



Social Worker: Kirsty Russell

Registration Number: SW15491

Fitness to Practise

Final Hearing

Date of hearing: 29 August 2022 to 1 September 2022

Hearing Venue: Remote hearing

Hearing outcome: Fitness to practise impaired by reason of misconduct
Removal order imposed

Interim order: New interim suspension order imposed for 18 months
Previous interim order revoked

Introduction and attendees:

1. This was a hearing held under Part 5 of The Social Workers Regulations 2018.
2. Ms Russell did not attend and was not represented.
3. Social Work England was represented by Mr Jordan Santos, counsel, instructed by Capsticks LLP.

Adjudicators	Role
Debbie Hill	Lay Chair
Christine Moody	Social Work Adjudicator
Sandra Norburn	Lay Adjudicator

Paul Harris	Hearings Officer
Wallis Crump	Hearing Support Officer
Nathan Moxon	Legal Adviser

Allegations:

4. Ms Russell faced the following Allegation:

“Whilst registered as a Social Worker and employed by Bradford City Council, you:

1. Inaccurately recorded visits which had not taken place:

a) Regarding Family D on:

i.14 March 2018;

ii.26 April 2018;

iii.14 May 2018;

iv.31 May 2018.

b) Regarding Family M on:

i.12 April 2018;

ii.4 June 2018.

c) Regarding Family W on:

i.16 April 2018;

ii.22 May 2018;

iii. 11 June 2018.

2. Failed to adequately safeguard in that you completed assessments for one or more children without having met the children and/ or their family:

a) Regarding Family D on 14 May 2018

b) Regarding Family W on 11 June 2018

3. Your actions at paragraphs 1a - 1c were dishonest.

The matters outlined above amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct."

Background:

5. Ms Russell was employed by Bradford Council ("the Council") as a social worker from 3 April 2017.
6. The regulatory concerns relate to three families.
7. In relation to Family D, there were concerns that the mother had been using alcohol to manage her mental health and that this had led to neglect of her children. It is alleged that Ms Russell recorded visits with the family that had not occurred and completed a Child and Family Assessment on 14 May 2018 despite never having met the family.
8. In relation to Family M, Ms Russell was allocated the family to undertake a pre-birth assessment on a 15-year-old pregnant child. The child was believed to be vulnerable and at risk of sexual exploitation. She had a poor relationship with her mother and had been excluded from school due to her behaviour. It is alleged that Ms Russell recorded a home visit with the child on 12 April 2018 and a school visit with her on 4 June 2018 but that these visits had not occurred.
9. In relation to Family W, Mr Russell was allocated to the family to undertake a Child and Family Assessment. The family included six children and there were concerns that they were being neglected. It is alleged that Ms Russell recorded home visits with the family that had not occurred and completed a Child and Family Assessment on 11 June 2018 despite never having met the family.

Service of Notice:

10. Ms Russell did not attend the hearing. The panel of adjudicators ("the panel") had careful regard to the documents contained in the service bundle and social work submission bundles, as follows:
 - (i) Emails from Ms Russell, dated 17 September 2018, 9 February 2019, 18 March 2020 and 18 February 2021, stating that she was no longer practising as a social worker and has no plans to return to practise;

- (ii) Letter disclosing Social Work England's case, dated 7 June 2022 and addressed to Ms Russell at the email and postal addresses held for her by Social Work England. The letter details the date of the hearing. The email address is the same from which Ms Russell had sent the aforementioned four emails;
 - (iii) Notice of hearing, dated 28 July 2022 and addressed to Ms Russell at the email and postal addresses held for her by Social Work England;
 - (iv) Copy of the email sent on 28 July 2022;
 - (v) Confirmation of delivery from Royal Mail, stating that the letter was delivered and signed for on 29 July 2022;
 - (vi) Extract from the Social Work England Register detailing Ms Russell's registered email and postal addresses; and
 - (vii) Copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 28 July 2022 the writer sent the notice by email and post to Ms Russell's registered addresses.
11. No reply was received from Ms Russell. She has not been in contact with Social Work England or Capsticks save for the four emails, outlined above, in relation to not practising as a social worker.
12. The panel accepted the advice of the legal adviser in relation to service of notice.
13. Having had regard to rule 14 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of the hearing had been served on Ms Russell in accordance with rules 44 and 45 of Social Work England's Fitness to Practise Rules ("the Rules").

