

Social Worker: Helen Elizabeth
Sharpe
Registration Number: SW16127
Fitness to Practise
Final Order Review Meeting:

Meeting Venue: Remote hearing

Date of meeting: 5 May 2022

Final Order being reviewed: Suspension Order – (expiring 16 June 2022)

Meeting Outcome: Removal Order (to take effect upon expiry of current final
suspension order on 16 June 2022)

Introduction and attendees

1. This is the first review of a final 12-month suspension order originally imposed on 20 May 2021 (with effect from 17 June 2021) by a panel of adjudicators appointed by Social Work England.
2. This review was held remotely.
3. Ms Sharpe did not attend and was not represented.
4. As this review took place as a meeting, Social Work England did not attend. However, the notice of hearing letter dated 25 April 2022 included written submissions made on behalf of Social Work England by its solicitors, Capsticks LLP.
5. The panel of adjudicators conducting this review (the “panel”) and the other people involved in it were as follows:

Adjudicators	Role
Caroline Healy	Chair
Belinda Henson	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Paige Higgins	Hearings Officer
Calvin Ngwenya	Hearings Support Officer
Natalie Amey-Smith	Legal Adviser

Service of Notice:

6. 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 25 April 2021 and addressed to Ms Sharpe at her electronic mail address as it appears on the Social Work England Register.
 - An extract from the Social Work England Register detailing Ms Sharpe’s registered address.

- A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 25 April 2022 the writer sent by electronic mail to Ms Sharpe at the address referred to above: *‘the SOR bundle, notice of hearing and accompanying forms.’*

7. The panel accepted the advice of the legal adviser in relation to service of notice which included reference to the Social Work England guidance on service of notices and proceeding in the absence of the social worker dated 19 April 2022.
8. Having had regard to Rule 16 of the Social Work England Fitness to Practise Rules (amended 2022) (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 Sharpe in accordance with Rules 44 and 45.

Proceeding with the final order review as a meeting and in the absence of Ms Sharpe:

9. The notice of final order review hearing informed the social worker 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 3 May 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 decide to deal with the review as a meeting. If Social Work England do hold 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. The bundle included an email from Ms Sharpe to Capsticks LLP dated 3 May 2022. The email did not directly indicate whether Ms Sharpe intended to attend today’s hearing. Ms Sharpe did not complete a Hearing Participation Form, nor did she prepare formal written submissions. The contents of her email are however included within this decision under the heading ‘Submissions’.
11. 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.’
12. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).
13. The panel determined that because the practical effect of proceeding as a meeting was to conduct a review of the order without submissions from Ms Sharpe, it should have regard to

the test for considering whether to proceed in her absence. The panel heard and accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application.

14. The panel considered all of the information before it, taking into account that Ms Sharpe had been sent notice of the review meeting/hearing on 25 April 2022. The panel determined that it was reasonable and in the public interest to proceed with the meeting for the following reasons:

- Ms Sharpe had not attended today although she had shown herself as able to communicate with Social Work England. She had acknowledged receipt of the papers sent to her for this hearing/meeting by providing an email update of her situation on 3 May 2022. The panel concluded that she had voluntarily and deliberately absented herself.
- Ms Sharpe had not sought an adjournment of the hearing/meeting and there was no indication from her that she would be willing or able to attend on an alternative date. She did not attend at the final hearing and therefore, re-listing this review would be unlikely to secure her attendance.
- The panel recognised that there may be some disadvantage to Ms Sharpe in not being able to give evidence or make oral submissions. However, the panel was content that Ms Sharpe had been provided with sufficient notice of the hearing and opportunity to attend or make written submissions.
- The panel considered the public interest need to deal with substantive order mandatory review matters expeditiously and determined that the meeting should proceed in the absence of Ms Sharpe.

