



Social worker: Gemma Williamson

Registration number: SW23778

Fitness to practise: Final hearing

Date(s) of hearing:	12 July – 15 July 2022
Hearing Venue:	Remote Hearing
Hearing outcome:	Removal Order
Interim order:	Interim Suspension Order (18 Months)

Introduction and attendees

1. This is a hearing of the Fitness to Practise Committee held under Part 5 of The Social Workers Regulations 2018.
2. Ms Williamson did not attend and was not represented.
3. Social Work England was represented by Mr Bellis of Capsticks LLP.

Adjudicators	Role
Adrian Smith	Chair
Rosemary Chapman	Social Worker
Baljeet Basra	Lay Person

Elle Langdown	Hearings Officer
Paige Swallow	Hearing Support Officer
Helen Gower	Legal Adviser

Service of Notice:

4. In an e-mail to Capsticks dated 10 June 2022 Ms Williamson stated that she would attend the hearing. In the morning on the first day of the hearing she participated by telephone in a meeting with the Legal Adviser and Mr Bellis. In this meeting she explained that she did not have access to the papers for the hearing and that she had not been able to join the meeting using Microsoft Teams. Following this meeting attempts were made by the Hearings Officer and Hearings Support Officer to assist Ms Williamson in joining meetings by Microsoft Teams. Arrangements were also made for another copy of the papers to be sent to Ms Williamson.
5. At 10.27 a.m. on 12 July 2022 Ms Williamson confirmed that she had successfully downloaded the bundle, but added *"I cannot attend the hearing the stress and pressure is just too much for me."* The panel were advised of this e-mail and decided that a further invitation should be sent to Ms Williamson encouraging her to participate in the hearing. The hearings team sent an e-mail to Ms Williamson at 10.39 stating *"We really appreciate your efforts in trying to join the meetings this morning using teams, we have spoken with the panel and they are happy for you to join via dialing into the main hearing room (as you did this morning) if you would find this less stressful and it would ease the pressure? The panel are going to be starting the hearing at 10.45 am in the main hearing link, if you feel you would like to participate and continue in the hearing"*

then please join us". Ms Williamson did not join the hearing link at 10.45, but she sent an e-mail at 10.44 stating "I am going to try to gather myself and calm down and if I am able I will join". The panel did not open the case and gave Ms Williamson further time. The hearings team sent an e-mail to Ms Williamson at 11.00 stating "The panel appreciate this is a stressful process and I have made the panel aware of your previous emails and they have decided to wait until 11 am before proceeding, hopefully you will feel able to join us at this time. If you do feel you need more time I can ask the panel, if you do feel you need more time then please let me know, how much longer you think you might need." Ms Williamson did not reply to this e-mail. The hearings team attempted to contact her by telephone, and a voicemail message was left.

6. At 11.49 Capsticks sent an e-mail to Ms Williamson stating *"I understand that the hearings team at Social Work England have been trying to contact you to see if you intend to join the final hearing, but they have not been able to reach you by phone, or e-mail. The panel have agreed to wait until 12 noon, before proceeding further, to allow time for you to make contact with us or the hearings team at Social Work England, or to join the hearing. If we don't hear from you, or if you haven't joined the hearing by 12 noon, we confirm that we will make an application to the Panel on behalf of Social Work England for the final hearing to proceed in your absence. We appreciate that this is a stressful process and so if there is any support you feel could be put in place to enable you to participate please do contact the hearings team or me to discuss, urgently".*
7. Ms Williamson did not make contact with the hearings team or attend the hearing at 12 noon.
8. Mr Bellis referred the panel to the documents in the service bundle which included the Notice of Hearing dated 10 June 2022, an e-mail to Ms Williamson dated 10 June 2022 attaching notice of hearing, confirmation of Ms Williamson's registered address, and Post Office track and trace document confirming that Ms Williamson collected the Notice of Hearing and related documents on 13 June 2022.
9. The panel accepted the advice of the legal adviser in relation to service of notice.
10. Having had regard to 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 Williamson in accordance with Rules 14, 44 and 45 of Social Work England (Fitness to Practise) Rules 2019 (the "Rules").

Proceeding in the absence of Ms Williamson:

11. The panel heard the submissions of Mr Bellis on behalf of Social Work England. Mr Bellis referred to Ms Williamson's participation in the meeting with himself and the legal adviser, and the efforts that had had been made by the hearings team to support Ms Williamson in attending the hearing. He invited the panel to exercise its power under Rule 43 of the Rules to proceed with the hearing in Ms Williamson's absence.
12. 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 the cases of R

v Jones [2003] UKPC; General Medical Council v Adeogba [2016] EWCA Civ 162 etc; and Rule 43 of the Rules.

