



Social Worker: Victoria Thompson Registration Number: SW128990 Fitness to Practise Final Order Review Meeting:

Meeting Venue: Remote Meeting

Date of Meeting: Tuesday 1 November 2022

Final Order being reviewed: Conditions of practice order – (expiring 13 December 2022)

Hearing Outcome: Removal Order (to take effect upon expiry of current conditions of practice order 13 December 2022)

Introduction and attendees

1. This is the first review of a final conditions of practice order originally imposed for a period of 18 months by an accepted case examiner's disposal on 13 May 2021.
2. Ms Thompson 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 dated the 30 September 2022.

Adjudicators	Role
Andrew Skelton	Chair
Jacqueline Telfer	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Paul Harris	Hearings Officer
Natarliya James	Hearings Support Officer
Pamela Johal	Legal Adviser

Service of Notice and proceeding in absence:

4. The panel of adjudicators ("the panel") had regard to the documents contained in the service bundle. This included a copy of the notice of the substantive order review hearing dated 30 September 2022 sent to Ms Thompson at her registered email address; an extract from the Social Work England Register detailing her registered addresses, and a copy of a signed Statement of Service on behalf of Social Work England confirming service by email on 30 September 2022. The panel accepted the advice of the legal adviser and was satisfied that notice of this hearing had been properly served.
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 [30 September 2022] and addressed to Ms Thompson at her address as it appears on the Social Work England Register;
- An extract from the Social Work England Register detailing Ms Thompson's registered home and email address;
- A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on [30 September 2022] the writer sent by electronic mail to Ms Thompson at the registered email address held on the register.
- A main bundle entitled substantive order review main bundle consisting of 37 pages and a service bundle entitled substantive order review service bundle

6. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether to proceed in the absence of Ms Thompson and to conduct the review as a meeting. The legal adviser referred it to Rule 43 and to the guidance in *GMC v Adeogba* [2016] EWCA Civ 162. It has found proper notice of this review hearing has been served and there is no application for an adjournment by Ms Thompson. There is nothing to suggest that adjourning today's proceedings would secure her attendance on another date and this is a mandatory review. In an email dated 14 October 2022 she advised by way of the signed submission form her decision remains the same not to return to social work and had no intention of working as a Social Worker again. The panel was satisfied that it was fair to proceed in the absence of Ms Thompson.

Proceeding with the final order review as a meeting:

7. The notice of final order review hearing informed the social worker that in line with the current government guidance concerning the COVID-19 virus (Coronavirus) pandemic, 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 17 October 2022. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and the adjudicators may decide to deal with the review as a meeting. If the adjudicators do hold a meeting, they will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide."

The panel received information to suggest that the social worker had responded to the notice of final order review hearing and the panel took into account the Hearing Participation Form which had been signed by the Social Worker on 12 October 2022. The box ticked by the Social Worker indicated that she would not be attending the hearing and

that she had prepared written submissions to be considered in advance of the review. she also understood that in her absence, the review could proceed as a meeting;

8. 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.”

9. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

10. In accordance with schedule 2, paragraph 15(1) of The Social Workers Regulations 2018 (“the Regulations”), Social Work England has appointed a panel of adjudicators to review the Conditions of Practice Order imposed on Ms Thompson’s registration.

11. Under Schedule 2, paragraphs 15(1)(a) to (c) of the Regulations the adjudicators can:

- extend or further extend the period for which the Order has effect, provided that the extended period does not exceed three years;
- with effect from the expiry of the Order, make any Order which the case examiners or the adjudicators (as the case may be) could have made at the time they made the Order provided that the period for which the Orders have effect does not exceed three years in total;
- in the case of a Suspension Order, with effect from its expiry make a Conditions of Practice Order with which the social worker must comply if they resume practice as a social worker at the end of the period of suspension specified in the Order.

The panel were advised on review, that the adjudicators can replace the current Order and impose one of the following Orders:

- Removal Order
- Suspension Order for up to 3 years
- Conditions of practice Order for up to 3 years, including varying any conditions already in place
- Warning 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.

13. The current order is due to expire at the end of 13 December 2022.
14. The allegations found proved which resulted in the imposition of the final order were as follows:
“Whilst registered as a social worker: -
 - 1. Between 20 December 2018 and 20 December 2019, you failed to handle confidential information in line with the law in that you accessed Person A's case records without a legitimate or professional reason to do so.***
 - 2. Your actions in regulatory concern 1 amounts to misconduct.***
 - 3. By reason of your misconduct your fitness to practise is impaired.”***
15. In considering their decision, the panel took into account the case examiner's decision on the 13 May 2022, and the panel agreed with the case examiner's decision with regard to impairment and sanction.
16. The panel agreed and determined that there is a realistic prospect of the regulatory concerns being found proven, that those concerns could amount to the statutory ground of misconduct and that the social worker's fitness to practise could be found to be impaired.
17. The panel considered that there is a realistic prospect that the public interest is engaged in this case and were of the view that public confidence in the profession would be damaged by not holding a public hearing.
18. The panel stated that it is in the public interest to bring this matter to a prompt conclusion whilst also ensuring that the public remains adequately protected.
19. The panel were satisfied that there is a realistic prospect of the concern being found proven by adjudicators, and that there would be a realistic prospect that the concerns, if proven, would amount to misconduct. The panel formed the view that there would be a realistic prospect that Ms Thompson's fitness to practise is currently impaired.
20. The panel concurred with the case examiner's view that it was not in the public interest to refer this matter to a final hearing.