Hearing in absence:

14. The notice of hearing asked Ms Russell to confirm whether she would be attending the hearing. She did not reply, nor has she engaged with proceedings, save for her emails stating that she no longer works as a social worker. She did not attend the case management hearing on 16 August 2022.
15. 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 hearing in Ms Russell's absence. This included reference to the principles within *R v Jones [2003] UKPC* and *General Medical Council v Adeogba [2016] EWCA Civ 162*.
16. The panel considered all of the information before it, together with the submissions made by Mr Santos.
17. The panel considered whether it was fair to proceed with the hearing in Ms Russell's absence. The panel was satisfied that she had chosen to absent herself from the hearing. She had not adequately engaged with the regulatory proceedings. She had not requested an

adjournment. The panel was therefore not satisfied that an adjournment would secure her attendance on a further date.

18. Having weighed the interests of Ms Russell, in regard to her attendance at the hearing, with those of Social Work England and the public interest in an expeditious disposal of the hearing, the panel determined it was fair to proceed in her absence.

Preliminary matters – public / private hearing

19. The panel was satisfied that, pursuant to rule 37 and 38 of the Social Work England Fitness to Practise Rules 2019, parts of the hearing should be held in private, namely where there is reference to the health of any individual who can be identified, particularly Ms B.

Preliminary matters – Hearsay application

20. Social Work England sought to rely upon evidence from Ms B, a colleague of Ms Russell's at the material time. She had provided evidence in support of paragraph 1(a) of the Allegation. The evidence from Ms B was contained within an 'employee / witness statement template' arising from an interview with Ms T, who was responsible for undertaking a disciplinary investigation concerning Ms Russell. The document is not dated nor is it signed by Ms B.
21. The panel had sight of various emails and telephone notes between Ms B and Capsticks. By email, dated 16 February 2022. **[PRIVATE]** She completed a 'witness information form' stating that she was unable to attend the hearing as a witness on account of the birth of the twins.
22. Following directions from a panel of adjudicators, dated 16 August 2022, Capsticks contacted Ms B to ask for further details. **[PRIVATE]**
23. **[PRIVATE]**
24. Mr Santos argued that Ms B's evidence had been given contemporaneously as it was at the time of the disciplinary investigation. There was nothing to indicate that Ms B was not reliable and her account had been corroborated by the account of others. Ms Russell had not challenged the evidence and, in any event, there are safeguards to ensure fairness as the panel may determine what, if any, weight to assign the evidence when it considers all of the evidence in the round. He submitted that Ms B had good reason for not attending the hearing and had otherwise engaged and cooperated with Social Work England.
25. The panel accepted the advice of the legal adviser that, when determining an application to adduce hearsay evidence, they must consider admissibility before weight. The primary consideration is one of fairness. The panel should consider various features of the evidence when determining admissibility, such as those identified in section 4(3) of the Civil Evidence Act 1985 and those approved by Mr Justice Spencer in *El Karout v NMC* [2019] EWHC 28 (Admin).
26. The panel was satisfied that it was fair to allow the evidence to be admitted. It accepted that Ms B had a cogent reason for not attending the hearing to give live evidence. She had cooperated with Social Work England. **[PRIVATE]** There was nothing to indicate that her

written account is unreliable and the panel noted that it had not been challenged by Ms Russell.

27. Whilst the written account was not signed by Ms B, the panel noted that she had not sought to dispute its contents. There was no suggestion that Ms B had any motive to conceal or misrepresent evidence.
28. Whilst the written account was not dated, the panel noted that it was as a result of an interview with Ms T during the disciplinary investigation concerning Ms Russell and so was created close to the time of events.
29. The panel noted that the evidence was not the sole evidence in relation to paragraph 1(a) of the regulatory concerns and that there was supportive evidence from Ms H. Further, the panel was satisfied that it would be able to safeguard against any unfairness by assessing the weight of the evidence upon consideration of all of the evidence in the round.

