

Social Worker: Susan Kay
Akinyombo

Registration Number: SW75040

Fitness to Practise

Final Hearing

Date of hearing: 14 to 22 November 2022

Hearing Venue: Remote hearing

Hearing outcome: Fitness to practise impaired by reason of misconduct
Removal from the social work register

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

Introduction and attendees:

1. This was a hearing held under Part 5 of the Social Workers Regulations 2018.
2. Ms Akinyombo did not attend and was not represented.
3. Social Work England was represented by Ms Graham, counsel, instructed by Capsticks LLP.

Adjudicators	Role
Miriam Karp	Lay Chair
Jacqueline Telfer	Social Work Adjudicator
Ian Dawes	Lay Adjudicator

Paige Swallow	Hearings Officer
Camilla Read	Hearing Support Officer
Nathan Moxon	Legal Adviser

Service of Notice:

4. Ms Akinyombo did not attend the hearing. The panel of adjudicators (“the panel”) had careful regard to the documents contained in the bundles, as follows:
 - (i) Email from Ms Akinyombo, dated 13 October 2022, stating that she did not want documents sent to her postal address and that she only wanted them to be sent by email;
 - (ii) Notice of hearing, dated 13 October 2022 and addressed to Ms Akinyombo at the email address held for her by Social Work England;
 - (iii) Extract from the Social Work England Register detailing Ms Akinyombo’s registered email address;
 - (iv) Copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 13 October 2022 the writer sent the notice by email to Ms Ms Akinyombo’s registered email address;
 - (v) A copy of the email sent; and
 - (vi) Email response by Ms Akinyombo, dated 15 October 2022, in which she stated the following:

“Please accept this as my response to the questions. This does not take back the response I have given when the allegations were made put to at the time.

I am not able to attend due to being unable to take time off work as I do not get paid if I do not work.

This does not mean I do not take the allegations seriously and would not want the panel to take my non-attendance negatively. I would wish them to read my responses to every question as I would not answer them any differently today.

I would wish for the panel to be aware that I have no intentions of returning to social work but that I would want to say that I am proud of my time as a Social Worker and I made many differences for the children and families I have worked with during my career."

5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. 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 Akinyombo in accordance with rules 44 and 45 of Social Work England's Fitness to Practise Rules ("the Rules").

Hearing in absence:

7. 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 Akinyombo's absence. This included reference to the principles within *R v Jones [2003] UKPC* and *General Medical Council v Adeogba [2016] EWCA Civ 162*.
8. The panel considered all of the information before it, together with the submissions made by Ms Graham, in which she stressed that there had been no application by Ms Akinyombo for an adjournment.
9. The panel considered whether it was fair to proceed with the hearing in Ms Akinyombo's absence. The panel was satisfied that she had chosen to absent herself from the hearing. Whilst the panel appreciated that she would not wish to lose income by attending the hearing, it reminded itself that she has a duty to engage with her regulator, including attending hearings. She made no application for an adjournment and it was clear from the contents of her 15 October 2022 email that she expected the matter to be heard in her absence.
10. The panel noted that the final hearing had been listed on a previous occasion in March 2022, which Ms Akinyombo also did not attend. The March 2022 panel noted, within its adjournment decision, that they would have proceeded in Ms Akinyombo's absence had it not also been for the absence, due to evidenced ill health, of one of the witnesses. Ms Akinyombo therefore was on notice that her absence would not, in isolation, be considered a good reason not to proceed. The panel was therefore not satisfied that an adjournment would secure her attendance on a further date. Several witnesses had been warned and had made themselves available to give evidence.

11. Further, the panel had regard to the fact that the regulatory concerns arise from a referral made in June 2020 and that some of the regulatory concerns date back to 2017.
12. Having weighed the interests of Ms Akinyombo, 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. The panel noted that Ms Akinyombo had provided written representations which she wished to rely upon and which would outline to the panel her responses to the regulatory concerns. Her views and account of events could therefore be taken into account by the panel during the proceedings.