Preliminary Application:

Consideration of Private Hearing

15. The panel noted that there was no application for this meeting to be in private. The legal adviser informed the panel that the word version of the final hearing decision which had been sent to her by the hearings officer was marked as private. The panel has considered in advance of the meeting the content of the final decision which was included in the main bundle. The panel noted that the final decision did not contain an application for that hearing to be in private. However, in light of the content of that decision which included information about a police operation and also Ms Sharpe's health the panel decided that it should give consideration to proceeding with this review hearing in private.
16. The panel heard and accepted the advice of the legal adviser in relation to Rule 38 of the Rules. The panel acknowledged that there is a strong public interest in ensuring that hearings are conducted in public for transparency. However, the final decision and Ms Sharpe's recent email contain information about her health and those matters should not

form part of the public record. [PRIVATE]. The panel therefore concluded it is appropriate to hold this meeting in private to meet the public interest and the vulnerability, interests, or welfare of the child concerned.

Review of the current order:

17. This final order review hearing falls under The Children and Social Work Act 2017 (Transitional and Savings Provisions) (Social Workers) Regulations 2019. As a result, the review will be determined in accordance with Part 5 of those Regulations and Schedule 2 paragraph 15 of the Social Workers Regulations 2018 and Social Work England's Fitness to Practise Rules (as amended).
18. The current order is due to expire at the end of 16 June 2022.

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

19. The allegations found proved were:

Particular 1.

Whilst registered as a Social Worker and employed by Peterborough City Council ('the Council'):

1. Between 13 June 2016 and 19 July 2016 you accepted allocation of Child A's case and you did not disclose to management the full extent of your knowledge of Child A and his family, including:

- a) That you had previously had a relationship with Child A's father, Person B.
- b) That you had previously had a relationship with Child A.

Particular 2.

2. You provided incomplete information to management regarding your knowledge of Child A and his family, in that:

- a) On or around 13 June 2016, you informed the MASH Team Manager, Colleague 1, that you knew Child A's grandmother as she had been a work colleague at the Council, or words to that effect.
- b) On an unknown date, you informed the MASH Head of Service, Colleague 2, that you knew Child A's grandmother as she had been a work colleague at the Council, or words to that effect.

Particular 3.

3. On or around 23 June 2016, you recorded on the 'Liquid Logic' system that Child A's case would be worked by a Trainee Social Worker and overseen by a Team Manager, or words to that effect.

4. Your actions described at particulars 1(a),1(b) and 2(a), 2(b) and 3 were:

a) Misleading.

b) Dishonest in that you knew you had not disclosed the true position.

The final hearing panel on 17- 20 May 2021 determined the following with regard to impairment:

20. The panel conducting the final hearing made the following determination with regard to impairment:

'The panel considered in detail the written observations made by Ms Sharpe to the HCPC dated 1 August 2017. The panel considered that Ms Sharpe had shown some remorse but had provided limited insight [PRIVATE]. The panel noted that Ms Sharpe had not addressed the allegation regarding dishonesty and the panel decided that attitudinal behaviours demonstrated by her were not easily remediated and had not been remediated in this case.

The panel had not been provided with any up-to-date reflections or observations by Ms Sharpe and there was no evidence before the panel to show how she would act if faced with a similar set of circumstances in the future. The panel had not been provided with any independent testimonials or evidence regarding her present standard of work. However, the panel appreciated that Ms Sharpe had indicated that she was currently unable to fulfil the role as a social worker due to ill health.

The panel decided that given its finding of limited insight, and the absence of evidence of remediation, there remains a risk that Ms Sharpe might repeat her conduct in future should circumstances arise in which her personal interests conflict with her professional responsibilities. It therefore concludes that her current fitness to practice is impaired.

The panel also decided that public confidence in the profession and the upholding of professional standards require a finding that Ms Sharpe's current fitness to practise is impaired.'