13. The panel considered all of the information before it, together with the submissions made by Mr Bellis on behalf of Social Work England. The panel noted that Ms Williamson was aware of the hearing and had intended to attend. She now appeared to have changed her mind due to the pressure of the proceedings. The panel considered that all reasonable efforts had been made by the hearings team to support and enable Ms Williamson to participate in the hearing. The panel concluded that Ms Williamson has waived her right to attend the hearing.
14. The panel considered whether there was a realistic prospect that Ms Williamson might attend the hearing if the panel were to decide to adjourn. Ms Williamson would again face the pressure of the proceedings and the panel considered that it was unlikely that an adjournment would secure her attendance.
15. Ms Williamson would not have the opportunity to present her case to the panel and this may place her at a disadvantage, but the panel decided that her interests were outweighed by the public interest. The panel considered that it was in the public interest that the serious allegation of dishonesty should be determined expeditiously, given the panel's primary responsibility which is to protect the public. The panel also took into account the interests of the witness who was expecting to give evidence to the panel on the first day of the hearing.
16. The panel therefore decided that it was appropriate to proceed in Ms Williamson's absence.

Further correspondence relating to Ms Williamson's participation in the hearing:

17. At 14.20 on 12 July 2022 Ms Williamson sent an e-mail to Capsticks stating "*is the hearing expected to conclude today or will this run into tomorrow too. I would like to try and make myself available if at all I can to answer questions the panel may have?*". The panel was provided with a copy of this correspondence. At the conclusion of the evidence of Ms Letters, it decided to adjourn the hearing until 9.30 a.m. 13 July 2022 to enable Ms Williamson to participate in the hearing. Capsticks replied to Ms Williamson at 15.42:

"The hearing has been scheduled to take place from today to Friday 15 July 2022. By way of update, Social Work England's evidence has now been presented as witness RL's oral evidence has concluded. The issues that you highlighted in your written submissions were put to RL by the Panel, during their questions. In light of your email below, the Panel have adjourned the hearing for the day to allow you to attend the hearing in the morning. The Panel have suggested that you should meet with Social Work England's Case Presenter and the legal adviser at 9am tomorrow via the link to the parties room, to discuss the next steps for the hearing. An option in terms of the next steps is that you could decide to give evidence and answer questions from Social Work England's Case

Presenter and the Panel tomorrow. The Panel will reconvene the hearing at 9.30 am tomorrow. If you do not feel able to participate tomorrow, please do let us know as soon as possible. Similarly, please let us know as soon as possible if the times that I have listed above do not work for you, but you do wish to participate in the hearing...”

18. On 13 July 2022 at 08.00 Ms Williamson sent an e-mail to Capsticks and the hearings team:

*“Just to let you know I won’t be attending the hearing, however please let the panel know how much I appreciate the efforts they have gone to for me in attempting to allow me to attend. **[PRIVATE]**. I will await the outcome and deal with whatever sanction Social Work England impose.”*

19. In reply to this e-mail a member of the hearings team sent an e-mail to Ms Williamson at 8.52 a.m.

*“I understand that the hearing process can feel stressful and overwhelming and I want to re-iterate, as Charlotte has previously mentioned, the dedicated support pages from which you can seek guidance and advice Support-Social Work England. **[PRIVATE]**. Please do let me know if you feel that you would like to attend in respect of this information and the Legal Adviser and Case Presenter will still meet in the parties room link at 9 am if you would like to join that meeting prior to the hearing”*

20. Ms Williamson replied to this message at 9.14 a.m. stating “sorry this is something I would have appreciated knowing at the start, **[PRIVATE]**. I won’t be attending and once again appreciate the efforts made to allow me to do so”.

21. Ms Williamson did not join links to attend the meeting with the legal adviser and case presenter or the hearing. When the hearing reconvened on 13 July 2022, Mr Bellis referred to the correspondence. **[PRIVATE]**. He invited the panel to proceed with the hearing in Ms Williamson’s absence.

22. The legal adviser reminded the panel of the requirement for the hearing to be fair for both parties. The panel has the power to adjourn the hearing of its own motion and it is under an ongoing obligation to consider whether it remains appropriate to proceed with the hearing in the light of any new information.

23. The panel decided that it was fair and appropriate to proceed with the hearing in Ms Williamson’s absence. The panel considered Ms Williamson’s correspondence. She has not requested an adjournment, and the panel decided that an adjournment was not likely to result in her attendance. The panel remained of the view that Ms Williamson’s interests were outweighed by the public interest in the expeditious determination of the serious allegation of dishonesty.

