



Social Worker: Joanne Lesley
Booth

Registration Number: SW41901

Fitness to Practise

Final Order Review Meeting:

Meeting Venue: Remote hearing

Date of meeting: 03 October 2022

Final Order being reviewed:
Suspension Order – (expiring 15 November 2022)

Hearing Outcome: Removal Order (to take effect upon expiry of current
Suspension Order on 15 November 2022)

Introduction and attendees

1. This is the first review of a final suspension order originally imposed for a period of 9 months by a panel of adjudicators on 19 January 2022.
2. Ms Booth did not attend 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.
4. The panel of adjudicators conducting this application (the “**panel**”) and the other people involved in it were as follows:

Adjudicators	Role
Rachel Cook	Chair
Linda (Helen) Norris	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
James Dunstan	Hearings Officer
Loren Mace	Hearings Support Officer
Neville Sorab	Legal Adviser

Service of Notice

5. The panel of adjudicators (hereafter 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 26 August 2022 and addressed to Ms Booth at her address and email address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register detailing Ms Booth’s registered address and email address;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 26 August 2022 and 02 September 2022, the writer sent by electronic mail and special next day delivery, respectively, to Ms Booth at the email address and address referred to above: Notice of Hearing and related documents;
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Ms Booth’s registered address on 03 September 2022.

6. The panel accepted the advice of the legal adviser in relation to service of notice. This included reference to Rules 16, 44 and 45 of Social Work England's Fitness to Practise Rules 2019 (as amended) (the "**FTP Rules 2019**").
7. Having had regard to Rules 16, 44 and 45 of the FTP Rules 2019, 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 Booth in accordance with Rules 44 and 45 of the FTP Rules 2019.

Proceeding with the final order review as a meeting

8. 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 12 September 2022. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and the 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 received no information to suggest that the social worker had responded to the notice of final order review hearing.
10. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the FTP Rules 2019 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."

11. 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) of the FTP Rules 2019 on the basis that:
 - a. Ms Booth has had an opportunity to make submissions within the time periods specified under Rule 16(b) of the FTP Rules 2019. Part 2 of Social Work England's document titled '*Removal from the Register and Registration Appeals*' is not applicable where – as set out in the Notice of Hearing – Social Work England is minded to remove a registrant's entry in the register under section 14(1)(b) of the Social Workers Regulations 2018;
 - b. Ms Booth had notice of the intention of Social Work England to seek a Removal Order;
 - c. Ms Booth has previously set out that *"I have no intention of working in a social services capacity again. [...] I am aware that by not attending, the outcome will be the removal of my registration."* The panel does not consider that an adjournment

would result in Ms Booth's future attendance, and it would therefore not be in the public interest to adjourn the hearing; and

d. The panel has no further questions for Social Work England.

Review of the current order

12. This final order review hearing falls under the Transitional and Savings Provisions (Social Workers) Regulations 2019 and as a result the review will be 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.

The current order is due to expire at the end of 15 November 2022.

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

Whilst employed by Knowsley Council between 2017 and 2018 as a social worker, you:

1. *In relation to Service User 2, you did not promptly respond to and address significant risks, in that you;*
 - b) *did not convene regular Multi Agency Risk Assessment Meetings (MARAMs),*
 - c) *did not make contact with Service User 2's GP in a timely manner,*
 - d) *did not make contact with Positive Behaviour Support Service (PBSS) in a timely manner,*
 - e) *did not make contact with Tenants Extra support service (TESS) in a timely manner.*
2. *In relation to Service User 3:*
 - a) *you did not meet him as part of completing an assessment,*
3. *In relation to Service User 4, you delayed his discharge from a short term intermediate care bed in a care home in that you;*
 - a) *did not record a case review and did not record information relating to Service user 4's return to home,*
 - b) *did not respond to a request to call Service User 4's daughter,*
 - d) *did not complete a care package for Service User 4's home return, in a timely manner.*

4. *In relation to Service User 5, you did not support him to address his housing needs, in that you;*
 - a) *did not evidence that you had thoroughly assessed various housing and care options,*
5. *In relation to Service User 7,*
 - b) *you did not meet with Service User 7 to discuss her needs.*
6. *In relation to Service User 8, you did not ensure that identified actions were carried out to assess and reduce risk, in that you;*
 - a) *did not convene, nor attend, regular multi-disciplinary meetings between November 2017 and September 2018,*
 - c) *did not complete a Mental Capacity Assessment, in a timely manner, after identifying it was needed in November 2017,*
7. *In relation to Service User 9, you did not adequately assess the risks and record a clear plan of action, in that you;*
 - b) *did not complete and/or record a clear risk assessment,*
 - c) *did not visit Service User 9 as requested on 2nd October 2018,*
8. *In relation to Service User 10,*
 - a) *you did not record details of a visit carried out on 17th May 2018,*
 - b) *you did not arrange for support to improve home conditions despite a request from Housing and agreement from Service User 10 to this support.*

The final hearing panel on 19 January 2022 determined the following with regard to impairment

"233. The panel had found misconduct in relation to a number of the paragraphs of the Allegation, in paragraphs 1, 3, 4, 6 and 7 as set out above. The failures had been serious departures from the required standards. In some cases, service users had been exposed to risk, as described above.

