



Social Worker: Peter Emmanuel Armstrong Lang Registration Number: SW29809 Fitness to Practise Final Order Review Meeting:

Meeting venue: Remote meeting

Date of meeting: 01 August 2022

Final Order being reviewed: Suspension Order (expiry date 06 September 2022)

Hearing Outcome: Removal Order (to take effect upon expiry of current suspension order on 06 September 2022)

Introduction and attendees

1. This is the first review of a final suspension order originally imposed for a period of 6 months by a panel of adjudicators on 07 February 2022.
2. Mr Lang did not attend the review and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

Adjudicators	Role
Matthew Fiander	Chair
Pervez Akhtar	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Khadija Rafiq	Hearings Officer
Natarliya James	Hearings Support Officer
Paul Moulder	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 21 July 2022 and notice of proposed steps dated 21 July 2022 addressed to Mr Lang at his email address as it appears on the Social Work England Register (“the Register”);
 - An extract from the Register detailing Mr Lang’s registered email address;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 21 July 2022 the writer sent by email to Mr Lang at the address referred to above the Notice of Review and related documents.
5. The panel accepted the advice of the legal adviser in relation to service of notice.

6. Having had regard to Rule 16 of Social Work England's Fitness to Practice Rules (as amended) 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 Mr Lang in accordance with Rules 16, 44 and 45.

Proceeding with the final order review as a meeting:

7. 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 28 July 2022. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and the adjudicators may decide to deal with the review as a meeting. If the adjudicators do hold a meeting, they 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."

8. The panel received no information to suggest that the social worker had responded to the notice of final order review hearing. The panel also noted that the Notice of Review letter stated in his absence, the review could proceed as a meeting.
9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether to proceed with the review as a meeting. This included reference to the cases of *R v Jones [2003] UKPC; General Medical Council v Adeogba [2016] EWCA Civ 162*.
10. The panel noted that Mr Lang had been sent notice of today's hearing and the panel was satisfied that he was or should be aware of today's hearing. The panel noted that Mr Lang had not attended the original hearing in February 2022 and had indicated then that he would not be attending that hearing. Since that hearing, there was no evidence of any engagement by Mr Lang with Social Work England.
11. The panel had no reason to believe that an adjournment would result in Mr Lang's attendance. The panel bore in mind that the Regulations required that the order be reviewed prior to its expiry. Having weighed the interests of Mr Lang in regard to his attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Mr Lang's absence.
12. 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."

13. 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).

Review of the current order:

14. This final order review hearing falls under Part 5 of the Regulations and Schedule 2 paragraph 15 of the Regulations and Social Work England's Fitness to Practise Rules.

The current order is due to expire at the end of 06 September 2022.

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

While registered as a Social Worker and employed by Haringey Council:

1. In respect of Family A:

a) You visited Family A on or around 5 April 2017 and/or 18 April 2017 but failed to write up or record these visits in a timely manner

2. In respect of Family B:

a) Between February 2017 and May 2017, you did not complete visits as required under the Child Protection Plan to:

i. Service User 7; and/or

ii. Service User 8; and/or

iii. Service User 9.

b) On 2 May 2017 you were advised to visit Service User 7, 8 and 9 on the next day which you failed to do.

c) On 10 May 2017 you ticked the record to confirm that a visit to User 7 had taken place when the service user was not in fact present during your visit.

d) On 11 May 2017 you ticked the record to confirm that a visit to Service User 7 had taken place when the service user was not in fact present during your visit.

3. *Your actions as described at particulars 2(c) and/or 2(d) were dishonest, in that you knew that you should not have recorded that a visit had taken place given that you had not actually seen Service User 7.*
4. *Your actions as described at particulars 2(a), 2(c), 2(d) and/or 3 amount to misconduct.*
5. *The matters set out in particulars 1(a) and/or 2(b) constitute misconduct and/or lack of competence.*
6. *By reason of your misconduct your fitness to practise is impaired.'*

The final hearing panel on 07 February 2022 determined the following with regard to impairment:

"131. The panel first considered Mr Lang's fitness to practise from the personal perspective and then from the wider public perspective.

132. The panel determined that the facts found proved in this case were very serious and noted that Mr Lang's actions left highly vulnerable service users at risk of significant harm. In considering the facts surrounding the case, the panel formed the view that whilst Mr Lang's conduct in respect of his record-keeping and failure to complete visits was potentially remediable, the matters pertaining to his dishonest conduct were more difficult to remediate.

133. Mr Lang had failed to attend the regulatory proceedings and had failed to engage in the fitness to practise proceedings in any meaningful way. The panel noted that Mr Lang had failed to provide any account, in respect of the impact of his actions and, in the panel's view, had demonstrated no insight, remediation, or remorse for his actions. In view of this, the panel concluded that Mr Lang had done nothing to remediate his actions and had demonstrated no insight into how his actions had impacted the service users concerned, his employer the Council, his colleagues at Council or the wider public interest considerations such as the public's trust and confidence in the social work profession. Additionally, the panel noted Mr Lang's response to witness HL, when challenged over his conduct was 'I'm fucked'. This demonstrated in the panel's opinion that he was entirely self-focused. Given Mr Lang's lack of insight, remorse and reflection the panel was not satisfied that Mr Lang's conduct would not be repeated. In forming this view, the panel noted that at the time of the concerns Mr Lang was already working to a performance plan and yet still failed to adhere to express management instruction to conduct statutory visits. In view of the aforementioned, the panel concluded that Mr Lang posed a high risk of repetition in respect of his conduct and the panel was consequently satisfied that he continues to pose an ongoing risk to service users and the wider public.