Allegation(s)

1. *On an unknown date on or before 26 November 2019, you provided misleading information in a job application to Together for Children Sunderland ["TfC"] in that you:*
 - a. *Indicated the reason you were not currently registered with the HCPC was because you had been on a four year break from social work;*
 - b. *Did not disclose that you had been suspended by the HCPC.*
2. *Your actions in particular 1 above were dishonest in that you sought to conceal from your prospective employer that you had been suspended by the HCPC.*
3. *The matters set out in particulars 1 and 2 constitute misconduct.*
4. *By reason of your misconduct, your fitness to practise is impaired.*

Preliminary matters

24. Mr Bellis made an application for part of the hearing to be heard in private under Rule 38(b)(i) of the Rules. The application related to information relating to Ms Williamson's private life.
25. The panel accepted the advice of the legal adviser. She advised that there is a public interest in open justice, but that there are limited exceptions to this principle where it is appropriate to protect the private life of an individual connected with the proceedings.
26. The panel decided that it was appropriate to hear part of the case in private. This decision was limited to information relating to Ms Williamson's private life.

Background

27. A complaint was received in relation to Ms Williamson's fitness to practise on 3 November 2020 from her former employer, Together for Children Sunderland ["TfC"].
28. Ms Williamson had been employed by TfC as a social worker, which involved managing a caseload of children who were subject to child protection plans, child in need plans, and care proceedings. She commenced her employment in this post on 13 January 2020.
29. On around 15 October 2020 Ms Williamson had been on a visit to a service user with a colleague who was a Family Worker, when the service user mentioned that his ex-partner had googled the Social Worker and discovered that she had been "banned".

30. Following this visit, Ms Williamson telephoned her line manager and informed her of the incident. Ms Williamson resigned from her post, stating she wished to avoid disciplinary proceedings.
31. Ms Williamson was subject to fitness to practise proceedings whilst registered with the previous regulator, the Health and Care Professions Council (HCPC). The matter was initially considered by a panel to the HCPC's Conduct and Competence Committee in December 2014. The matter was subsequently the subject of an appeal brought by the Professional Standards Authority. Ms Williamson was suspended from the HCPC's register on 20 January 2016. The Suspension Order was subsequently extended at two Substantive Order Review Hearings. At a Substantive Review Hearing on 13 July 2018 the Suspension Order was allowed to lapse.

Evidence

i) Social Work England

32. The panel was provided with an exhibits bundle which included Ms Williamson's application form for the role at TfC (undated), written notes from the interview dated 26 November 2019, a transcript of the judgment of the Professional Standards Authority appeal dated 10 July 2015, and copies of the HCPC panel decisions for the first, second and third substantive reviews.
33. The panel read the witness statement of Ms Otterson, a social worker and Team Manager for the Long Term Locality Safeguarding Team at TfC. She conducted an interview with Ms Williamson in November 2019.
34. Ms Otterson's statement was agreed by Ms Williamson.
35. The panel heard evidence from Ms Letters, a social worker and Team Manager for the Child Protection Team at TfC. Ms Letters described a conversation with Ms Williamson which related to the four year period in which Ms Williamson did not practise as a social worker.
36. Ms Williamson did not agree Ms Letters' statement and provided written submissions highlighting areas of disagreement. The panel took the opportunity to raise questions on behalf of Ms Williamson in this regard.

ii) Social worker

37. Ms Williamson's written responses to the allegation were contained in the social worker's response bundle. Ms Williamson also provided documentary evidence demonstrating that on various occasions in 2021 she made open disclosure of the history of her HCPC suspension to agencies and prospective employers.

38. Ms Williamson also provided written submissions identifying areas where she disagreed with the content of Ms Letters' statement.

Finding and reasons on facts

39. The panel accepted the advice of the legal adviser which included reference to *R(Dutta) v GMC* [2020] EWHC 2020, *Ivey v Genting Casinos* [2017] EWHC 3043 and *Professional Standards Authority v General Dental Council and Amir* [2021] EWHC 3230. The legal adviser reminded the panel that the burden of proof is on Social Work England and the standard of proof is the balance of probabilities.

Particular 1(a)

40. The panel reviewed the content of the electronic job application form completed by Ms Williamson. The application form did not require Ms Williamson to state whether she had been subject to any disciplinary action by her regulator and in her submissions Ms Williamson correctly points out that she was not asked to make a declaration.
41. The application form requested "*List any accreditation and/or professional bodies. Please include your membership number for professional bodies membership*".
42. Ms Williamson replied to this question "*I am not currently registered with HCPC due to taking a 4 year break from social work. I have discussed this with the HCPC and in order for me to re-register I need to do 15 days supervised practice which I am happy to do unpaid and before commencing employment with any authority in which I may be successful*".
43. Ms Williamson completed the declaration on the application form "*By ticking here I confirm that all the information given on this application form is correct and complete*".
44. The panel considered that the application form created the erroneous impression that Ms Williamson could have continued to practise as a social worker continuously if she had wished to do so. This was a false impression because Ms Williamson was subject to an HCPC suspension order during the period she described as a "break". The information provided by Ms Williamson was not complete; it omitted the important information about Ms Williamson's registration status.
45. The panel found particular 1(a) proved.