The final hearing panel on 17-20 May 2021 determined the following with regard to sanction:

21. The panel conducting the final hearing made the following determination with regard to sanction:

'The panel considered taking no further action. It noted that paragraph 72 of the SG indicated that no further action was appropriate where there had been full remediation of departures from appropriate standards and there was no risk of repetition. In this case, the panel had found there was a risk of repetition and insufficient evidence of remediation. In addition, the panel felt that the misconduct was too serious to justify taking no further action.'

The panel considered offering advice or a warning to Ms Sharpe. It considered that a warning would serve to send a signal to the wider profession. However, Ms Sharpe had not fully engaged in the regulatory process, and the panel had also identified a continuing risk that service users might face in the future.

The panel decided that neither offering advice or giving a warning served to sufficiently protect the public, nor to send the appropriate message to the profession about standards, nor to maintain public confidence in the profession.

The panel next considered imposing conditions of practice. The panel noted paragraph 84 of the SG which stated: –

“Conditions are most commonly applied in cases of lack of competence or ill health. They’re less likely to be appropriate in cases of character, attitudinal or behavioural failings, or in cases raising wider public interest issues. For example, conditions would almost certainly be insufficient in cases of sexual misconduct, violence, dishonesty, abuses of trust and discrimination involving a protected characteristic.”

The panel concluded, however, that conditions of practice would not be workable where Ms Sharpe has given no indication that she accepts any responsibility for her dishonesty, beyond an expression of remorse for what occurred.

Further, the panel concluded that it could not be satisfied that workable and appropriate conditions could be devised that would protect the public.

The panel next considered a suspension order. It noted paragraph 92 of the SG, which states:

“Suspension orders can be imposed for a period of up to three years. Suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register or where removal is not an option.”

The panel reminded itself of Ms Sharpe’s experience of social work, with no previous regulatory findings against her. It has taken into account the comments of the

witnesses to the effect that Ms Sharpe was in their opinion a highly competent social worker.

Although the findings of misconduct are serious, the panel does not consider that, in all the circumstances, Ms Sharpe's failings are fundamentally incompatible with registration as a registered social worker. Although it was a sustained period of dishonesty it related to one issue involving the historic personal circumstances of Ms Sharpe. The panel finds that Ms Sharpe's misconduct is remediable, but she has yet to remediate it. She has still to develop sufficient insight into the misconduct.

Therefore, the panel considers that a period of suspension is appropriate. The panel considers that a suspension order will reflect the right message to the profession of the standards that are expected of social workers. It will also reassure the public that action is being taken to uphold standards. Suspension of Ms Sharpe's registration for a period will not only protect the public but also allow her time to reflect on the issues and to develop insight into her misconduct and its effect on vulnerable service users and the wider public.

When considering the duration of the suspension order, the panel bore in mind that Ms Sharpe has already been out of practice for a period and therefore de-skilling becomes an issue. It had to balance this with the need to protect the public. It did not determine that the requirement to satisfy the wider public interest in marking and maintaining standards now required a period at the higher end of the range.

The panel decided that suspension for 12 months will allow time for Ms Sharpe to develop and demonstrate insight and prepare for a return to the profession. The suspension order will be reviewed shortly before its expiry by another panel of adjudicators.

At the review hearing, the panel may be assisted by the following:

- a. Ms Sharpe's attendance and engagement with the review process;
- b. A reflective piece of writing demonstrating insight into the impact of her actions on service users, the confidence of the general public in the social work profession and identifying steps she has taken to remedy her failings;
- c. References and testimonials from any employers or other relevant persons;
- d. Evidence of Ms Sharpe keeping her knowledge and skills up to date;
- e. Anything else that Ms Sharpe feels may assist her case.

The panel did consider whether it should go further and order removal of Ms Sharpe's registration. However, having balanced the misconduct and impairment found on the one hand with Ms Sharpe's otherwise unblemished career and the remediability of her misconduct, the panel concluded that this was not a case where such a sanction was required. The panel concluded that removal was disproportionate and unnecessary.

The panel therefore ordered that Ms Sharpe's registration be suspended for 12 months.'