Summary of Evidence – Facts:

30. Social Work England relied upon written witness statements from Ms B and Ms R, social workers, and Ms H who was her manager. Whilst Ms R was available to give oral evidence, this was deemed unnecessary as neither Mr Santos nor the panel had questions to ask her. Ms H gave oral evidence and answered questions from the panel.
31. Social Work England relied on various documents, which included, but was not limited to:
 - a. Case notes concerning Families D, M and W;
 - b. Child and Family Assessment of Family D and Liquid Logic database screenshot to evidence that it had been completed by Ms Russell on 14 May 2018;
 - c. Child and Family Assessment of Family W, dated 11 June 2018.
32. The panel also had the benefit of a comprehensive 'Statement of Case' from Social Work England, updated on 28 July 2018.
33. Ms Russell did not provide any response to the regulatory concerns nor did she provide any evidence.

Findings – Facts:

34. The panel accepted the advice from the legal adviser, which included the following:
 - a. It is for Social Work England to prove the allegations upon the balance of probabilities;
 - b. The test of determining dishonesty is as outlined by the Supreme Court in *Ivey v Genting Casino* [2017] UKSC 67;
 - c. Hearsay evidence must be treated with caution and consideration given to the weight, if any, that can be afforded to it;

- d. Ms Russell is of previous good character, which must be considered when determining the likelihood of her acting as alleged. It is one factor to consider together with all of the evidence in the round; and
- e. All of the evidence should be considered before making findings of credibility, and when making such findings the panel should not rely exclusively on demeanour.

Paragraph 1a of the Allegation

- 35. The panel considered that the Allegation could be read in two different ways. It could be considered that the allegations referred to when matters were inaccurately recorded or it could be considered that the allegations refer to the dates in which she had not undertaken visits, despite saying otherwise. The panel considered that the latter reading of the Allegation was fair in all the circumstances, particularly given that paragraph 2 addresses the alleged mischief of using inaccurate information regarding home visits to inform assessment reports.
- 36. The panel was satisfied that Ms Russell recorded home visits with Family D on 14 March 2018, 26 April 2018 and 31 May 2018. It took into account the case notes to that effect, which detail that they were created by Ms Russell, together with the evidence of Ms H, who stated that the case had been allocated to Ms Russell.
- 37. It is alleged that following those dates, in July 2018, Ms Russell was required to attend the family home to undertake an enquiry, pursuant to s.47 of the Children's Act 1989 ("a s.47 enquiry"), alongside Ms B. It is at that time that it was discovered by Ms B that Ms Russell had not previously met the family. Ms B reported the matter to Ms H.
- 38. The panel was satisfied that Ms Russell did not attend the home visits in March, April and May 2018.
- 39. The panel noted that there was a discrepancy between the evidence of Ms B and Ms H. Ms B stated that she became aware that Ms Russell had not previously seen Family D after their joint visit with the family. Ms H stated that she was told by Ms B that the disclosure had been made prior to the visit. Nevertheless, whilst the chronology differs, the panel was satisfied that the core of the evidence, namely that Ms Russell had disclosed to Ms B that she had never previously met Family D, and that Ms B reported this to Ms H, was consistent.
- 40. There is additional reliable evidence to show that Ms Russell had not met Family D prior to July 2018, namely the evidence of Ms B that Family D had told her that they had never met Ms Russell. Whilst this is multiple hearsay, the panel considered that there was no reason why Family D would have sought to mislead Ms B or why Ms B would have sought to mislead within her written account. The panel noted that Ms B's written account was taken during the investigation and therefore soon after events and so matters would have been fresh in her mind. The panel could not think of any reason why Ms B would seek to present inaccurate or misleading information.

41. Further, the allegation that Ms Russell had not attended the recorded visits is supported by the evidence of Ms H that Ms Russell had made admissions. Within her witness statement, Ms H stated:

"Kirsty said that she was really struggling at the time. She said that she had to prioritise high risk cases at the time so she made her own decisions on it. She implied that she felt overwhelmed so she had cut corners. I remember saying 'Kirsty, why didn't you just come and tell me?' Kirsty said the information coming back from professionals, the health and drug agencies were that the children were okay and mum and dad were okay. She said she felt she had enough information that the children were okay from the partner agencies as there was not masses of history or concerns. Kirsty admitted that all the visits had not taken place in respect of Family D...Kirsty admitted that she had falsified the record in respect of Family D."

