

Social Worker: Joan Elizabeth
Simpson
Registration Number: SW87661
Fitness to Practise
Final Order Review Meeting

Meeting Venue: Remote meeting

Date of meeting: 21 September 2022

Final Order being reviewed:
Conditions of Practice Order – (expiring on 14 November 2022)

Meeting Outcome:
Removal Order

Introduction and attendees

1. This was the fourth review of a final order originally imposed by a Conduct and Competence Committee of the Health and Care Professions Council (“HCPC”) on 17 April 2019. The Committee imposed a final order of suspension for 9 months. That order was reviewed by a panel of adjudicators appointed by Social Work England on 17 January 2020 and replaced with a 12 months conditions of practice order. That order was continued and extended by review panels on 13 January 2021 and 5 January 2022.
2. Ms Simpson did not attend the meeting, nor was she represented.
3. Social Work England was represented by Capsticks LLP and their written submissions were set out within the notice of hearing letter.

Adjudicators	Role
Paul Grant	Lay Chair
Sarah (“Sally”) Scott	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Hannah Granger	Hearings Officer
Heather Hibbins	Hearing Support Officer
Nathan Moxon	Legal Adviser

Service of Notice:

4. The panel of adjudicators (hereafter “the panel”) had careful regard to the documents contained in the substantive order review hearing service bundle as follows:
 - i. A copy of the notice of substantive order review hearing dated 23 August 2022 and addressed to Ms Simpson at her email address as it appears on the Social Work England Register;
 - ii. An extract from the Social Work England Register detailing Ms Simpson’s registered email address;
 - iii. A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 23 August 2022 the writer sent the notice by email to Ms Simpson’s registered email address;
 - iv. A copy of the email; and

- v. An email from Ms Simpson to Social Work England, dated 30 August 2022, in which she stated that she wished to be removed from the social work register.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to rule 16 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Simpson in accordance with rules 44 and 45 of Social Work England's Fitness to Practise Rules (updated 9 April 2020) ('the Rules').

Proceeding with the final order review as a meeting:

7. The notice of final order review hearing informed Ms Simpson that the review would take place electronically.
8. The notice stated:

*"If you wish to attend the electronic hearing, please confirm your intention **by no later than 4pm on 6 September 2022. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and Social Work England may decide to deal with the review as a meeting.** If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide."*
9. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Rules which provides:

"Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting."
10. The 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). Ms Simpson's email, dated 30 August 2022, made it clear that she wished to be removed from the social work register and made no reference to her intending to attend the review. The fact that she replied to the notice of the review, shows that she is aware of it and the fact that without confirming attendance it may be held as a meeting. The panel was satisfied that she had intentionally absented herself and it concluded that adjourning the review would not secure her participation on a future occasion.
11. Given that Ms Simpson had voluntarily absented herself from the meeting, and expressed a desire to be removed from the social work register, the panel was satisfied that there was no prejudice to her in determining the review at a meeting. Further, the panel was satisfied that it was in the public interest to determine the review without delay.

Review of the current order:

12. The final order review hearing fell under the Transitional and Savings Provisions (Social Workers) Regulations 2019 and as a result the review was determined in accordance with Part 5 of the Regulations, Schedule 2 paragraph 15 of the Regulations and Social Work England's Fitness to Practise Rules.
13. The final order was due to expire at the end of 14 November 2022.

The allegations found proved:

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

"During the course of your employment as a social worker with East London NHS Foundation Trust, you:

1. In relation to Service User 1:

- a) did not complete and/ or record an Initial Needs Assessment in a timely manner or at all;*
- b) did not visit and/ or record visits to Service User 1 at least once a month as required;*
- c) did not complete and/ or record a risk assessment and/ or care plan for Service User 1 in a timely manner or at all;*
- d) did not arrange and/ or ensure the arrangement of a meeting with Service User 1's family and/ or professionals involved in the Service User's care in a timely manner or at all.*

2. In relation to Service User 2:

- a) did not complete adequate records for Service User 2 regarding an incident on or around 27 May 2016*
- b) did not recognise the risks and/ or take appropriate action in relation to Service User 2 taking medication which was not currently prescribed including:*
 - i. ensuring that Service User 2 received adequate medical attention; and/ or*
 - ii. liaising with medical professionals involved in Service User 2's care following the incident.*

3. In relation to Service User 3:

- a) did not review and/ or update the Care Plan in a timely manner or at all;*
- b) did not complete and/ or record a risk assessment in or around March 2016.*

c) did not visit and/or record visits to Service User 3 at least once a month as required;

d) following concerns raised by staff at Service User 3's accommodation on or around 19 April 2016, you did not:

i) record the steps agreed with the Service User's accommodation;

ii) take appropriate action including did not manage the risks associated with Service User 3, namely:

A) Service User 3's declining health;

B) Service User 3's increasing aggression;

C) Service User 3's increased abusiveness towards carers.

e) did not complete adequate records for Service User 3 in that you did not clearly record on RiO the concerns raised about Service User 3 on 2 March 2016;

f) did not adequately engage and/or make records of engagement with Service User 3's:

i) carers;

ii) GP; and/or

iii) other agencies."