Preliminary matters – public / private hearing

13. 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. **[PRIVATE]**

Preliminary matters – Amendment of the Allegation

14. Paragraph 1 the Allegation, as originally drafted, provided a time period between 5 February 2020 and 7 May 2020. Paragraph 2 was between January 2020 and 7 May 2020. Towards the end of Social Work England's case, Ms Graham applied to amend the dates. She argued that the wrongdoing alleged relates to Ms Akinyombo's failure to act (paragraph 1) and her positive actions (paragraph 2) between the Family Court hearings of 5 February 2020 and 7 May 2020. She accepted that there was evidence that indicates that Ms Akinyombo had confirmed whether MGM wished to be assessed as carer for Child A on 6 May 2020. She therefore applied to amend the date periods to 5 February 2020 and 5 May 2020.
15. Ms Graham argued that the amendments were necessary to clarify what was alleged, as it had always been Social Work England's case that the alleged misconduct occurred prior to the 7 May 2020 hearing. She highlighted that the amendments did not alter the substance of the allegation, which had always been clear and had been addressed by Ms Akinyombo in her written responses. Therefore, the amendments did not result in allegations that Ms Akinyombo had not had the opportunity to address.
16. The panel accepted the advice of the legal adviser that it had a wide discretion to amend the Allegation and that the primary consideration was one of fairness. The panel was satisfied that no unfairness arose from allowing the amendment given that it achieved clarity and did not amend the nature of what was alleged. It did not result in any disadvantage to Ms Akinyombo as she had provided a written response to the alleged wrongdoing. Whilst Ms Akinyombo had not had the opportunity to respond to the application to amend the Allegation, this was as a result of her voluntarily absenting herself from the hearing. In any event, the panel, having carefully considered whether there could have been any meritorious objection, concluded that there could not have been, for the reasons outlined above.

Allegation (as amended):

17. Ms Akinyombo faced the following Allegation:

“Whilst registered as a Social Worker:

1. *Between 5 February 2020 and ~~5~~ 7 May 2020 you failed to confirm whether the maternal grandmother (“MGM”) of Child A wished to be assessed as a carer for Child A.*
2. *Between ~~January~~ 5 February 2020 and ~~5~~ 7 May 2020, you informed your Manager and/or your colleagues that the MGM declined a viability assessment as a carer for Child A, which was not true.*
3. *The matters described at particular 2 were dishonest.*
4. *On 9 April 2020 you were asked to prepare a single assessment for Child B and C, which required you to see the children within 5 days, however you failed to see the children within the 5-day timescale.*
5. *Between March 2017 and May 2020, you failed to safeguard service user(s) on your caseload in that:*
 - a. *Having received a message to your personal phone, from the mother of Child D, informing you that the child had fallen and sustained bruises, you:*
 - i. *Did not escalate the situation in a timely manner or at all.*
 - ii. *Did not look into how Child D sustained their injuries.*
 - b. *You did not visit Child B and C when their cases were allocated to you.*

The matters described at particulars 1 and/or 2 and/or 3 and/or 4 and/or 5 amount to the statutory ground of misconduct.

Your fitness to practice is impaired by reason of misconduct.”

Background:

18. Ms Akinyombo first registered as a social worker in August 2012. At the material time, she worked as a social worker within the Child Assessment Team within East Wiltshire Council (“the Council”). She had worked for the Council since 11 September 2016 and at the material time was employed as a level 4 senior social worker.
19. Ms Akinyombo was allocated to Child D, a baby who was previously known to the service due to a non-accidental injury. This had necessitated involvement of the Council’s Support and Safeguarding Services Team. Child D was subject to care proceedings and had recently returned to the care of his mother.
20. On 30 March 2017, Child D’s mother notified Ms Akinyombo that Child D had fallen and hit his face on a toy, sustaining a red mark. She sent the message to Ms Akinyombo’s personal mobile telephone while Ms Akinyombo was on annual leave. Ms Akinyombo replied “*that’s fine*”. She did not report or escalate the incident, nor did she make any enquiries as to the cause of the injury. The matter only became known to the Council upon a nurse reporting

the bruise to the duty social worker later that day. This resulted in a section 47 Child Protection Investigation.