Particular 1(b)

46. Ms Williamson agreed Ms Otterson's statement that during her interview for the role at TfC she was asked about the gap in her social work employment. Ms Williamson told the interview panel that she had left her previous social work role because she was a single parent.

47. Ms Williamson's answer in interview again gave the wrong impression to Ms Otterson and to TfC that she had chosen not to practise as a social worker, whereas the prime reason for the gap in her employment was that she was prevented from practising due to the suspension order.
48. In her written submissions Ms Williamson stated that in hindsight she should have disclosed her suspension to the interview panel and she apologised for not doing so.
49. While the panel considered that the evidence of Ms Otterson was sufficient to conclude that particular 1(b) was proved, it also accepted Ms Letters' evidence that in a conversation with Ms Williamson she had been given the impression that the reason for the gap in social work employment was linked to the fact that another social worker Ms Williamson had worked with had died. Ms Letters had not been informed about Ms Williamson's HCPC fitness to practise history.
50. Although Ms Williamson strongly disputed Ms Letters' account of the conversation, when she was asked about this matter Ms Letters stood by her statement. The panel found that Ms Letters was consistent and credible, and it gave limited weight to Ms Williamson's written submission which had not been tested by cross-examination or panel questions.
51. The panel found particular 1(b) proved by the evidence of Ms Otterson and the evidence of Ms Letters. Ms Williamson's statements were misleading because they created an erroneous impression that the reason for the gap in Ms Williamson's career was due to her own choices, whereas the true position was that she was subject to a suspension order.

Particular 2

52. The panel accepted the advice of the legal adviser and applied the test for dishonesty in *Ivey v Genting Casinos* [2017] EWHC 3043 and *Professional Standards Authority v General Dental Council and Amir* [2021] EWHC 3230. The first stage is that the Committee should consider Ms Williamson's state of mind (what she knew or believed) at the time of the relevant events. The second stage involves applying an objective test. Taking into account Ms Williamson's state of mind, was her conduct dishonest by the standards of an "ordinary decent person". Significant departure from the HCPC Standards of conduct, performance and ethics can be taken into account as part of the second stage test. The Registrant's own standards of honesty are not relevant.
53. In Ms Williamson's written submissions she appeared to admit that she was not honest, but the panel did not treat her statements as an admission of dishonesty. Ms Williamson does not have the benefit of legal representation and she may not understand the legal

definition of dishonesty. In her written submissions she also stated *“I just never in all honesty knew I had to disclose that I had been suspended and I was never asked”*. If Ms Williamson’s state of mind was that that she did not know she did not have to disclose the information that her registration had been suspended, this would be an innocent explanation for her behaviour.

54. In assessing Ms Williamson’s state of mind the panel considered that the background context was relevant. Ms Williamson’s suspension had expired in July 2018. The previous HCPC fitness to practise process was recent and would have been in Ms Williamson’s mind. The HCPC fitness to practise matter involved a similar concern that Ms Williamson had provided misleading information relating to a job application and had been dishonest. The importance of providing accurate and complete information when making applications for employment would therefore have been foremost in Ms Williamson’s mind.
55. It was also noted by the panel that in relation to her previous employment with South Tyneside Council, she had incorrectly stated on her TfC application form her reason for leaving as “end of contract term”. This was incorrect, as she had been dismissed from this employment. The panel thought this was of specific relevance as her previous fitness to practise history related to Ms Williamson’s failure to disclose this employment on an earlier application form.
56. The panel considered that it was not credible that Ms Williamson did not know that she should disclose information about her HCPC suspension when she completed the application form and when she was asked about the gap in her social work practice during the TfC interview. She was excluding from the application form and from her interview answer information that she must have known would be relevant to the proper assessment of her application. She had expressly confirmed that the information in the application form was complete, knowing that it omitted relevant HCPC fitness to practise history. The importance of employers being in a position to carry out the necessary checks on social workers had been highlighted to her in the HCPC fitness to practise process. The panel inferred that Ms Williamson had decided to suppress the information relating to her HCPC suspension order to present her application to TfC in a way she considered would improve her prospects of gaining employment.
57. Having considered Ms Williamson’s knowledge and beliefs at the time of the events, the panel concluded that her conduct in particulars 1(a) and 1(b) was dishonest by the standards of an ordinary decent person. The deliberate decision to omit information about the HCPC suspension from the application and from her interview answer was dishonest.