42. Ms H's written account was detailed and was consistent with her subsequent oral evidence.
43. The panel considered that the documentary evidence, together with the evidence of Ms B and Ms H, despite the one inconsistency, far outweighed Ms Russell's good character.
44. The panel was therefore satisfied, upon the balance of probabilities, that Ms Russell had inaccurately recorded visits with Family D on 14 March 2018, 26 April 2018 and 31 May 2018 and that those visits had not taken place.
45. The panel noted that, whilst on the Child and Family Assessment dated 14 May 2018, Ms Russell inaccurately recorded that she had visited the family on two previous occasions, she had not recorded a visit with Family D, occurring on 14 May 2018.
46. The panel therefore found paragraphs 1(a)(i), (ii) and (iv) of the Allegation proved and paragraph 1(a)(iii) not proved.

Paragraph 1b of the Allegation

47. The panel was satisfied that Ms Russell recorded a home visit with Family M on 12 April 2018 and a school visit with the child on 4 June 2018. It took into account the case notes to that effect, which detail that they were created by Ms Russell, together with the evidence of Ms H who stated that the case had been allocated to Ms Russell.
48. The panel was satisfied that Ms Russell had not attended those visits.
49. It relied upon the evidence of Ms R, who detailed in her witness statement that she spoke to the child of Family M by telephone on 2 August 2018 and 6 August 2018 and was told by the child that she had never met Ms Russell. Whilst the disclosure from the child is hearsay, the panel considered that there was no reason why the child would seek to mislead Ms R. The panel considered Ms R to be a reliable witness and noted that she had made a contemporaneous record of the telephone calls upon Family M's case notes.
50. Further, the inaccuracy of Ms Russell's records is further supported by documentation in relation to the child's attendance at school. A record on her case notes stated that she was no longer attending Bingley Grammar school from April 2018 and was awaiting a place at a

local pupil referral unit (“PRU”). The only reference to the child attending school thereafter was the record made by Ms Russell, on 4th June 2018, that she had visited the child at the PRU. However, that was undermined by an email from the pastoral manager of that PRU to state that, whilst there had been discussions about the child attending the PRU, she only attended on one occasion on 4 September 2018 and did not enrol. The panel considered that the email was reliable given its source and that there was no reason for the author to seek to mislead. The email contradicts Ms Russell’s account that the child was at school in June 2018.

51. Ms Russell’s account of the child being in school in June 2018 was also contradicted by Ms R who detailed that the child was not attending school.
52. Further, the panel noted that Ms Russell did not deny that she had failed to attend meetings with service users other than Family D when asked by Ms H. The panel noted and relied upon Ms H’s evidence in her witness statement:

“...I recall visiting Kirsty’s house to have a conversation....I told he that another case had come up where she had not visited the service user, U asked her if there were any more we needed to know about. I cannot remember exactly what she responded, She was very deflated and low, I think she shrugged her shoulders and said there might have been and she did not know which ones. She did not say yes or no”.

53. The panel considered that the documentary evidence, together with the evidence of Ms R and Ms H, far outweighed Ms Russell’s good character.
54. The panel was therefore satisfied, upon the balance of probabilities, that Ms Russell had inaccurately recorded visits with the child of Family M on 12 April 2018 and 4 June 2018 and that those visits had not taken place.
55. The panel therefore found paragraphs 1(b)(i) and (ii) of the Allegation proved.

Paragraph 1c of the Allegation

56. When considering paragraph 1c of the Allegation, the panel took the same approach as outlined in paragraph of this determination 35, above.
57. The panel was satisfied that Ms Russell recorded a home visit with Family M on 16 April 2018 and 22 May 2018. It took into account the Child and Family Assessment in which it was recorded that there were two home visits. The Assessment details those two dates. The panel was satisfied that Ms Russell was responsible for that report given the evidence of Ms H, who stated that the case had been allocated to Ms Russell for completion.
58. The panel was satisfied that Ms Russell had not attended those visits.
59. The panel took into account the case notes arising from a visit from another social worker, Ms L, on 25 September 2018. During a visit with Family W on that day, the mother of the family had complained that she had never met the social worker, Ms Russell, who had completed the Child and Family Assessment on 11 June 2018.

