effect, the following parties that your registration is subject to the conditions listed at (1) to (13), above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.*
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with (at the time of application).*
- Any prospective employer (at the time of application).*
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.*

You must forward written evidence of your compliance with this condition to SocialWork England within 14 days from the date these conditions take effect.

14. You must permit Social Work England to disclose the above conditions, (1) to (14), to any person requesting information about your registration status.

Social Work England submissions:

25. Social Work England set out the following written submissions in the Notice of Hearing:

“At the review Social Work England will invite the Panel to consider whether any evidence provided to the Panel for the review is sufficient to satisfy it that the Social Worker’s fitness to practise is no longer impaired by way of lack of competence.

As the Social Worker has not yet had the chance to practise as a social worker at all since her resignation, it will be submitted that a substantial amount of evidence regarding the Social Worker’s remediation and training would need to be provided to demonstrate her full remediation.

It will be further submitted that if the Panel considers that the Social Worker has provided some evidence but not yet demonstrating her full remediation, the Panel will be invited to impose a further Conditions of Practice Order for 12 months.

It will additionally be submitted that if the Panel finds that the Social Worker has failed to demonstrate any remediation or efforts to return to social work since the last review, the Panel will be invited to consider a Removal Order as the Social Worker has had a further two years to attend training and seek employment as a social worker, but no evidence or information has thus far been provided in this regard over the past two years”.

Social Worker’s submissions:

26. In an email dated 11/1/22 Ms Sigley supplied the following written submissions:

“I have taken the difficult decision that I no longer wish to practise as a Social Worker, so therefore request that my name be removed from the register, if that is possible....”

27. Ms Sigley provided a letter from her employer at the Rosendale Trust, dated 9 November 2021, which confirmed that Ms Sigley worked 4 nights a week as a care support worker, supporting adults with learning and physical difficulties. The letter confirmed that Ms Sigley had been employed by the Trust since 12 January 2015 and had always been conscientious and reliable.

28. (PRIVATE).

Panel decision and reasons on current impairment:

29. In considering the issue of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. The panel took account of all the material before it, including the submissions of both parties and the decision of the substantive panel and subsequent review panels. The panel understood that it was not bound by the conclusions reached by previous panels.

30. The panel accepted the advice of the legal adviser.
31. The panel agreed with the findings of previous panels that Ms Sigley's past failings had been wide ranging, going to the core of social work. Her dishonest behaviour, in particular, was serious.
32. The panel concluded that since the time of the allegation, Ms Sigley has worked in a social care setting and has demonstrated elements of relevant remediation through her work, and through the provision of testimonials, together with reflections which show insight into her state of health. However, she has not worked at the level of a social worker since 2013 with the pressures and responsibilities that the role can bring. She is therefore not in a position to provide adequate remediation to satisfy the panel that she can work safely as a social work practitioner without posing a risk to service users. The panel therefore concluded that the risk that she will repeat her past behaviour remains, and her fitness to practise remains impaired on public protection grounds.
33. The panel also concluded, in light of Ms Sigley's past behaviour and the absence of adequate evidence of insight and remediation, that the need to uphold proper standards, and to maintain public confidence in the profession, would be undermined if a finding of impairment were not made. Accordingly the panel concluded that Ms Sigley's fitness to practise also remains impaired on public interest grounds.

Decision and reasons on sanction:

34. Having found that Ms Sigley's fitness to practise remains impaired, the panel considered what, if any, sanction to impose in this case. The panel had regard to all the documentation before it and accepted the advice of the legal adviser. The panel also took into account the Sanctions Guidance published by Social Work England.
35. The panel was mindful that the purpose of sanction is not to punish a social worker, but is to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Sigley's interests with the public interest and by considering each available sanction in ascending order of severity.
36. The panel agreed with the mitigating and aggravating factors found by the final hearing panel.

No Action

37. The panel concluded that, in view of the nature and seriousness of the past misconduct, there were no exceptional reasons to merit taking no action.

Advice or Warning

38. The panel concluded that the issuing of advice or a warning would not restrict Ms Sigley's ability to practise and would be inappropriate in light of the risk currently presented by Ms Sigley, as set out by the panel in its decision on impairment.

Conditions of Practice Order

39. The panel concluded that a conditions of practice order was no longer appropriate or workable in light of the fact that Ms Sigley had indicated her desire to be removed from the register and had made no attempt since February 2016 when the conditions of practice order was first imposed to obtain a post as a social worker.

Suspension Order

40. The panel concluded there is no reasonable prospect that Ms Sigley will be in a position to evidence her fitness to practise in the short term because she has stated her intention to cease practising as a social worker. The panel also took into account the risk of further deskilling if Ms Sigley is given a longer period of suspension. For those reasons the panel concluded that a period of suspension is not appropriate in the current instance.

Removal Order

41. In those circumstances, and with some regret, the panel concluded that it had no option but to impose a removal order. The panel understood that this is the sanction of last resort where there is no other means of protecting the public and the wider public interest. However, it was the judgement of the panel that any lesser sanction would be inappropriate in light of the seriousness of the past behaviour and the lack of relevant remediation, compounded by Ms Sigley's declared intention to cease practising as a social worker.

That concludes this determination.

Right of Appeal:

42. Under paragraph 16 (1) (b) of schedule 2, part 5 of the Social Workers Regulations 2018, the Social Worker may appeal to the High Court against:
- a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order
43. Under regulation 16 (2) schedule 2, part 5 of the Social Workers Regulations 2018 an appeal must be made within 28 days of the day on which the social worker is notified of the decision complained of.
44. 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.

Review of final orders

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

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

46. 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.