21. As a consequence of the incident, Ms Akinyombo was suspended by the Council on 20 April 2017 and subject to a disciplinary investigation, which concluded in June 2017 and gave rise to a formal supportive action plan.
22. In October 2019, Ms Akinyombo was allocated the case of Child A, who was subsequently born on 7 January 2020. Prior to birth, in December 2019, Ms Akinyombo had a discussion with Child A's maternal grandmother ("MGM") in relation to what support she may be able to provide. There were concerns about domestic abuse, which had resulted in pre-proceedings being in place to ensure that Child A was safe once born. Care proceedings were issued when Child A was born and Ms Akinyombo was responsible for managing court directions to progress the case. The responsibilities included exploring whether any family members would be willing and able to care for Child A. Any family member identified would be subject to a Viability Assessment. The Family Court directed, on 5 February 2020, that MGM be approached as to whether she would be willing to care for Child A. A positive response would have resulted in a Viability Assessment being undertaken upon her.
23. Ms LH, Ms Akinyombo's supervisor between January and May 2020, claimed that Ms Akinyombo told her on several occasions that she had approached Child A's maternal grandmother ("MGM") who had said that she did not wish to be considered to support Child A. MGM has since disclosed that she was never asked by Ms Akinyombo.
24. The matter of Child A was heard by the Family Court on 7 May 2020 as a consequence of concerns raised about Child A's mother regaining contact with Child A's potentially abusive father. During that hearing, the judge asked about MGM and was told by LH of her refusal to be assessed to care for Child. As a consequence of there being no available family members to take care of Child A, Child A was placed in foster care. During that hearing, Child A's mother contended that MGM was willing to care for Child A but had never been offered an assessment. As a consequence, on 13 May 2020, Ms Akinyombo and Ms SB, a fellow social worker, visited MGM to undertake a viability assessment. This ultimately resulted in a positive assessment and Child A being placed in MGM's care after a period of staying with foster carers.
25. Ms Akinyombo was allocated Child B and Child C on 9 April 2020 to complete a single assessment around the risk of domestic abuse. This required a visit to the children and an assessment within five days. However, Ms Akinyombo did not visit either Child B or Child C, nor did she complete the assessment.
26. The Council suspended Ms Akinyombo on 23 July 2020 and initiated a disciplinary investigation in relation to Ms Akinyombo's conduct relating to Child A, Child B and Child C. It referred the matter to Social Work England on 10 November 2020.

Summary of Evidence:

27. Social Work England relied upon written statements from the following witnesses:

- a. Ms CS, who was Ms Akinyombo's line manager between 2016 and December 2019, and who is currently a team manager in the Support and Safeguarding Services at the Council. She detailed the actions that Ms Akinyombo should have taken upon being informed by Child D's mother of the injury;
 - b. Mr NA, a Team Manager within the Council who acted as an informal complaints investigation manager concerning Ms Akinyombo and undertook the 2020 disciplinary investigation;
 - c. Ms JP, a solicitor within the Council's legal services who had been the Council's advocate for the 5 February 2020 and 1 May 2020 Family Court hearings concerning Child A, and who had instructed counsel for the 7 May 2020 hearing;
 - d. Ms LH, Ms Akinyombo's line manager between January 2020 and May 2020, who undertook supervision sessions in February, March and April 2020 and stated that discussions were held in relation to whether MGM would agree to an assessment. She detailed that in the April supervision and in a March Permanence Options Meeting, Ms Akinyombo falsely stated that she had revisited MGM since the 5 February Family Court order about a Viability Assessment; and
 - e. Ms SB, a social worker within the Council's Fostering Team, who undertook the Viability Assessment on MGM on 13 May 2020 and to whom MGM emailed on 15 May 2020 to dispute that she had ever previously refused a Viability Assessment.
28. Social Work England relied on various documents, which included, but was not limited to:
- a. Ms Akinyombo's supervision records and 'Action / Improving Work Performance Plans';
 - b. Permanence Options Meeting minutes, relating to Child A and dated 30 March 2020;
 - c. Case notes and reports concerning Child A, Child B, Child C and Child D;
 - d. Correspondence between Ms Akinyombo and LH and JP, both by email and electronic messaging;
 - e. Council investigation report, dated 2 October 2020; and
 - f. Various Council policy, code and guidance documents.
29. The panel heard oral evidence from Social Work England's witnesses, with the exception of CS, whom neither Ms Graham nor the panel required to question.
30. JP and LH gave detailed oral evidence, upon questioning from Ms Graham and the panel, about the discussions that they had with Ms Akinyombo about her contact with MGM. Ms LH detailed that Ms Akinyombo had expressly told her, during the March Permanence Options Meeting and the April supervision meeting, that she had approached MGM after