60. The panel noted that the evidence was multiple hearsay but considered there was no reason why the service user or Ms L would seek to deceive. Further, the reliability of the evidence was supported by the fact that other service users and social workers had alleged that Ms Russell had not attended visits that she had recorded and the admissions from Ms Russell to Ms H. The fact that Ms Russell had not attended Family W's property was also supported by the fact that, whilst she detailed in the Child and Family Assessment that there were no concerns identified in the home conditions, Ms L noted on 25 September 2018 that it was unclean and that there was food up the walls and washing in the sink.
61. The panel considered that the documentary evidence far outweighed Ms Russell's good character.
62. The panel was therefore satisfied, upon the balance of probabilities, that Ms Russell had inaccurately recorded visits with Family W on 16 April 2018 and 22 May 2018 and that those visits had not taken place.
63. The panel noted that, whilst on the Child and Family Assessment dated 11 June 2018, Ms Russell inaccurately recorded that she had visited the family on two previous occasions, she had not recorded a visit with Family W, occurring on 11 June 2018.
64. The panel therefore found paragraphs 1(c)(i) and (ii) of the Allegation proved and paragraph 1(c)(iii) not proved.

Paragraph 2(a) and (b) of the Allegation

65. As outlined above, the panel was satisfied that Ms Russell had completed the Child and Family Assessments in relation to families D and W.
66. The panel determined that such assessments can only be completed upon discussion with the children and their families in order to identify any concerns and needs. Failure to meet and speak to the families results in any assessment being incomplete and potentially inaccurate.
67. The panel agreed with Ms H's evidence within her witness statement:

"It is basic social work skills in duty and assessment to visit the children in a case allocated to you. A social worker cannot complete an assessment without seeing the child. The assessment is a written document with evidence of that work and I do not know how a social worker can work out what is going on with a child without seeing them. This goes for all social workers and all cases allocated to them.

In all three cases, I would have expected Kirsty to go see the children and have a discussion with their parents. If there were any concerns she should have had a chat with me or another manager, and a safety plan could be put in place if needed. She should have followed the assessment framework, checked the children, the house, checked there was food in the house and let the parents know what her role is and what the assessment covers. It is basic practice for a social worker to check the home conditions of the children."

68. The panel was satisfied that the children were not adequately safeguarded.

69. The panel therefore found paragraphs 2(a) and (b) of the Allegation proved

Paragraph 3 of the Allegation

70. The panel noted that social workers are aware of the importance of accurately recording information, such as the dates of visits with service users. The panel was therefore satisfied that when Ms Russell recorded the visits with Families D, M and W, she knew that those visits had not occurred. She would not have been mistaken given the importance of recording accurate information and, in any event, the panel was satisfied that she had not visited the families on any date, and therefore there could be no reasonable suggestion that she had made a mistake as to dates.

71. Further, the panel was satisfied that ordinary decent people would consider the conduct, namely recording visits that had never occurred, to be dishonest.

72. The panel was therefore satisfied that Ms Russell had been dishonest in relation to paragraphs 1(a)(i), (ii) and (iv); 1(b)(i) and (ii); and 1(c)(i) and (ii) of the Allegation.

Summary of findings of fact:

73. The Allegation was determined as follows:

“Whilst registered as a Social Worker and employed by Bradford City Council, you:

1. Inaccurately recorded visits which had not taken place:

a) Regarding Family D on:

- i. 14 March 2018; **FOUND PROVED***
- ii. 26 April 2018; **FOUND PROVED***
- iii. 14 May 2018; **FOUND NOT PROVED***
- iv. 31 May 2018. **FOUND PROVED***

b) Regarding Family M on:

- i. 12 April 2018; **FOUND PROVED***
- ii. 4 June 2018. **FOUND PROVED***

c) Regarding Family W on:

- i. 16 April 2018; **FOUND PROVED***
- ii. 22 May 2018; **FOUND PROVED***
- iii. 11 June 2018. **FOUND NOT PROVED***

2. Failed to adequately safeguard in that you completed assessments for one or more children without having met the children and/ or their family:

a) Regarding Family D on 14 May 2018 **FOUND PROVED**

b) Regarding Family W on 11 June 2018 **FOUND PROVED**

3. Your actions at paragraphs 1a - 1c were dishonest. **FOUND PROVED**

*The matters outlined above amount to the statutory ground of misconduct. **TO BE DETERMINED***

*Your fitness to practise is impaired by reason of misconduct. **TO BE DETERMINED***

Summary of Submissions – Grounds and Impairment:

74. Mr Santos submitted that the facts found proved amounted to misconduct and that Ms Russell's fitness to practise is currently impaired.
75. He directed the panel to various breaches of the HCPC Standards of Conduct, Performance and Ethics (2016) and the responsibilities as outlined within Ms Russell's 'Job Profile' with the Council.
76. Mr Santos submitted that the misconduct was serious as all three families were vulnerable, with concerns of neglect of the children in Family D and W and of sexual exploitation in relation to the child from Family M. He relied upon the evidence of Ms H that a social worker cannot complete an assessment on a child without seeing them and checking their home environment. He reminded the panel that Ms Russell had completed assessments in relation to Family D and W, and advised that no further action was required in relation to Family M and W, without having spoken to the families. He highlighted the observations of Ms L on the living conditions in Family W's property in September 2018 and stated that it was therefore likely that further action was required when Ms Russell had concluded otherwise.
77. Mr Santos argued that, whilst Ms Russell had told Ms H that she was under pressure with her workload, this was only disclosed after events. She was under a duty to communicate with management any difficulties she had in completing her role and duties.
78. He submitted that as Ms Russell had not engaged with proceedings, she had failed to demonstrate any remorse, insight or remediation. In any event, dishonest conduct is difficult to remediate.
79. Mr Santos concluded that a finding of impaired fitness to practise was necessary to protect the public and wider public interest.

Determination and Reasons - Grounds and Impairment:

80. The panel accepted the advice of the legal adviser that it must again pursue the three overarching objectives when exercising its functions. It must consider whether Ms Russell's fitness to practise is currently impaired by reason of misconduct. To do so, it must first consider whether the proved allegations amounted to misconduct, whether that misconduct was serious and, if so, whether that leads to a finding of current impairment. Neither party bears the burden of proof. When considering impairment, the panel should

consider whether the misconduct is remediable and, if so, whether it has been remedied and what insight has been demonstrated by Ms Russell. The panel must also determine whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of current impairment were not made.

81. The panel noted that “*misconduct*” in regulatory proceedings is defined as follows:

“....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.”

82. The panel was satisfied that Ms Russell breached the following HCPC Standards of Conduct, Performance and Ethics:

“1.2 You must work in partnership with service users and carers, involving them, where appropriate, in decisions about the care, treatment or other services to be provided.

6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

6.2 You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk.

9.1 You must make sure that your conduct justifies the public’s trust and confidence in you and your profession

10.1 You must keep full, clear and accurate records for everyone you care for, treat or provide other services to.”

83. The panel also noted Ms Russell’s ‘Job Profile’ for her role with the Council. The panel was satisfied that she had breached the first ‘Key Purpose of the Post’:

“To safeguard children including those at significant risk of harm, assess and manage risk and undertaken critical decision making including taking professional responsibility for decision making”

84. She had also breached the following ‘Main Responsibilities of the Post’:

“1. Undertake preventative work with service users to diminish safeguarding concerns, investigating concerns of significant harm and making appropriate use of legislation to safeguard and promote the welfare of service users.

2. To provide a Social Work service to individuals, their families and carers by assessing and identifying their needs and meeting them through direct therapeutic work, care planning and management. Be able to integrate a theoretical approach with practice.

3. Manage a caseload, exercising complex decision making in line with professional criteria and making sure that case work is appropriately planned, critically evaluated and reviewed.

...

11. To self-manage your own challenging and demanding workload of cases, seeking support where necessary, and undertake research, and apply knowledge regarding emerging best practice.

...

14. Apply Social Work ethical principles and values to guide your professional practice and decision making including partnership, consultation and the participation of service users.

15. Maintain up to date, accurate, concise and purposeful records of work in line with the departmental policy on case recording and access to files, producing high quality assessments that accurately assess and manage higher levels of risk and complexity."