Social Work England submissions:

22. In the notice of hearing letter sent to Ms Sharpe on 25 April, Capsticks LLP made the following written submissions on behalf of Social Work England:

'Subject to any further engagement by the Social Worker with the review process and receipt of evidence of insight and remediation, Social Work England invite the Panel to find that the Social Worker's fitness to practise remains impaired.

Issues of honesty and integrity although remediable, require evidence of up-to-date information from the Social Worker in relation to any significant steps taken to address the dishonesty or to demonstrate fully developed and meaningful insight. The previous Panel recognised that the Social Worker lacked insight, and to date no further evidence of remediation or reflection has been provided. The Social Worker has not provided any evidence of engagement with the recommendations made by the previous Panel. Accordingly, concerns regarding the Social Worker's insight into the impact of her actions remain, as does the risk of repetition.

It is a matter for the Panel as to whether the Social Worker ought to be given a further period of time with which to engage with its recommendations. Should the Panel consider that the Social Worker ought to be given more time to engage with its recommendations, then we would invite the Panel to impose a further Suspension Order for a period of 6 months.

However, should the Panel consider that further time should not be granted to the Social Worker, then we would invite the Panel to consider a Removal Order in this case. In the event that Social Worker provides evidence of insight and remediation following the issuing of the Notice of Hearing it will be a matter for the Panel as to whether the Social Worker's fitness to Practice remains impaired and what if any order would be appropriate.'

Social Worker submissions:

23. Ms Sharpe did not provide written submissions, but she did email Capsticks LLP on 3 May 2022 and provided an update of her situation. The email states as follows:

[PRIVATE]

[PRIVATE]

[PRIVATE]

[PRIVATE]

Panel decision and reasons on current impairment:

24. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panel. However, it has exercised its own judgement in relation to the question of current impairment.
25. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel. The panel also took account of the information provided by Ms Sharpe in her email dated 3 May 2022 and the written submissions made by Social Work England.
26. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintaining public confidence in the profession.
27. The panel first considered whether Ms Sharpe's fitness to practise remains impaired.
28. The panel took into account that since the final hearing in May 2021, Ms Sharpe has not meaningfully engaged with the review process. Ms Sharpe has not provided any information or evidence which would demonstrate a change in circumstances since the final order was made. The panel noted that there was therefore no evidence of any further reflection to show an understanding of why Ms Sharpe's practice fell below the expected standards and what she would do differently.
29. The panel considered that Ms Sharpe had been given every opportunity to engage and in not doing, she had failed to provide details and evidence of any training undertaken, details of any transferable learning and no further details of insight or remediation.
30. The panel took into account that the final decision panel had set out an indication of how she may engage with some suggestions for Ms Sharpe as to information/evidence that might assist a future reviewing panel. The suggestions are:
 - 'a. Ms Sharpe's attendance and engagement with the review process;*
 - b. A reflective piece of writing demonstrating insight into the impact of her actions on service users, the confidence of the general public in the social work profession and identifying steps she has taken to remedy her failings;*
 - c. References and testimonials from any employers or other relevant persons;*
 - d. Evidence of Ms Sharpe keeping her knowledge and skills up to date;*
 - e. Anything else that Ms Sharpe feels may assist her case.'*
31. The panel noted that Ms Sharpe had not provided any detailed information relating to any of the suggestions made by the final hearing panel. The email from Ms Sharpe does set out that she has not worked for almost three years and that she accepts her actions were wrong. However, the information provided by Ms Sharpe is minimal and she has not

provided evidence as per the suggestions made by the final hearing panel. The panel determined that in the light of having received no substantive information or evidence since May 2021, Ms Sharpe's practice remained impaired. The panel considered that the risk of repetition of the findings made remained and that without adequate insight and remediation the risk to the public including the public interest remained.