the 5 February 2020 Family Court order to ask whether she would be willing to be assessed as a carer for Child A.

31. Ms Akinyombo provided a written response, dated 2 December 2020, in which she stated:
- a. In relation to Child A: She had spoken to MGM in January 2020 to ask whether she was willing to be assessed. She notified JP on 1 May 2020 that this was when the conversation had occurred. She no longer has access to her work emails and mobile telephone, but her account of contact with JP would have been confirmed if that evidence was obtained. She stated “*regret*” for the delay in Child A being placed with MGM;
 - b. **[PRIVATE]**;
 - c. In relation to Child D: This allegation is of some age and since then there had been no issues raised “*about my work performance being parent focused*”;
32. Within an email, dated 11 April 2021, Ms Akinyombo repeated her assertion that she had notified JP in May 2020 that the last time she spoke to MGM about being assessed was in January 2020. She expressed her “*regret*” in the delay of assessing MGM. In relation to Child B and Child C, she stated that “*there was no excuse for my action on this occasion, I regret my action in not completing the assessment...*”.

Findings – Facts:

33. 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. Ms Akinyombo’s non-engagement with the hearing should not be considered an indication of guilt. When considering any admissions, the panel should consider whether they are unequivocal;
 - c. The test of determining dishonesty is as outlined by the Supreme Court in *Ivey v Genting Casino* [2017] UKSC 67;
 - d. Hearsay evidence must be treated with caution and consideration given to the weight, if any, that can be afforded to it;
 - 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.

Child A

34. The panel was satisfied that Ms Akinyombo did fail to confirm, between the 5 February 2020 Family Court order and 5 May 2020, whether MGM wished to be assessed as a carer for Child A.

35. The panel noted the email from MGM to Ms SB, dated 15 May 2020, in which she said the following:

"I have never declined an assessment! Whilst [Child A's mother] was still pregnant, Sue rang to enquire and when I mentioned that I worked full time Sue said it wouldn't work, as [Child A's mother] needed 24 hour care/assistance. I even called Sue back to offer to take time off work, if that may work, which Sue said it wouldn't. I'm not sure why that would count as me "declining?"

I have never felt unable to care for [Child A], and have no idea where this has come from? I made sure I had a car seat for my own car so that I could always be available to look after him. I purchased a stroller too.

"I didn't suddenly decide to put myself forwards, [Child A's mother] had asked me to look after [Child A], and when Sue rang me last week about being assessed I was, of course, extremely happy."