Finding and reasons on grounds

58. The panel's decision on facts was sent to Ms Williamson and she was invited to contact the hearings team if she wished to participate in the second stage of the hearing. Ms Williamson did not respond.
59. The panel heard submissions from Mr Bellis. He submitted that Ms Williamson's dishonest conduct amounted to a breach of standard 9 of the HCPC Standards of Conduct, Performance and Ethics and was sufficiently serious to amount to misconduct.
60. The panel read the written submissions of Ms Williamson. Her written submissions primarily addressed the issues of remediation, remorse, and current impairment.
61. The panel accepted the advice of the legal adviser. There is no statutory definition of misconduct, but guidance was given in the case of *Roylance v GMC* that "*misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances*".
62. The panel noted that a breach of standards is not conclusive, but may be part of the panel's consideration of the circumstances. It also noted that the 'falling short' must be 'serious' (*Nandi v GMC*).
63. The panel decided that Ms Williamson's dishonest conduct in providing misleading information and omitting to inform TfC that she had been suspended by the HCPC amounted to a breach of the following standards:
- HCPC Standards of Conduct Performance and Ethics
- Standard 9 Be honest and trustworthy:
- 9.1 You must make sure that your conduct justifies the public's trust and confidence in you and your profession
- 9.2 You must be honest about your experience, qualifications, and skills.
64. The panel took the view that Ms Williamson's dishonest conduct was not limited to a passive failure to declare the suspension. It involved the active creation of a "back story" giving alternative explanations for the gap in her career. In interview the "back story" was the explanation that she had taken a career break because of parental responsibility. In a conversation with Ms Letters the "back story" was the explanation of stress due to the death of a colleague.

65. Ms Williamson's dishonest conduct was a very serious departure from the required standards for social workers, it undermined confidence in Ms Williamson as a social worker, and it had the potential to undermine public confidence in the profession. The dishonesty related to Ms Williamson's professional responsibilities. Employers and members of the public rely on social workers being honest and open when describing their career and qualifications when they apply for social work roles. Full disclosure of information enables employers to carry out the necessary checks and assess risks to ensure that members of the public are not exposed to the risk of harm. The panel noted that a member of the public was understandably concerned to discover Ms Williamson's past history using an internet search and there was no plan in place to address such concerns. The panel considered that members of the profession would describe Ms Williamson's dishonest conduct as deplorable.
66. In the panel's judgment Ms Williamson's dishonest conduct fell well below the required standards for social workers and was sufficiently serious to amount to misconduct.

Finding and reasons on current impairment

67. The panel heard submissions from Mr Bellis. He submitted that Ms Williamson's fitness to practise is impaired. He submitted that Ms Williamson's conduct placed service users at risk of harm, brought the profession into disrepute, breached a fundamental tenet of the profession, and involved dishonesty. In relation to the risk of repetition, Mr Bellis submitted that there was a risk of repetition taking into account Ms Williamson's history that she has already been subject to fitness to practise proceedings in relation to a similar matter and the limited insight demonstrated in her written submissions.
68. The panel considered the written submissions provided by Ms Williamson.
69. Her statement included admissions of the "offences", and an apology. She states that she understands the implications that her conduct could have had on the public and their trust in social workers. She acknowledged that she should have disclosed her suspension to the interview panel.
70. In April 2022 an interim suspension order was replaced with an interim conditions of practice order and Ms Williamson returned to practice with Hull City Council. The panel was provided with reports from Ms Williamson's current managers dated 12 July 2022. The reports are broadly positive, confirming that Ms Williamson is undertaking her role as social worker satisfactorily.
71. Ms Williamson provided evidence that she has disclosed her fitness to practise history when making applications for employment. In her written submissions Ms Williamson stated that she will continue to take remedial action whilst she is allowed to practise by continuing to be open and honest about her previous suspension and the ongoing Social Work England investigation. She added that she is passionate about her job and career

and asked for the opportunity to prove that her conduct was an error and that she would not allow it to happen again.