134. *The panel next went on to consider whether this was a case that required a finding of impairment on public interest grounds in order to maintain public confidence in the profession and Social Work England as its regulator. A significant aspect of the public component is upholding proper standards of behaviour and Mr Lang's conduct fell far below those expected. The panel was satisfied that a fully informed member of the public, who was aware of all of the background to this case, would have their confidence in the profession and the regulator undermined if a finding of impairment were not made given the panel's findings regarding Mr Lang's failings and the lack of insight shown.*

135. *Accordingly, the panel found Mr Lang's fitness to practise currently impaired in respect of both the personal and public component."*

The final hearing panel on 07 February 2022 determined the following with regard to sanction:

"146. The panel went on to consider a suspension order versus a removal order. The panel had regard to paragraph 109 above. The panel also had regard to the fact that Mr Lang had, prior to this incident, an unblemished career as a social worker. Whilst the panel remained concerned by the identified risks posed by Mr Lang in this case, the panel was satisfied that these concerns could be adequately addressed by imposing a suspension order. In the panel's view, preventing Mr Lang from practising as a social worker, by suspending him, would afford the public with the necessary protection and would also address the public's confidence in the regulator and the wider profession. The panel considered that a removal order would, at this time, be disproportionate. The panel formed the view that a suspension order was the least restrictive sanction that it could impose in the circumstances of this case. In forming this view, the panel noted that dishonesty is a spectrum and that in this case, Mr Lang's dishonesty was not longstanding or habitual and could be considered to be at the lower end of that spectrum albeit one that should still be considered a serious failing on his part. Further, in the panel's view since these events happened almost five years ago there is an obligation on Mr Lang to be prompt in his remediation to maintain public confidence in the profession.

147. The panel was also of the view that Mr Lang should be given a final opportunity to engage with his regulator and the regulatory proceedings and to reflect on the panel's findings."

Social Work England submissions for the Review:

22. The panel read the submissions provided by Social Work England in its letter to Mr Lang dated 21 July 2022, which stated as follows:

“Subject to any new evidence of engagement prior to or at the review hearing, Social Work England invite the Panel to consider directing the removal of the Social Worker from the register.

The Social Worker did not attend the final Hearing and has not engaged in these proceedings in any meaningful way. When imposing the current Suspension Order the Panel made it clear that this was a final chance for the Social Worker to engage in these proceedings. The Panel made five recommendations as to evidence that may assist a reviewing panel, including written reflections, references and CPD evidence. Social Work England have not received any communication from the Social Worker since the Suspension Order was imposed.

Social Work England submit that the Social Workers continued non-engagement demonstrates he has no intention of engaging in the remediation process and will therefore not be able to demonstrate he is no longer impaired. Accordingly, Social Work England invite the Panel to find that his fitness to practice remains impaired and to direct removal of the Social Worker’s name from the register.”

Social Worker submissions:

23. Mr Lang did not attend the review and had provided no written submissions. He had apparently not responded to the letters sent by Social Work England regarding the review.

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 also took account of the submissions on behalf of the Social Work England, which had been sent by letter dated 21 July 2022 to Mr Lang.
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, in accordance with the overarching objective of Social Work England. He advised the panel that, in accordance with *Abraham v GMC* [2008] EWHC 183, there was a persuasive burden on Mr Lang to demonstrate that the concerns of the past panel had been addressed. The Legal Adviser advised the panel that it should consider whether the past misconduct was remediable, had been remedied and was highly unlikely to be repeated. He advised the panel also to consider whether the wider public interest required a finding of current impairment.
27. The panel first considered whether Mr Lang’s fitness to practise remains impaired. The panel noted that the panel hearing the substantive case had been *“satisfied that Mr Lang’s actions, in trying to conceal the fact that he had not seen SU7, by ticking ‘yes’ to the service user having been seen on the Mosaic system, amounted to serious professional misconduct”*. That panel had further stated: *“His actions in this regard were misleading and in the panel’s view placed SU7 at greater risk of harm. The Mosaic reports were being scrutinised by*

management at the Council and witness MH told the panel, during her oral evidence that this family was of particular concern to her at the time given the home circumstances. Mr Lang would have been aware of this scrutiny given the express management instructions, which he also failed to adhere to, and his concealment of the non-visit did, in the panel's view, undoubtedly result in SU7 being left unseen for a greater period of time than if he had been honest in his records." This had resulted in findings of misconduct, but also of dishonesty. It was of particular concern, that the panel had found that a service user had been placed at greater risk of harm as a result.