[...]

235. [...] Ms Booth did not provide the panel with any insight as to the effect that her misconduct had on service users, or the wider profession. In her explanations, the panel felt that she attempted to deflect responsibility in large part. The panel also considered that Ms Booth had not demonstrated or provided any evidence as to how she would avoid making similar errors in the future.

236. The panel took into account that, as an experienced social worker, Ms Booth did make efforts to raise the workplace issues with her senior managers. However,

the panel has found that the issues she had at work did have a severe effect on Ms Booth's ability to practise to the required professional standard. The panel's view is that Ms Booth nevertheless breached her primary duties to safeguard the welfare and interests of the service users for whom she was responsible.

[...]

238. The panel concluded that the risk of Ms Booth repeating past misconduct was high, in view of the lack of evidence of insight and remediation.

239. The panel determined that the misconduct in this case was serious. There had been a breadth of failings and those failings had been in relation to fundamental areas of social work practice. The panel considered that the wider public interest therefore also required a finding of impairment, in order to maintain public confidence in the profession and to maintain standards for social workers in England."

The final hearing panel on 19 January 2022 determined the following with regard to sanction

"245. The panel considered the factors that it judged to be mitigating features of the case as follows:

- a. Ms Booth had been working under difficult workplace conditions*
- b. Ms Booth had made attempts to bring matters to the attention of her senior managers*

246. On the other hand, the following were aggravating matters:

- a. The concerns were wide-ranging*
- b. There had been a risk of causing harm to service users*
- c. Ms Booth had not demonstrated insight as to the impact of her actions on service users.*

247. The panel considered that it was not a mitigating factor to not have had previous fitness to practise concerns found, as it was expected that social workers should practise to the required standards. However, it was relevant that Ms Booth had apparently only come into difficulty when she had encountered the challenging circumstances in her workplace, referred to above.

[...]

250. The panel next considered imposing a conditions of practice order. It acknowledged that the primary purpose of conditions of practice, as the Sanctions Guidance ("SG") states, is to protect the public whilst the social worker takes any necessary steps to remediate. The panel took into account that Ms Booth has removed herself from social work practice and has stated an intention not to return. This undermined the purpose in imposing a conditions of practice order.

251. In addition, due to Ms Booth's stated intention, the panel had no information on how conditions of practice would be workable. It also formed the view that, given the findings as to the serious misconduct which had occurred involving a number of service users, imposing a conditions of practice order would not meet the level of seriousness of the misconduct and therefore would not be sufficient to maintain public confidence and uphold standards.

252. The panel next considered a suspension order. [...]

253. The panel took into account that the purpose of sanctions is to protect the public, not to punish the social worker. In its view, there was the need to be satisfied that Ms Booth had remediated the past issues and had the necessary insight to prevent a recurrence. There needed to be a period to allow for the necessary reflection and gaining of insight. In the view of the panel, this would be best undertaken during a period of suspension from registration.

254. In addition, in light of the finding of impairment on the basis of maintaining public confidence and standards, the panel considered that a period of suspension of registration would also serve the purpose of marking the finding of impairment.

255. The panel formed the view that Ms Booth's misconduct is remediable and that it is therefore appropriate to give her the opportunity to demonstrate this to a future panel, should she wish to return to practice in the future.

256. The panel took into account that, although facts had been found in the case of eight service users, not all of those findings had given rise to a finding of misconduct and hence impairment. The evidence showed that, in addition to there being delays with some cases, Ms Booth had been making efforts to progress other cases and been taking some action in these eight cases.

257. The panel decided that the shortest period which was appropriate to achieve these two aims and which also balanced the need to avoid Ms Booth becoming de-skilled was 9 months. This was in line with the above paragraphs of the Sanctions Guidance.

258. The panel noted that it had power to order removal of Ms Booth's registration. However, in light of the circumstances of the findings and Ms Booth's previous long

career, the panel concluded that this was an unnecessary and disproportionate step."

Social Work England submissions

13. The panel received written submissions from Social Work England, setting out the following:

"Subject to any further engagement by the Social Worker prior to or at the review, Social Work England invite the Panel to find that the Social Worker's fitness to practise remains impaired and to consider a removal order.