36. The panel noted that the email from MGM is hearsay evidence, and should to be treated with caution. There was no signed witness statement from MGM and she was not asked to attend the hearing to answer questions. However, the panel was satisfied that significant weight could be assigned to the evidence. The panel did not consider it arguable that MGM would have sought to mislead as to whether she had previously declined an assessment. There was no notable reason why she would wish to deceive. Her willingness to be assessed and to care for Child A had been demonstrated by her subsequent actions, including the fact that Child A was subsequently placed in her care.
37. The panel noted the lack of case notes of approaches by Ms Akinyombo to MGM. The panel was satisfied that a senior social worker, of Ms Akinyombo's experience, would know that a note of the conversation should be recorded. The lack of record was, the panel concluded, an indication that the conversation did not take place. The only record upon the case notes by Ms Akinyombo about speaking to MGM was dated 20 December 2019:

"[MGM] made me aware that she has not cared for since the age of 13, she feels that the LA/system has failed her daughter. I discussed that I could not change the past all we could do is support [Child A's mother] with her pregnancy. [MGM] made me aware that she works full time and her 18 year old daughter works shift work and she sleeps at times during the day. [MGM] feels unable to offer a mother and baby placement but does want to support her daughter in otherwise.

[MGM] made me aware that she lives in a 2 bedroomed flat in Andover. Her 14 year old son has the largest bedroom and she occupies a box room. She has no room to offer a mother and baby foster placement. feels that [Child A's father] has made huge improvements in his life over the last year since he has been discharged from prison."

38. The panel noted that this conversation, prior to Child A's birth, related to MGM caring for both Child A and Child A's mother, as opposed to taking care of Child A alone, in line with the 5 February 2020 Family Court order. As such, the December record did not support the

contention that Ms Akinyombo approached MGM as to whether she would be willing to undertake a viability assessment to care for Child A only.

39. Further, the panel accepted the evidence of LH that she was not confident that Ms Akinyombo had approached MGM, despite Ms Akinyombo saying otherwise. Within her witness statement, LH said that, during supervision in February 2020, Ms Akinyombo had been asked about MGM and that LH *"....did not feel confident from her response....therefore I asked her to go back and check whether [MGM] wanted to be assessed or not. She later confirmed to me that she had not done this"*.
40. LH's evidence is supported by documentary evidence. Within the Case Supervision record, dated 19 February 2020, which was the first supervision after the 5 February 2020 Family Court order, there was no reference to Ms Akinyombo having spoken to MGM about whether she would be willing to undergo a Viability Assessment. Under 'Actions to be taken' it stated: *"Viability Initial screen to be completed by – 28/02/20"*. That supported LH's evidence in her witness statement that she was not satisfied that it had been undertaken. Similarly, in the Case Supervision record, dated 18 March 2020, it detailed, under 'Actions from previous supervision': *"Viability Initial screen to be completed by – 28/02/20 – not completed"*. It was then provided as an action to be taken: *"Viability Initial screen to be completed by – SW need to discuss with MGM – 20/03/20"*. Again, the panel considered that to be persuasive evidence that no approach had been made to MGM by that time.
41. Support for that conclusion is within the email from JP to Ms Akinyombo, dated 18 May 2020, in which she said:
- "Sue you have confirmed that you haven't spoken to MGM since the phone call in January that was not recorded (except for contact in the last few weeks since mums contact with dad has been found out). You have instructed me that this is due to confusion on your part in thinking that the conversation in January was in fact later in the year."*
42. Ms Akinyombo's own account was that she did not approach MGM after January 2020. The panel had sight of emails between her and LH, in which she was drafting an apology to the court. LH suggested the following wording, by email dated 18 May 2020, which Ms Akinyombo relied upon by forwarding it to JP, having been told to do so if she was happy with the contents:

"I would like to apologise to the court for the delay in following up the viability assessment of X. I had discussed with X in December 2019 if she wished to be put forward to care for X and she stated that she did not wish to be assessed to care for X, although I accept that at this stage she was asked to consider a placement for both X and his mother.

I had a further discussion in January 2020 with X and she again stated that she was unable to care for X due to her work commitments. I was asked in supervision in February and March 2020 by ATM Lisa Holstead to go back to X a further time

however I did not do this as I truly felt that X had been clear that she did not wish to be assessed.”