21. The panel considered the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision was proportionate.
22. The panel considered taking no further action but found this to be inappropriate as there was still a risk to the public of Ms Thompson behaving in the same way again.
23. The panel considered that remediation and insight was incomplete and that there was still a risk of repeated conduct.
24. The panel considered the sanction of giving a warning, however formed the view that this outcome would not directly restrict practice.
25. The panel found that the conditions of practice order is the minimum required to ensure the public remains protected and Ms Thompson gains full insight and completes remediation.

Social Work England submissions:

26. In summary, Social Work England submit that:

“The Social Worker was made subject to an 18-month conditions of practice order on 13 May 2022. The order expires on 13 December 2022.

During the order, the Social Worker informed her case review officer that she was no longer practicing in social care and would not return to social care work in the future. The Social Worker also states this intention in her written reflective piece.

The Social Worker has complied with condition 12 after the required deadline but has produced a written reflection. Although the Social Worker provides evidence of some insight, remorse, and positive steps to address her conduct and remediate, which includes an intention to complete a course in GDPR and other associated subjects, she continues to blame others in her written reflection. This indicates that her insight may be limited, and casts some doubt on her remorse and ability to remediate. It is submitted that the Social Worker has not fully remediated the conduct and has not demonstrated that she can work effectively in a social work role. There is no evidence of her ability to maintain confidentiality and abide by the requirements for information governance in the workplace.

In her written response to the notice of hearing for this review, dated 14 October 2022, the Social Worker accepts that her fitness to practice remains impaired although she expresses remorse and regret for her conduct.

Social Work England submit that the Social Worker's fitness to practise remains impaired. Although Social Work England consider that if the Social Worker wished to remain on the register the appropriate sanction would be a further conditions of practice order, the Social Worker has stated that extending the existing conditions of practice order would not be beneficial because she will not engage with the order or demonstrate remediation. This is because the Social Worker states she will not be pursuing a further role in social work.

The Social Worker requests that she is removed from the Social Work England register as she does not want to return to practicing in social work and wants to close this chapter of her life. In light of this Social Work England submit that the appropriate and proportionate sanction is now a removal order and invite the Panel to consider this."

Social Worker submissions:

27. Ms Thompson by way of written submission dated 14 October 2022 stated that:

"my decision remains the same not to return to social work practice. This is not just because of this experience but because I have decided this is not the career path I would like to follow.

I do understand that I have not fully remediated the conduct and have not demonstrated that I can work effectively in a social work role. However, I do feel that extending the conditions of practice order for a further 8 month would be of no benefit as I will not be able to further engage or demonstrate remediation in a Social Work profession.

I would also like to challenge what is stated in the summary, on behalf of Social Work England, paragraph 2, "she continues to blame others in her written reflection".

I have reread my reflection and I have not blamed anybody for my actions. I have reflected on how I felt at that time, believing that I was not good enough for the role and that I had little confidence in my practice so believed that I wouldn't be listed to. This was not a blame on others but merely a reflection on how I perceived myself during this time. The insight to my misconduct is not limited and I am extremely remorseful for my actions and understand the reason for the decisions made by Social Work England after I had failed to handle confidential information in line with the law. I feel that I need to get this point across as I understand what I did was wholly unacceptable and I take full responsibility for my actions and understand the consequences of them.

I am seeking for the case to be closed as I would like to be removed from the social work register. I do not want to return to practice and would like to finally close this chapter of my life as it has been a horrible experience which I deeply regret and am extremely remorseful for."

Panel decision and reasons on current impairment:

28. 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 case examiners. However, it has exercised its own judgement in relation to the question of current impairment.
29. The panel had regard to all of the documentation before it, including the decision and reasons of the case examiners and the written submission provided by Ms Thompson and this included a reflective statement. The panel also took account of the submissions made by Capsticks LLP on behalf of Social Work England.
30. 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.
31. The panel first considered whether Ms Thompson's fitness to practise remains impaired.
32. The panel noted the case examiners conclusions regarding insight and remediation.
33. The panel went on to consider whether Ms Thompson's fitness to practise remained impaired. The panel did conclude that Ms Thompson had demonstrated some developed insight as shown by her written submissions. However, it noted that Ms Thompson has not been working in a registered social work role since the imposition of these conditions, and so was unable to demonstrate any meaningful remediation, or provide evidence as to her safe social work practice. The panel therefore concluded that Ms Thompson's fitness to practise remains impaired.

Decision and reasons on sanction:

34. Having found Ms Thompson's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser.
35. The panel considered the written submissions made by Capsticks on behalf of Social Work England, where they invited the panel to consider imposing a Removal order. The panel also took into account the Sanctions Guidance published by Social Work England.
36. The panel was mindful that the purpose of any sanction is not to punish Ms Thompson, 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 Thompsons interests with the public interest and by considering each available sanction in ascending order of severity. The panel concluded that a warning order would be insufficient to mark the seriousness of the concerns. It went on to consider extending the conditions of practice order but decided that these would not be

workable in this situation, given Ms Thompson's submitted comments that she did not wish to continue practicing as a social worker. The panel further considered a suspension order but noted Ms Thompson's wish for removal, together with Social Work England's submissions on this matter.

Removal Order

37. 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 therefore took the view that a removal order would be the most appropriate and proportionate sanction.

Right of Appeal:

38. 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.
39. 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.
40. 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.
41. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practise Rules 2019.