Findings of the final hearing panel in April 2019:

15. The final hearing panel found that the proven allegations related to failure to perform fundamental social work tasks. It considered Ms Simpson had failed to comply with the relevant standards in the HCPC's Standards of Conduct, Performance and Ethics and decided that her behaviour amounted to serious misconduct. It considered the behaviour was not due to incompetence but concluded Ms Simpson was aware of the relevant policies and procedures but had failed to apply them.

16. On the question of impairment, the panel conducting the final hearing considered that:

- i. There were a significant number of incidents over a short period of time. Those incidents were not isolated and the risk of their repetition was not low. They had led to a significant risk of harm to vulnerable service users. The incidents had occurred as a result of Ms Simpson failing to apply policies and practices of which she was well aware;
- ii. There was no evidence that Ms Simpson had developed any insight into the serious nature of her failings, shown any remorse for them or taken any

remedial action to prevent a reoccurrence of similar incidents in the future;
and

- iii. For the above reasons, a finding that Ms Simpson's fitness to practise was impaired was necessary to protect the public and wider public interest.

17. When determining sanction, the final hearing panel considered imposing a conditions of practice order. However, it was not satisfied that Ms Simpson would commit to remedying her failings or that she would comply with any conditions imposed. Given the seriousness of the misconduct, the final hearing panel imposed a suspension order for a period of nine months. It was satisfied that such a sanction would give Ms Simpson an opportunity to access appropriate help, training and support and demonstrate that she is capable of remedying the failings in her practice with a view to continuing her career.

Previous review hearings:

18. The first review panel noted that, in accordance with the suspension order, Ms Simpson had not been practising as a social worker. It found that she was only starting to develop insight into the findings made against her. It therefore concluded that Ms Simpson's fitness to practise remained impaired.

19. In relation to sanction, the first review panel stated:

"Given the seriousness of this matter, the Panel did not consider that taking no further action or merely issuing a warning were appropriate. The Panel next considered substituting the current Suspension Order for a Conditions of Practice Order. The Panel determined that a Conditions of Practice Order could be formulated which would adequately protect the public interest which includes enabling the Social Worker to return to her profession."

20. The first review panel therefore imposed a conditions of practice order.

21. The second review panel concluded that Ms Simpson's fitness to practice remained impaired and extended the conditions of practice order for a further 12 months, upon having made the following findings:

- i. Little had changed since the first review because Ms Simpson had not obtained work as a social worker and had therefore been unable to apply her learning to her role as a social worker;
- ii. Ms Simpson had been unable to obtain employment as a social worker due to the effect of the Covid-19 pandemic and therefore her inability to find work was not her fault;
- iii. The material Ms Simpson had produced showed she had addressed some of the deficits identified by the final hearing panel. However, she had not

provided anything that showed she had addressed the serious safeguarding issues identified by that panel;

- iv. Ms Simpson was asking for revocation of the conditions to enable her to obtain work but she had conceded she was not confident about working without adequate supervision and therefore appeared to acknowledge that she was not yet ready to return to unrestricted practise; and
 - v. Ms Simpson required conditions to ensure a safe return to work. In all the circumstances a well-informed member of the public would be concerned if she was allowed to return to unrestricted practise.
22. The third review panel found that Ms Simpson had shown a willingness to try and meet the current conditions. It noted that she had undertaken relevant training, albeit there had been limited implementation into practise as she had been unable to secure relevant employment. The panel acknowledged the difficulty that Ms Simpson was having in seeking employment, given the continuing effects of the pandemic and the fact that she was seeking part-time employment. The third review panel expressed that it was “pleased” that Ms Simpson was considering voluntary work.
23. The third review panel concluded that there had been no significant change in Ms Simpson’s circumstances since the previous review and that there remained a risk to the public and wider public interests if she was permitted to return to unrestricted practise.
24. In considering sanction, the third review panel took into account Ms Simpson's submission that the order should be revoked because it prevented her obtaining employment as a social worker or relevant unpaid work. The third review panel noted that Ms Simpson had provided insufficient evidence to show that the conditions were an insurmountable barrier to her obtaining employment. In particular, it noted that she had only recently attempted to obtain a voluntary position.
25. Therefore, the third review panel was satisfied that a conditions of practice order was workable and sufficient to provide the necessary level of protection to the public and the wider public interest. It decided it would be proportionate for the conditions of practice order to be extended for 9 months. It considered this period of time would give Ms Simpson the opportunity to take proactive steps to obtain relevant employment or unpaid work.
26. The third review panel imposed the following conditions:
1. *You must notify Social Work England within 14 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*
 2. *You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or*

arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.

3.

a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England register.

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

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

5. *You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.*

6. *You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.*

7. *You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.*

8. *You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].*

9. *You must confine your professional practice to not practising in a role higher than a Senior Social Worker, or the equivalent title.*

10. *You must not work as an independent Social Worker and must only work as a Social Worker if you are based at premises where other social workers are employed.*

11.

a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by you and agreed by Social Work England. The workplace supervisor must be on Social Work England's register.

- b. *You must not start/continue work until these arrangements have been approved by Social Work England.*
- c. *You must provide reports from your workplace supervisor to Social Work England every 3 months and at least 28 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.*
12. *You must work with your supervisor to formulate a Personal Development Plan designed to address the deficiencies in the following areas of your practice: record keeping; risk assessment and associated documentation.*
13. *You must provide a copy of your Personal Development Plan to Social Work England within six weeks of commencement of any role applicable to these conditions.*
14. *You must keep your professional commitments under review and limit your social work practice in accordance with your workplace supervisor's advice or direction.*
15. *You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, the following parties that your registration is subject to the conditions listed at (1) to (14), above:*
- *Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.*
 - *Any locum, agency or out-of-hours service you are registered with or have applied to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of the application).*
 - *Any prospective employer who would be employing or contracting with you to undertake a social work service whether paid or voluntary (at the time of the application).*
 - *Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.*
- You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.*
16. *You must permit Social Work England to disclose the above conditions, (1) to (15), to any person requesting information about your registration status.*
27. The third review panel gave advice of what Ms Simpson could provide at a future review:

"Evidence that she has kept her social work skills and knowledge up to date, such as:

- *An up to date reflective piece setting out, how she had actioned any advice given to her by her mentor, (if she has been unable to find relevant work) her efforts to obtain employment or relevant unpaid work, details of how any training she had undertaken related to the deficits in her practice that had been identified;*
- *Documentary evidence of the relevant applications she had made either directly or through agencies;*
- *Documentary evidence of relevant training courses (online or otherwise) that she had attended;*
- *Relevant testimonials relating to any paid or unpaid work she had undertaken.”*

Social Work England submissions:

28. The submissions of Social Work England were contained within the notice of hearing:

“Subject to the continued disengagement of the Social Worker, Social Work England invite the Panel to impose a Removal Order. The Social Worker has applied to be voluntarily removed from the register, and it is therefore considered that conditions of practice are no longer workable as the Social Worker is unlikely to engage.

It is acknowledged that prior to the last review hearing the Social Worker completed some relevant training and provided evidence of attempts to obtain a job. Whilst this demonstrated progress, the efforts made to secure employment were limited, and the training was not sufficient to allay the Panel’s concerns that the Social Worker’s knowledge may no longer be up- to-date. Since the last review hearing, the Social Worker has not provided any further evidence of engagement with the recommendations made by the previous Panel. Therefore, the concerns held by the previous Panel remain.

Until the Social Worker returns to practice she will not be able to fully demonstrate that she has been able to apply her further training to the role of a social worker. Social Work England invite the Panel to find that the Social Worker’s fitness to practise therefore remains impaired and a Removal Order is appropriate. Although the HCPC Hearing Panel considered the conduct is remediable it has not been remediated, in spite of the number of reviews and extensions of the conditions of practice. Social Work England submit that, as a result of disengagement, remediation is now unlikely and further extending the order serves no meaningful purpose unless the Social Worker chooses to engage.”