72. The panel accepted the advice of the legal adviser. It assessed Ms Williamson's fitness to practise at today's date, having regard to the need to protect the public which includes the wider public interest.
73. The panel noted that there were and are no concerns about Ms Williamson's social work practice. The fitness to practise matter relates to Ms Williamson's attitude, and in particular whether she can be relied upon to be honest and open, placing her professional duties above her own interests. While the panel acknowledged the positive report from Ms Williamson's current managers, it considered that it did not assist the panel in answering the central questions relating to the ongoing risk of repetition or the impact of the dishonest conduct on public confidence in the profession.
74. The panel considered that the dishonesty in this case, which involves deliberately misleading a prospective employer in relation to relevant matters relating to her qualifications, is attitudinal in nature and therefore difficult to remediate.
75. The panel was of the view that Ms Williamson's fitness to practise history was relevant to its assessment of the risk of repetition. The HCPC matter involved a very similar matter relating to the provision of misleading and dishonest information in connection with a job application. In the context of this historical fitness to practise matter and the fact of repetition of similar conduct, the panel gave limited weight to Ms Williamson's stated commitment to act differently in future. It did not appear to the panel that Ms Williamson had applied her learning and insight from the HCPC process in her approach to her application to TfC. Her dishonest conduct as set out in particulars 1 and 2 was entirely contrary to the expected behaviour and standards for social workers that she would have learned as part of the HCPC fitness to practise process. Another example is that in her TfC application she did not take the opportunity to make a transparent disclosure of the circumstances in which her employment with South Tyneside Council ended, but instead gave a misleading explanation.
76. Although Ms Williamson's written statement appears to demonstrate some insight, she has not participated in the hearing and the panel has not had the opportunity to ask questions. In the circumstances, the panel considered that the level of insight she has demonstrated is limited.
77. The panel gave limited weight to the evidence that Ms Williamson has made full disclosures to her current agencies and in making applications for social work posts. Ms Williamson is currently subject to a fitness to practise process and she is aware that her behaviour is under scrutiny. She is also subject to an interim conditions of practice order. The panel considered that by her dishonest conduct Ms Williamson put her own

interests in securing employment above the requirement to act in accordance with the standards for social workers. Dishonesty is an attitudinal concern, and the panel considered that there was a risk that Ms Williamson would again place her own interests above her professional obligations.

78. For these reasons, the panel concluded that there is a risk that Ms Williamson would repeat similar misconduct.

79. The panel considered the test for fitness to practise proposed by Dame Janet Smith in her fifth Shipman report. It considered that:

(a). Ms Williamson has in the past acted and is liable in the future to act so as to put service users at unwarranted risk of harm. The panel noted that Ms Williamson's dishonest conduct in particulars 1 and 2 had an impact in the family court process. In Ms Letters' statement she described that in two cases Judges made directions that further independent assessments should take place as Ms Williamson's judgment might be in question. There was consequent delay in the progress of the cases. Ms Williamson's dishonest conduct prevented TfC from conducting appropriate checks and making an assessment of risk in the light of those checks. The purpose of employer checks on those working with vulnerable service users is to protect members of the public from the risk of harm. Ms Williamson's conduct therefore placed service users at risk of harm.

(b). Ms Williamson has in the past brought and is liable in the future to bring the profession into disrepute. Dishonest conduct, particularly where it is connected with the professional role, is very serious and has a negative impact on the reputation of the profession.

(c). Ms Williamson has in the past breached and is liable in the future to breach one of the fundamental tenets of the profession. The requirement to be honest (Standard 9 HCPC Standards of Conduct, Performance, and Ethics) is a fundamental tenet of the profession, and Mrs Williamson's dishonest conduct was a breach of that tenet.

(d). Ms Williamson has in the past acted dishonestly and is liable to act dishonestly in the future.

80. Within this analysis of the suggested test for fitness to practise the panel has reviewed the public interest, including the need to uphold standards for social workers and to maintain public confidence in the profession. The panel considered that Ms Williamson's dishonesty, particularly when considered against the background of the previous fitness to practise history, was serious. A finding of current impairment was appropriate to mark Ms Williamson's departure from the standards for social workers and to maintain public confidence in the profession.

81. On the basis of the ongoing risk of repetition of similar conduct, and on the basis of the wider public interest, the panel decided that Ms Williamson's fitness to practise is currently impaired.

Decision on sanction

82. The panel heard submissions on sanction from Mr Bellis. He submitted that the appropriate and proportionate sanction was a removal order. He referred the panel to paragraphs from the Sanctions Guidance (SG). He referred the panel to case law including *Sarkar v General Medical Council* [2012] EWHC 2012, *Ujam v General Medical Council* [2012] EWHC 683, *Kamberova v Nursing and Midwifery Council* [2016] EWHC 2955, *General Medical Council v Ahmed* [2022] EWHC 403, and *Parkinson v Nursing and Midwifery Council* [2010] EWHC 1898.
83. The panel were informed by Mr Bellis that Ms Williamson invited the panel to take into account the decisions made by interim order review panels on 10 March 2022 and 9 June 2022. On 10 March 2022, at a meeting which neither party attended, the interim order review panel decided to replace the interim suspension order with an interim conditions of practice order. That panel described the alleged dishonesty as referring to Ms Williamson's completion of the application form and did not mention her answers in interview. That panel considered that there was no evidence to support that Ms Williamson had been allegedly dishonest in a way that placed at risk the safety and wellbeing of vulnerable service users. On the basis of the information before it, that panel was also of the view that the alleged dishonesty was not wholly inconsistent with continued registration as might be the case with other alleged acts of dishonesty. That panel considered that conditions of practice could be formulated which would protect the public. At a hearing on 9 June 2022 the interim conditions of practice order was continued on the basis that there had been no change in the circumstances.
84. The panel accepted the advice of the legal adviser. In addition to the case law referred to by Mr Bellis her advice included reference to the case of *Bolton v the Law Society* [1994] 1WLR 512, *Wisniewska v Nursing and Midwifery Council* [2016] EWHC 2672, *Khan v General Medical Council* [2015] EWHC 301 and *Abbas v General Medical Council* [2017] EWHC 51.
85. The primary function of any sanction is to protect the public. This includes protecting the health, safety, and welfare of members of the public, maintaining public trust and confidence in the profession, and maintaining and upholding the required standards for social workers in England. The panel applied the principle of proportionality, balancing Ms Williamson's interests against the public interest.
86. The legal adviser confirmed that the panel is not bound by any decision made by an interim order panel. As stated in the case of *Sarkar v General Medical Council* the roles of an interim orders panel at an interim hearing and a fitness to practise panel at a final