43. The panel also noted her admissions to having not spoken to MGM since January 2020 within her investigation interview with NA on 27 August 2020.
44. Further, within Ms Akinyombo’s written response to the Allegation, dated 2 December 2020, she stated that she had not approached MGM since her discussion with her in January 2020.
45. The panel was therefore satisfied that Ms Akinyombo did not, at any time, approach MGM about being assessed to care for Child A. It was clear from the case notes from the December 2019 discussion that there had been a lack of clarity in the options given to MGM by Ms Akinyombo, as there was no reference to MGM caring for Child A only. In the absence of any case records from January 2020, together with the email account from MGM, the panel was not satisfied that MGM was approached in January 2020.
46. Allegation 1 is limited to contact between 5 February 2020 and 5 May 2020. The panel was satisfied that there was no approach made by Ms Akinyombo to MGM about being assessed between those dates, as evidenced from the documentation and accepted by Ms Akinyombo. This was a failure as the Family Court had directed, on 5 February 2020, that MGM be assessed by 11 February 2020, and Ms Akinyombo was made aware of that direction by email from Ms JP, in which she said:

“Please find party approved order attached from the hearing on 05.02.2020....The viability of [MGM] is due on 11th Feb...”

47. She was also told by LH, within supervision, to approach MGM, as outlined above.
48. The panel therefore found paragraph 1 of the Allegation proved.
49. In relation to paragraph 2, the panel was satisfied that Ms Akinyombo falsely told LH that she had approached MGM and that MGM had declined a viability assessment.
50. The panel relied upon the evidence of LH, supported by documentary evidence.
51. Within her witness statement, LH stated the following:

“Ms Akinyombo told me that she did go back to her and that the response was still no to being assessed.....

In the April 2020 supervision...we reviewed what was discussed in the March supervision as to whether the actions had been completed, Ms Akinyombo confirmed to me that the Maternal Grandmother did not want to be assessed for a viability assessment.

In a Permanent Options Meeting from 13 March 2020, Ms Akinyombo confirmed again that the Maternal Grandmother was not putting herself forward...”

52. Save for clarifying that the Permanence Options Meeting had been held on 30 March 2020, as opposed to 13 March 2020, LH’s oral evidence was consistent with the contents of her

witness statement about the two occasions, after the 5 February 2020 Family Court order, that she had been told by Ms Akinyombo that she had approached MGM. She clarified that on both occasions Ms Akinyombo had stated that the discussions with MGM had occurred after the 5 February 2020 order.

53. LH's evidence was again supported by documentary evidence. Within the Permanency Options Meeting minutes, it was recorded: *"Grandmother does not want to be assessed as a carer..."*. The panel accepted LH's evidence that it would have been Ms Akinyombo, as the allocated social worker, who would have provided that information.
54. That was supported by an email from LH to JP and Ms Akinyombo, dated 2 April 2020, in which LH stated that: *"MGM has declined a viability assessment and there are no other options within the family is my understanding?"*. The panel considered it notable that there was no evidence of Ms Akinyombo seeking to correct LH, for example, to say that she had not approached MGM after the 5 February Family Court order.
55. Within the Case Supervision record, dated 16 April 2020, there are details of the previous action for Ms Akinyombo to speak to MGM by 20 March 2020. Within the *'Actions to be taken'* there is no action to speak to MGM. The panel accepted LH's evidence that this showed that she had been told that the action had been completed, otherwise it would have remained listed as outstanding.
56. The panel considered, with care, the written response to the Allegation from Ms Akinyombo:

"The electronic conversation that was held between Joelle Penfold LA Solicitor, Lisa Holstead ATM and myself prior to the court hearing in May 2020 has been used as evidence by the LA that I did not inform them prior to this hearing that the last conversation I had with the MGM was in January 2020. I have been clear in all my interviews for this issue that I did inform Joelle Penfold via electronic conversation before the court hearing. There is no evidence in the LA investigation that they have accessed my work laptop to ascertain if this conversation took place, they have just used the 3-way conversation only. Before this hearing in May 2020 after Joelle Penfold asked me for the date of my last conversation with the MGM I looked back on my case notes and realised that I had not recorded the conversation, I rang the MGM and she did not recall a conversation, I made Joelle Penfold aware of this prior to the hearing but I was not aware that she was not representing the LA at the hearing and the LA had a barrister. If my work mobile had been accessed as part of the investigation it would have been evident that I had this conversation and there was a text message from the MGM with a date that she sent via text message of the last conversation with her. I was then off sick from 29 May 2020 with Tachycardia, I did not access my work computer during this period. I was off sick for 7 weeks and then I took A/L, before being interviewed for the 2nd investigation and I was suspended on 23 July 2020. My work computer was then returned to the LA about a week later. No regard has been given to my rights for my evidence to be obtained."