85. The panel was therefore satisfied that the proved allegations each constituted misconduct, as they amounted to significant failures to adhere to the standards expected of someone in Ms Russell's position.
86. Further, the panel was satisfied that the misconduct was serious as Ms Russell had breached fundamental tenets of social work in relation to safeguarding vulnerable children and probity and integrity. By failing to assess needs and risks she failed to adequately safeguard the children within three families. This was all the more serious and concerning given the circumstances of each family, as summarised at paragraphs 7-9, above.
87. Not only did she fail to adequately assess risk, but she fabricated visits and sought to close cases and state that no further action was necessary when the opposite conclusion may have been appropriate.
88. The panel accepted the written evidence of Ms H:
- "I think that it is really serious that Kirsty recorded she visited the children when she had not, on all three cases. It is false recording. Her work has told me children are safe but she has done nothing to make sure that is the case, so she left children vulnerable without being reassured and confident that children are safe. She has made decisions about children based on nothing and left them vulnerable and at risk".*
89. The panel therefore concluded that Ms Russell's actions placed vulnerable children at risk of harm. Additionally, dishonesty is always to be considered as serious and it is aggravated in this case by the specific circumstances and the fact that the dishonesty was repeated.
90. Further, the panel was satisfied that members of the public and profession would be appalled at Ms Russell's behaviour. The panel noted that the mother of family W had expressed her anger that Ms Russell had completed an assessment without speaking or

informing her. Such actions breach trust between service users and the social work profession, which in turn negatively impacts upon service users' engagement with social workers and therefore hinders the assessment of need and risk.

91. The panel found that Ms Russell's behaviour would be difficult, albeit not impossible, to remediate, as a lack of integrity was a common thread throughout the proved misconduct.
92. In any event, the panel considered that there was no evidence of either remediation or insight. Save for her emails stating that she no longer worked as social worker, Ms Russell had not engaged with the proceedings, despite having significant opportunity and time to do so. Her only explanation was to Ms H, to whom she stated that she was "*struggling*" with her caseload. However, Ms H detailed that Ms Russell had not approached her with any difficulties, despite her being accessible and being involved in regular supervision meetings. Ms H also stated that Ms Russell's case load was no higher than anyone else's in the team.
93. Ms Russell has not provided any explanation to Social Work England about her actions. She has not acknowledged the potential damage to service users, her colleagues or public confidence in the social work profession.
94. The panel had regard to the assessed level of remediation and insight. It also noted that there was a total of seven visits with service users that Ms Russell had dishonestly recorded and two assessments that she had completed without adequate contact with the relevant service users. Her actions had spanned a period of approximately four months. Whilst there have been no regulatory concerns disclosed since 2018, the panel noted that the Respondent has not been working as a social worker and that no evidence has been provided to show her current work performance. Having taken all of those matters into account, the panel was satisfied that there was a significant risk of repetition of the proved misconduct.
95. The panel found that Ms Russell's practise currently poses a risk to the public. Failure to adequately recognise and act upon safeguarding issues has the consequence of vulnerable people not being protected. A failure to act with honesty and integrity in case recording and assessments risks harm to the public as it can result in false information being relied upon by other professionals and agencies and a deterioration of trust between social workers and service users.
96. Further, the panel considered that members of the public and the social work profession would be appalled by Ms Russell's actions. The public requires social workers to be able to identify and act upon safeguarding issues and act with probity and integrity. The panel therefore found that public confidence in the social work profession would be undermined upon a finding that Ms Russell's fitness to practise is not currently impaired. Further, given that the serious misconduct related to a breach of fundamental tenets of social work, the panel was satisfied that professional standards would not be promoted and maintained by a finding that her fitness to practise is not currently impaired, particularly in light of her failure to engage with the regulatory proceedings.

97. The panel therefore concluded that, as a consequence of Ms Russell's serious and repeated misconduct, a finding of impaired fitness to practise is necessary to protect the public and to promote and maintain public confidence in the social work profession and proper professional standards.

Summary of Submissions – Sanction:

98. Mr Santos, on behalf of Social Work England, argued that, in light of the nature and extent of the misconduct, the appropriate sanction was one of removal from the social work register.
99. He argued that there was no evidence of remediation and that Ms Russell had failed to demonstrate any insight of the harm that could have been caused to the service users and to the reputation of the Council and social work profession. Public trust would be diminished as a consequence of Ms Russell's actions, particularly her dishonesty, and subsequent lack of remorse.
100. Mr Santos submitted that removal was the only appropriate and proportionate sanction in light of the circumstances of the proved misconduct which involved repeated dishonesty, concerning three families over a number of months. He argued that removal would be the only sanction that would maintain public confidence.