hearing are very different and at a final hearing the panel is entitled to take the view that a more restrictive sanction is required to protect the public or the wider public interest.

87. For the reasons explained in its decision on current impairment and below, the panel's assessment of the seriousness of Ms Williamson's dishonesty differed from the assessment of the interim order panels on 10 March 2022 and 9 June 2022.
88. In its deliberations the panel considered whether there were any mitigating factors and whether weight should be given to those factors. Ms Williamson has engaged with the process to the extent that she has provided written representations for the panel's consideration. Within those submissions she made some admissions and demonstrated some insight. The panel considered that the limited insight demonstrated in the written submissions did not mitigate the seriousness of Ms Williamson's dishonesty. Ms Williamson did not attend the hearing and the panel has been unable to further explore the level of her insight. Her admissions were limited, in that she continued to maintain that she did not know that she should have made a transparent declaration of her fitness to practise history. The panel was also unable to give weight to the limited insight demonstrated because Ms Williamson had previously demonstrated sufficient insight for a panel to lift the HCPC suspension order, but had repeated very similar dishonest conduct within a short period of time.
89. There are no issues relating to Ms Williamson's practice as a social worker and her managers have provided reports which are broadly positive. The panel however considered that this factor carried little or no weight. The managers' reports cover a relatively short period of time. Further, the fitness to practise matter involves Ms Williamson's attitude rather than her competence, and as explained in the SG *"evidence of professional competence cannot mitigate serious or persistent dishonesty"*.
90. The panel noted that Ms Williamson has provided evidence that she has fully disclosed her fitness to practise history to agencies and prospective employers. The panel did not give weight to this evidence as a mitigating factor. The panel would expect that while Ms Williamson is subject to scrutiny in a fitness to practise investigation and subject to conditions of practice she would provide full disclosure because it is in her interests to do so.
91. The panel also noted there was personal mitigation relating to the HCPC fitness to practise suspension order. The trigger event which was the background to the dishonesty in that case involved **[PRIVATE]**. The panel did not however consider that this personal mitigation was relevant to Ms Williamson's more recent dishonesty in failing to disclose her fitness to practise history to TfC.

92. The panel's overall assessment was that the mitigating factors as described carried no weight.
93. The panel considered that the most important aggravating factor was Ms Williamson's fitness to practise history. The HCPC fitness to practise matter involved an allegation of dishonesty which was of a very similar nature to the dishonesty found proved. Ms Williamson's conduct was therefore a repetition of the same conduct in relation to which she was subject to a suspension order.
94. The panel considered that the dishonesty in this case involved repeating the same conduct. In the application form there were multiple opportunities for Ms Williamson to provide information which would disclose her fitness to practise history. She repeated her dishonesty in the interview and in the conversation with Ms Letters. She did not take the opportunity to correct the false impression that she had created about her career history until the issue was raised by a service user. The dishonesty involved an element of "cover up", in that, having not made a full disclosure in the application form, Ms Williamson compounded that by providing a dishonest explanation in interview.
95. The dishonesty did not only involve a failure to disclose information, but also involved actively creating "back stories", as explained in the panel's decision on impairment.
96. In its decision on impairment the panel identified a risk of repetition and in particular a risk that Ms Williamson would again put her own interests above her professional responsibilities.
97. Ms Williamson's dishonesty had the potential to harm service users, for the reasons explained in the panel's decision on impairment. It also had a negative impact on her employer who reported the reasons for termination of Ms Williamson's employment to the family court. This led to Family Judge orders requiring assessments to be repeated, causing delay for the service users.
98. The panel also noted the guidance on dishonesty in paragraph 108 of the SG *"Dishonesty through misrepresenting qualifications, skills and experience, for example on a CV, is also particularly serious because it may lead to the social worker being appointed to roles and responsibilities that they cannot safely discharge. The public and employers must be able to trust the accuracy of such information provided by social workers."*
99. Having carefully considered the aggravating features and the guidance in the SG, the panel considered that the dishonesty in this case was towards the top end of the scale of seriousness of dishonesty.
100. The panel considered the sanctions in ascending order of severity. The panel decided that taking no further action would be insufficient to mark the seriousness of the

misconduct. Such a conclusion would only be appropriate in exceptional cases where there is no ongoing risk to the public.