28. The panel has been provided with no evidence or information from Mr Lang that he had taken on board or reflected on the previous panel's findings. That other panel set out a number of steps that Mr Lang could take, by way of starting to remediate his past misconduct. However, this panel had no information to suggest that any such steps have been taken.
29. The panel was mindful of the court's guidance in *Abraham*, that it is for the registrant professional to show that he or she has addressed the past concerns. It acknowledged that dishonesty can be difficult to remediate. The panel considered that the past dishonesty had been serious, due to the creation of a greater risk of harm for a vulnerable family. However, there was before this panel no suggestion that there had been any address of the issues.
30. The panel concluded that there was therefore a risk of repetition of the past misconduct and Mr Lang's fitness to practise as a social worker was impaired, as a result. The panel also concluded that, in the light of the original findings and the total lack of any engagement with the process or demonstration of address of the issues, members of the public would be very concerned if current impairment was not found. Therefore, a finding of impairment was also necessary, in order to uphold public confidence in the profession and to promote and maintain proper professional standards.

Decision and reasons on sanction:

31. Having found Mr Lang'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 the submissions made along with all the information and accepted the advice of the Legal Adviser.
32. The panel considered the submissions made on behalf of Social Work England, during which it invited the panel to consider imposing a removal order. The panel also took into account the Sanctions Guidance published by Social Work England.
33. The panel was mindful that the purpose of any sanction is not to punish Mr Lang 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 Mr Lang's interests with the public interest and by considering each available sanction in ascending order of severity.

34. The Legal Adviser advised the panel that it should consider its findings of impairment in conjunction with the Sanctions Guidance (“SG”) issued by Social Work England. He advised the panel that the panel should consider exercising its options pursuant to paragraph 15(1) of Schedule 2 of the Regulations, in ascending order, as set out in the SG. It should impose the minimum sanction which met the need to protect the public.
35. The panel carefully considered its powers under paragraph 15(1). It looked again at the findings of the previous panel and the facts of the case. It considered the current level of impairment that was revealed as at today. The panel decided that a further 6 months having expired from the original suspension and no apparent action having been taken by Mr Lang, this increased the risk from the original impairment.

No Action

36. The panel concluded that, in view of the nature and seriousness of Mr Lang’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

37. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict Mr Lang’s ability to practise and was therefore not appropriate where there is a risk of repetition and therefore a current risk to public safety. The panel concluded that the deficiencies in Mr Lang’s practise had the potential to have wide-ranging adverse consequences. Therefore, restriction on Mr Lang’s ability to practise is required. The panel concluded that issuing advice or a warning would be inappropriate and insufficient to meet the public interest.

Conditions of Practice Order

38. The panel went on to consider a conditions of practice order. The panel took the view that, given the seriousness of the concerns and the lack of engagement since the original suspension, this course was wholly inappropriate. The facts leading to the original suspension included that Mr Lang had disobeyed instructions from his seniors. The findings also included dishonesty. Moreover, Mr Lang had not engaged with Social Work England in the regulatory process since confirming that he would not attend the substantive hearing.
39. The panel had no confidence that Mr Lang would follow any conditions of practice imposed. The panel concluded that conditions of practice were not workable or practicable. In that case, the public would not be adequately protected by a conditions of practice order where there had been a previous finding of having created a greater risk of harm and this panel having found a risk of repetition of misconduct.

Suspension Order

40. Having determined that a conditions of practice order would not be appropriate, the panel next considered a suspension order. The panel noted that it had power to extend the current suspension, or to impose a further period of suspension of Mr Lang's registration.
41. However, the panel noted that, per the SG, *"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"*. Although a further period of suspension would provide a measure of protection of the public, the panel considered that, for it to be appropriate, the panel would have to be of the view that there was at least a prospect of Mr Lang being able to return to practice, after the expiry of any further suspension.
42. The panel noted, without it feeling bound by, the previous panel's indication that, in imposing the 6-month suspension, it was giving Mr Lang *"a final opportunity to engage with his regulator and the regulatory proceedings and to reflect on the panel's findings"*. The panel had also provided a set of suggestions as to how remediation might be attempted. There had been no engagement by Mr Lang since that decision. The panel noted that there had been no apparent response to any of these matters.
43. The panel noted paragraph 97 of the SG, which states:
- "97. A removal order must be made where the adjudicators conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England. A decision to impose a removal order should explain why lesser sanctions are insufficient to meet these objectives. "*

Removal Order

44. 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 considered that there had been findings against Mr Lang previously involving serious misconduct, which had resulted in a greater risk of harm to one family. There had also been findings as to dishonesty on the part of Mr Lang. There had subsequently been no engagement by Mr Lang with Social Work England. All suggestions made for remediation of the misconduct had apparently been ignored or disregarded.
45. There was no reason for the panel to believe that a further period of suspension would result in any engagement with Social Work England or any commencement on remediation. The panel therefore concluded that there was no other outcome which would be sufficient to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers. Therefore, the panel concluded that the only appropriate outcome was a removal order.
46. The panel decided to order removal of Mr Lang's registration from the Register, from the date of the expiry of the current Suspension Order.

Right of Appeal:

47. 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.
48. 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.
49. 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.
50. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practise Rules 2019.

Review of final orders

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.
51. 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.