Determination and reasons – Sanction:

101. The panel accepted the advice of the legal adviser that it must again pursue the overarching objective when exercising its functions. The panel must apply the principle of proportionality, balancing Ms Russell's interests with the public interest. The purpose of a sanction is not to be punitive although a sanction imposed may have a punitive effect. The panel considered the least restrictive sanction first and then moved up the sanctions ladder as appropriate. The panel had regard to the Social Work England sanctions guidance, published in July 2022.
102. The panel reminded itself that it had concluded that Ms Russell's fitness to practise was found to be impaired, due to serious misconduct, in order to protect the public and the wider public interest.
103. In relation to aggravating features, the panel noted the potential consequences to vulnerable children of not being adequately safeguarded. Not only did Ms Russell fail to adequately assess the needs of the service users, but she concluded that there were no safeguarding concerns, when she did not know that to be the case. Other agencies and professionals may have relied upon that false information. The misconduct is further aggravated by the fact that it was repeated and over a prolonged period and concerned three families. Ms Russell has failed to demonstrate remorse, insight or remediation.
104. The panel could not identify any mitigating features, albeit noted that Ms Russell had no previous or subsequent regulatory referrals.

105. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Russell's misconduct and would not protect the public, maintain public confidence in the profession or promote proper professional standards.

106. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel noted paragraph 85 of the Sanctions Guidance, which states:

"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."

107. The panel noted that the sanction in this case is to address breaches of fundamental tenets of the social work profession, including probity and integrity. The failure to adequately safeguard service users had been covered up by Ms Russell by way of false records. Given that many of the failures are attitudinal, the panel was satisfied that workable conditions could not be formulated which would adequately protect the public. The panel considered that Ms Russell was unlikely to comply with directions, given her lack of engagement with the regulatory proceedings. Further, in light of the various incidents of misconduct, and their particularly serious nature, the panel was satisfied that conditions would not be sufficient to promote and maintain public confidence or proper professional standards.

108. The panel therefore considered whether Ms Russell should be subject to a suspension order or removal order. The panel again reminded itself that a sanction of removal should only be imposed if suspension would not adequately protect the public or wider public interest. It considered, in particular, paragraphs 93 and 98 of the Sanctions Guidance, which state:

"93. 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...."

...

98. 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."

109. In relation to the allegations of dishonesty, the panel took into account, in particular, paragraphs 107 and 110 of the Sanctions Guidance:

"107 Social workers are routinely trusted with access to people's homes, and highly sensitive and confidential information. They are also routinely trusted to manage"

budgets including scarce public resources. Any individual dishonesty is likely to threaten public confidence in the proper discharge of these responsibilities by all social workers.

....

110. Evidence of professional competence cannot mitigate serious or persistent dishonesty. Such conduct is highly damaging to public trust in social workers and is therefore usually likely to warrant suspension or removal from the register.

110. The panel considered that, whilst a suspension order would protect the public during its operational period, as it would restrict Ms Russell from practising in social work, it would not adequately protect the public in the longer term. The proved misconduct took place and was discovered four years ago and, during that lengthy period, Ms Russell has failed to demonstrate remorse, insight or remediation. Instead, she has failed to engage with the regulatory proceedings. The panel therefore had no confidence that she would take the opportunity of further time to reduce the risk to the public arising from her practice.

111. Additionally, the panel was satisfied that a suspension order would not promote and maintain public confidence in the social work profession or proper professional standards in light of the aggravating features. It took into account the significant and repeated failures to adequately safeguard vulnerable service users and the fact that the dishonesty found proved was designed to cover up those failings. Reasonable and knowledgeable members of the public and social work profession would be shocked and concerned if, in those circumstances, a social worker was not removed from the social work register, especially upon the social worker failing to demonstrate remorse, insight and remediation.

112. The panel was therefore satisfied that the only proportionate and appropriate sanction was one of removal from the social work register.

Determination and Reasons - Interim Order:

113. Mr Santos invited the panel to impose an interim order.

114. The panel considered that it would be wholly incompatible with its earlier findings to conclude that an interim suspension order was not necessary to protect the public and the wider public interest.

115. Accordingly, the panel concluded that an interim suspension order should be imposed on public interest grounds. It determined that it was appropriate that the interim suspension order be for a period of 18 months in case Ms Russell seeks to appeal. However, when the 28-day appeal period expires, the interim suspension order will come to an end unless there has been an application to appeal.

116. The previous interim order of suspension shall be revoked.

117. That concluded the case.

Right of Appeal

118. 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:
- a. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - b. not to revoke or vary such an order,
 - c. to make a final order.
119. 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.
120. 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.
121. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019.