101. The panel next considered the option of giving advice or imposing a warning. The panel decided that advice or a warning would be insufficient to protect the public against the risk of repetition that the panel has identified because they do not restrict practice. They would also be insufficient to maintain public confidence in the profession and uphold standards for social workers because the misconduct involves dishonesty which is towards the top end of the scale of seriousness.
102. The panel considered the option of imposing conditions of practice. This case involves dishonesty and the SG indicates that conditions *“would almost certainly be insufficient”* in such cases. The panel has concluded that there is a risk of repetition of dishonest behaviour. Dishonesty can take many forms and the panel was not able to formulate realistic conditions which would protect the public against the risk of repetition. The panel also applied the guidance in the SG that *“dishonest conduct is highly damaging to public trust in social workers and is therefore usually likely to warrant suspension or removal from the register”*. The panel decided that a conditions of practice order would be insufficient to maintain public confidence in the profession.
103. The panel next considered the option of a suspension order. A suspension order would protect members of the public against the risk of repetition whilst the suspension order was in place. Such an order may be appropriate where there is a realistic prospect of rehabilitating a social worker to safe practice. Ms Williamson had the opportunity to demonstrate that she could be trusted and that she is an honest social worker when the HCPC suspension order was lifted, but she has not done so. In the circumstances, the panel was not of the view that there was a realistic prospect of rehabilitation. The panel has concluded that there is an attitudinal issue which underlies Ms Williamson’s behaviour and that she cannot be trusted to place her professional responsibilities above her own interests.
104. Ms Williamson was encouraged to participate in the hearing and the panel gave her every opportunity to do so. She has chosen not to participate, and she is aware that this may damage her career. The panel noted the guidance of Mitting J in *Parkinson v Nursing and Midwifery Council* [2010] EWHC 1898 *“A [professional] found to have acted dishonestly is always going to be at severe risk of having their name erased from the register. A [professional] who has acted dishonestly, who does not appear before the panel either personally or by solicitor or counsel to demonstrate remorse, a realization that the conduct criticized was dishonest, and an undertaking that there will be no repetition, effectively forfeits the small chance of persuading the panel to adopt a lenient or merciful outcome and to suspend for a period, rather than to direct erasure.”*

105. The panel was of the view that a long period of suspension of up to three years would result in deskilling. The SG states that *“Given the risk of deskilling, decision makers should consider whether a case warranting a period of suspension longer than one year on the grounds of public confidence might be more appropriately disposed of by means of a removal order”*.
106. The panel considered the damage to public confidence in social workers and to public confidence in the regulator which has been caused by Ms Williamson’s repetition of dishonesty following a suspension order for similar misconduct. In the panel’s judgment the dishonesty in this case is so serious that a suspension order would be insufficient to maintain public confidence in the profession and uphold standards for social workers in England.
107. The panel is aware that a removal order is only appropriate where no other outcome is sufficient to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers. In this case, for the reasons given above and in the light of the aggravating factors, the panel has concluded that a removal order is the appropriate and proportionate order.

Interim order

108. Mr Bellis made an application for an Interim Suspension Order, to cover the appeal period before the sanction becomes operative and the time that any appeal might take to be concluded.
109. The panel accepted the advice of the legal adviser and considered whether an order was necessary for the protection of the public or was in Ms Williamson’s own interests. It applied the principle of proportionality, balancing Ms Williamson’s interests against the need to protect the public.
110. The panel considered whether to impose an interim order. In its findings the panel concluded that there remains a risk of repetition of similar conduct and a need to protect the public from that risk. The panel 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, including the wider public interest. The panel decided that an interim order was necessary on all three limbs of public protection; protecting service users from the risk of harm; upholding and maintaining public confidence in social workers in England, and upholding standards for social workers in England.
111. The imposition of an interim order is likely to have a detrimental impact on Ms Williamson, particularly because the information before the panel indicates that she is

currently practising as a social worker, but the panel decided that the need to protect the public and the public interest outweighed Ms Williamson's interests. The panel considered the option of imposing interim conditions of practice, but decided that there were no conditions which would address the risk of repetition of dishonesty. Accordingly, the panel concluded that an Interim Suspension Order should be imposed on the ground that it is necessary to protect the public.

112. The panel decided that it is appropriate that the Interim Suspension Order be imposed for a period of eighteen months. 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

113. 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.

114. 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.

115. 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.

116. 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

117. 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.

118. 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.