29. Ms Simpson did not provide any submissions or evidence for the hearing.

Decision and reasons on current impairment:

30. 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 review panels. However, it exercised its own judgement in relation to the question of current impairment.
31. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and previous review panels. The panel also took account of the submissions made on behalf of Social Work England.
32. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
33. The panel noted that the final hearing panel found that Ms Simpson had no insight and had demonstrated insufficient remediation into her misconduct, although review panels have found that she has since developed some insight. Both the final hearing panel and the review panels provided clear and reasonable guidance to Ms Simpson as to how she could seek to demonstrate developing insight and remediation. Regrettably, she had failed to follow this guidance and has now disengaged with proceedings. Ms Simpson has not shown any progress since the last review and has instead stated that she no longer intends to work in social work and wishes to be removed from the social work register. She has not provided any updated evidence of maintaining her social work skills and knowledge or of seeking relevant employment or voluntary roles. In summary, there has been no material change since the last review, save for Ms Simpson's assertion that she no longer intends to work in social work.
34. In light of the lack of evidence of insight and remediation, and the failure of Ms Simpson to adequately engage with these continuing regulatory proceedings, the panel found that there was a substantial risk of repetition of her failings and that a finding that her fitness to practice was impaired therefore remained necessary to protect the public.
35. Further, in light of the lack of evidence of developing insight and remediation, together with Ms Simpson's disengagement in these proceedings, the panel concluded that members of the public would be deeply concerned if her fitness to practice was not found to be impaired and that such a finding would undermine public confidence in the profession. Such a finding would similarly fail to uphold professional standards.

Decision and reasons on sanction:

36. Having found Ms Simpson's fitness to practise was currently impaired, the panel then considered what, if any, sanction it should impose in this case.

37. The panel considered the submissions made on behalf of Social Work England. The panel also took into account the Sanctions Guidance published by Social Work England.
38. The panel was mindful that the purpose of any sanction was not to punish Ms Simpson, 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 upholding proper standards of conduct and behaviour.
39. The panel applied the principle of proportionality by weighing Ms Simpson's interests with the public interest and by considering each available sanction in ascending order of severity.

No Action

40. The panel concluded that, in view of the nature and seriousness of Ms Simpson's failings, which had 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

41. The panel then considered whether to issue advice or a warning. The panel noted that neither of those sanctions would restrict Ms Simpson's ability to practise and were therefore not appropriate due to the existing risk to public safety. Ms Simpson's failings had the potential to have significantly adverse consequences and therefore some restriction on her practise was required. Therefore, the panel concluded that issuing advice or a warning would be inappropriate and insufficient to meet the public interest.

Conditions of Practice Order

42. The panel went on to consider a conditions of practice order. The panel considered that Ms Simpson has been subject to a conditions of practice order since January 2020, a period of over 2 ½ years, and has failed to obtain employment as a social worker during that period. As identified by the third review panel, she has not sufficiently demonstrated adequate attempts to secure work. There has been an inadequate development of insight and remediation during that period.
43. The panel found that suitable conditions can no longer be formulated to adequately protect the public and satisfy the public interest. Further, Ms Simpson's disengagement with proceedings and her request to be removed from the register was such that the panel was not satisfied that she would comply with any conditions.

Suspension Order

44. Having determined that a conditions of practice order would not be appropriate, the panel considered whether to impose a further period of suspension. The panel concluded that this would not be appropriate or proportionate in all of the circumstances. Ms Simpson has been subject to a final order for over three years but has

failed, in that time, to demonstrate adequate insight and remediation into her actions. Instead, she had ceased to make meaningful efforts to fully engage with the conditions and to return to employment as a social worker. Having failed to utilise the opportunities given by the original panel and review panels, there was little prospect of Ms Simpson utilising any subsequent opportunities. She has maintained her position with regard to her desire to be removed from the social work register since March 2022. In these circumstances, the panel concluded that the imposition of a suspension order would serve no useful purpose. Further, the panel concluded that it would not maintain public confidence in the profession or professional standards to impose a further period of suspension upon a social worker who had failed to utilise the previous periods of suspension and conditions to demonstrate remediation and insight.

Removal Order

45. The panel noted that a removal order was a sanction of last resort where there was no other means of protecting the public or the wider public interest. The panel took the view that a removal order was necessary, appropriate and proportionate in this matter in light of the serious nature of Ms Simpson's failings and the absence of adequate engagement with the conditions imposed. Further, she had failed to demonstrate and evidence adequate insight and remediation and has expressed a desire to be removed from the social work register, a view that she has maintained since March 2022. The panel noted that whilst the public could be protected from harm by restricting Ms Simpson from practising by way of a suspension order, a further period of suspension would not serve the wider public interest. The panel found that there is limited prospect of Ms Simpson demonstrating developing insight or remediation.
46. The panel concluded that, in all of the circumstances, an order for removal was the only order that would adequately maintain public confidence in the profession and professional standards.

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:
- i. 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,
 - ii. 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.