Decision and reasons on sanction:

32. Having found Ms Sharpe's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to all the information before it and accepted the advice of the legal adviser.
33. The panel considered the written submissions made on behalf of Social Work England, in which the panel was invited to either extend the suspension order or to consider a removal order. The panel also took into account the Sanctions Guidance published by Social Work England.
34. The panel was mindful that the purpose of any sanction is not to punish Ms Sharpe, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Sharpe's interests with the public interest and by considering each available sanction in ascending order of severity.

No Action

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

Advice or Warning

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

Conditions of Practice Order

37. The panel went on to consider a conditions of practice order. The panel took the view that Ms Sharpe's deficiencies are potentially capable of being remedied. However, given the continued lack of engagement by Ms Sharpe in this process, the panel had no information

on the basis of which it could formulate conditions which would be adequate to safeguard the public from her proven failings. [PRIVATE]. Given the contents of Ms Sharpe's email together with her failure to engage with Social Work England the panel determined that imposing conditions of practice would not be sufficient to meet the public interest.

Suspension Order

38. Having determined that a conditions of practice order would not be appropriate, the panel considered whether a suspension order would be the appropriate sanction. A suspension order would prevent Ms Sharpe from practising during the suspension period. The panel took into account that Ms Sharpe had already been subject to a period of suspension since 20 May 2021, possibly longer if she had been subject to an interim suspension order prior to the final hearing.
39. Although part of the purpose of a suspension order is to protect the public from social workers whose fitness to practice is impaired and to address the wider public interest, such orders are also intended to give social workers the opportunity to reflect on, develop insight into and remedy any failings in their practice which had impaired their fitness to practise.
40. Given Ms Sharpe's continued failure to meaningfully engage with the fitness to practise process, to develop any insight into her failings and to take any steps to remedy them, extending the current period of suspension would be highly unlikely to result in Ms Sharpe taking any steps to acknowledge or address her impaired fitness to practise. A further period would serve no useful purpose given the opportunities which Ms Sharpe has had to address the findings made against her. The panel determined that a further suspension order would not be in the public interest, this case having been ongoing since 2017 with the regulatory findings occurring in 2016. The panel considered that this case requires a resolution.
41. In terms of the impact on Ms Sharpe of any extension of the current final suspension order, the panel noted that, in her recent email she had expressed that she was '*poorly*' and did not have the strength to return to social work. The panel considered that, given that Ms Sharpe had shown no inclination to take advantage of the current period of suspension to develop insight into her failings or remedy practice and was unlikely to attempt to do so in the future, prolonging that period of suspension would serve no useful purpose as far as Ms Sharpe was concerned but would only make the current fitness to practice proceedings unnecessarily protracted for her.
42. For the reasons given above, the panel concluded that extending the current period of suspension would serve no useful purpose for Ms Sharpe and would be unlikely to result in her return to safe and effective practice.

Removal Order

43. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel took the view that a removal order would be the appropriate and proportionate sanction in this case. The panel

noted that the initial concerns that gave rise to impairment were potentially remediable. However, the panel was of the view that the persistent lack of engagement by Ms Sharpe meant that she had not shown any commitment to remaining on the register or continuing to uphold the standards required by social workers including engagement with the regulator.

44. The panel took into account that Ms Sharpe has chosen to ignore or fail to comply with suggestions given by the final decision panel. The panel recognised that Ms Sharpe by her own admission had now been out of work for three years, has not provided any evidence of CPD and would therefore be de-skilled. The panel understood that a removal order could have a detrimental effect on Ms Sharpe's personal and financial interests. However, on balance the risks to the public and public interest are such that they override Ms Sharpe's interests in this regard.
45. The panel therefore determined that in the circumstances, a removal order would be the appropriate and proportionate order.

Right of Appeal:

1. 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.
2. 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.
3. Under regulation 9(4), part 3 (Registration of social workers) of the Social Workers Regulations 2018, this order can only be recorded on the register 28 days after the social worker was informed of the decision or, if the social worker appeals within 28 days, when that appeal is exhausted.
4. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practise Rules 2019.