57. The panel did not accept that Ms Akinyombo, on 1 May 2020, told JP and LH that the last time MGM had declined the assessment was in January 2020. Whilst the panel acknowledged Ms Akinyombo's difficulty in obtaining corroborative evidence, it nevertheless concluded that the documentary evidence that had been provided undermined her assertion. This included chat records between Ms Akinyombo, JP and LH on 7 May 2020, in which JP asked when MGM was "*discounted most recently*". The panel did not accept that she would have asked that question had she been told on 1 May 2020 that the last conversation was in January 2020. Further, had she been told that the last conversation was in January 2020, she would no doubt have raised the fact that this was in breach of the 5 February 2020 Family Court order, as the Court had required MGM to be approached by 11 February 2020.
58. The panel noted that email and electronic messaging records had been disclosed by JP. It was satisfied that, had there been other relevant messages, she would have disclosed those also.
59. Further, the panel noted that JP made no reference to the purported communications, either within her written or oral evidence or within her response to the Council's investigation, in which she provided a detailed chronology. Within that chronology she detailed that she attended the hearing on 1 May 2020 and "*I confirmed that MGM had declined to be assessed (recorded in the order).*" The panel was satisfied that she would not have made that observation to the court had she known that MGM had not been approached pursuant to the 5 February 2020 Family Court order. Within the chronology, JP directly contradicted the suggestion that she was notified on 1 May 2020 that MGM had last been approached in January 2020, as she detailed communications with Ms Akinyombo held on 7 May 2020:

"Via a lync chat with Sue Akinyombo she could not give me a specific date to tell me the date on which MGM was discounted/refused to be assessed as she could not find the date. During the course of the morning the SW team said that in terms of historical discussions MGM was spoken to in December 2019 and January 2020 at which point MGM said that she didn't want to be assessed due to her work."

60. The panel therefore rejected the assertion by Ms Akinyombo that she had been open and honest with JP, which would have undermined the allegation of her being dishonest to others, particularly LH.
61. The panel was therefore satisfied that Ms Akinyombo had informed LH, during the Permanency Options Meeting on 30 March 2020 and her supervision on 20 April 2020, that she had spoken to MGM after the 5 February 2020 Family Court order, and that MGM had at that stage declined assessment. There were several colleagues present in the 30 March 2020 meeting. The assertion of having spoken to MGM about being assessed after 5 February 2020 was not true as those discussions had not taken place.
62. The panel therefore found paragraph 2 of the Allegation proved.

63. When considering whether the actions found proved at paragraph 2 amounted to dishonesty, the panel first considered Ms Akinyombo's subjective state of mind.
64. Ms Akinyombo stated in her response that she had been mistaken as to when she had spoken to MGM; and that she had wrongly recalled the January 2020 discussion as being later in the year. That assertion was fundamentally undermined by the fact that on 7 May 2020 Ms Akinyombo told JP that she had not approached MGM since January 2020. The panel was satisfied that, if she knew of the fact in May 2020, she would have also known during the March and April meetings. Further, she had been made aware of the 5 February 2020 court directions. She was tasked to approach MGM about a Viability Assessment in both her February and March supervision meetings. The panel was therefore satisfied that when she told LH that she had approached MGM she was not mistaken as to the time of year when any approach was made.
65. The panel was therefore satisfied that, when Ms Akinyombo stated in the March and April 2020 meetings that she had approached MGM after the 5 February 2020 Family Court order, she knew that to be incorrect. She knew that she had never approached MGM, save for the discussion in December 2019 which in itself was not adequate. She therefore knew when she was giving the information in the March and April 2020 meetings that the information she was providing was wrong. The subjective limb of dishonesty was therefore proved.
66. Further, the panel was satisfied that ordinary decent people would conclude that asserting conversations that Ms Akinyombo knew had not taken place, was dishonest. The objective limb of dishonesty was therefore also proved.
67. The panel therefore found paragraph 3 of the Allegation proved.