Following finding her practice impaired through misconduct the Panel at the final hearing imposed a suspension order. They made the following recommendations of evidence that would assist a future reviewing panel:

- a. Testimonials and References*
- b. A reflective document setting out any insight Ms Booth has gained, particularly on the effects of the misconduct on service users in her care*
- c. Any evidence of remediation undertaken*
- d. Evidence that Ms Booth has kept her professional knowledge up to date*

No communications have been received from the Social Worker. She has previously stated that she has no intention of returning to social work. She did not attend the final hearing but did provide written representations. She indicated that she knew this may result in her removal and she did not intend to continue her social work registration.

It appears that the Social Worker remains resolute in her decision to leave social work. Although Social Work England are aware that the Social Worker enjoyed a long career in social work and, as the Panel noted, the working conditions that persisted at the time of the allegations likely contributed significantly to the Social Workers poor performance, it is submitted that absent any intention to engage and willingness to remediate the concerns the appropriate outcome at this stage is removal.

If the Social Worker chooses to engage prior to the review and indicates her desire to remain on the register then Social Work England submit a short extension of the Suspension Order may then be appropriate to facilitate the required remediation. Absent this indication, the Panel are invited to direct removal as further suspension will serve no useful purpose in holding a social worker on the register who has no interest in returning to practice."

Social Worker submissions

14. Ms Booth did not attend the hearing to provide evidence, nor provided written submissions prior to the hearing for the panel's consideration.

Panel decision and reasons on current impairment

15. 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(s) and the written submissions from Social Work England. However, it has exercised its own judgement in relation to the question of current impairment.
16. 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.
17. The panel first considered whether Ms Booth's fitness to practise remains impaired. The panel did not have any evidence before it:
 - a. of Ms Booth engaging with Social Work England since the Final Hearing;
 - b. of Insight from Ms Booth;
 - c. that the risk to service users have been reduced since the Final Hearing; or
 - d. of training or remediation by Ms Booth.
18. Consequently, the panel cannot determine whether there has been any change in Ms Booth's impairment since the Final Hearing. The panel considers that Ms Booth continues to be impaired; there is a risk that, should she practice, Ms Booth may put service users at risk of harm and bring the social work profession into disrepute.

Decision and reasons on sanction

19. Having found Ms Booth's fitness to practise to be currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the Social Work England submissions, along with all the information and accepted the advice of the legal adviser.
20. The panel was mindful that the purpose of any sanction is not to punish Ms Booth, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Booth's interests with the public interest and by considering each available sanction in ascending order of severity.

21. The panel considered the following features to be mitigating:

- a. Ms Booth had a long and unblemished career as a social worker since 1990;
- b. Ms Booth previously reported that she found herself in a difficult working environment and tried to raise this with her employer. She further reported that her request to be placed within a different team was rejected; and
- c. Ms Booth self-referred to Social Work England.

22. The panel considered the following features to be aggravating:

- a. Ms Booth's misconduct impacted, and put at risk, more than one service user;
- b. Ms Booth's misconduct was wide-ranging;
- c. There was significant risk to service users which Ms Booth failed to manage in a timely manner;
- d. Ms Booth has shown a lack of insight, and there still remains a risk of repetition of misconduct; and
- e. Ms Booth has failed to engage with Social Work England since the final hearing.

No Action

23. The panel concluded that, in view of the nature and seriousness of Booth'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

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

Conditions of Practice Order

25. The panel went on to consider a conditions of practice order. The panel took the view that Ms Booth's lack of engagement meant it could not form workable conditions which could balance Ms Booth being able to practice and remove the risk to public safety.

Suspension Order

26. Having determined that a conditions of practice order would not be appropriate, the panel considered whether a suspension order was appropriate. The panel was of the view that a suspension order would protect the public in that Ms Booth would be precluded from

practising as a social worker. However, it further considered whether an extension of a suspension order would be in the public interest and maintain public confidence in the social work profession, taking into account Ms Booth's non-engagement.

27. The panel considered that since the Final Hearing – nine-months ago – Ms Booth has not: engaged with Social Work England; or provided any evidence of insight, training or remediation. Further, before the Final Hearing, Ms Booth set out that she has no intention to return to social work. The panel has not seen any evidence demonstrating that Ms Booth has changed her mind and wishes to return to social work.
28. As a result, the panel considers that Ms Booth's intention and lack of engagement would result in an indefinite continuation of a suspension order which will require Social Work England to facilitate regular reviews. The panel consider it more prudent to act in the wishes of Ms Booth, taking into account the time and resources required for regular reviews, and impose a removal order.

Removal Order

29. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel took the view that a removal order would protect the public and the wider public interest and align with the interests of Ms Booth. The panel notes that should Ms Booth wish to return to social work, there is a prescribed process by which she could be restored on the register (section 15 of the Social Workers Regulations 2018).

Right of Appeal

30. 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.
31. 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.
32. 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.

33. This notice is served in accordance with rules 44 and 45 of the Social Work England FTP Rules 2019.

Review of final orders

34. 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.

35. 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.