Child B and Child C

68. The panel was satisfied, having accepted the evidence of LH, that the Council's Families and Children's Services Quality and Practice Standards was provided to all social workers employed by the Council and so would have been provided to Ms Akinyombo. The guidance detailed, at paragraph 3.2, that children must be seen within 5 days.
69. Ms Akinyombo did not dispute that she had knowledge of those Standards. There were no case records to show that she had visited Child B and Child C. Further, she accepted that she was allocated Child B and Child C and that she did not see them. She acknowledged that this was a failure and expressed regret. **[PRIVATE]**.
70. The panel therefore found paragraph 4 of the Allegation proved.
71. The panel was satisfied that this constituted a failure to safeguard Child B and Child C. Attending upon the children to undertake an assessment of any risk and needs was a fundamental safeguarding responsibility in light of the concerns of domestic abuse. Failing to assess risk prevented implementation of any measures needed to protect and safeguard two vulnerable children. The panel accepted the written evidence of LH:

"The impact that this could have had on the children is them being in an unsafe situation. These children were not seen or spoken to when some concerning information had been reported..... Ms Akinyombo failed to safeguard Child B and Child C by not going and seeing their home environment within the five days."

72. The panel therefore found paragraph 5b of the Allegation proved.

Child D

73. Ms Akinyombo did not dispute that she had provided her personal mobile telephone number to Child D's mother. She accepted doing so during supervision in April 2017. This was inappropriate as it gave rise to the possibility that she would be contacted at a time when she was not at work and either unable or unwilling to react. Having provided her mobile telephone number, she should have notified Child D's mother when she was on annual leave. Having failed to do that, she was under a duty to react and respond to any messages received where failure to do so may result in a child not being adequately safeguarded. As detailed by CS, Ms Akinyombo's line manager at the time, within her witness statement, the matter should have been escalated to herself, the duty social worker or Ms Akinyombo's 'annual leave buddy'. She detailed:

"I would expect a Social Worker to report this information back to a manager immediately. Additionally I would expect Ms Akinyombo to ask someone to look into how the child sustained that injury, run through exactly what had happened with the mother, look at the toy as to what he allegedly fell on and involve other people. It would be considered poor practice to not act fast in this scenario."

74. Ms Akinyombo's response within a 'Record of informal investigation meeting', dated 20 April 2017, was that she had received a text message from Child D's mother whilst on annual leave saying that Child D "has a mark". Ms Akinyombo was recorded as stating that she had replied to Child D's mother's text message with a text stating "Yes, that's fine"
75. Had Ms Akinyombo escalated the matter, she would not have been under a duty to investigate the cause of the injury. But, having not escalated the matter, it was fundamental that she investigate the cause to assess any risk of further injury.
76. The panel was satisfied that Ms Akinyombo failed to safeguard Child D. It accepted the written evidence of CS that, upon being notified that Child D had sustained an injury, and with the background of potential domestic violence, Ms Akinyombo should have reported the matter to her manager immediately and arranged for an investigation to discover how the injury had been caused:

"With cases of injured babies you need to act fast and within the same hour, at least the same day which is not what Ms Akinyombo did"

77. The panel therefore found paragraphs 5a(i) and (ii) proved.

Summary of findings of fact:

78. The Allegation was determined as follows:

“Whilst registered as a Social Worker:

1. *Between 5 February 2020 and ~~5~~ 7 May 2020 you failed to confirm whether the maternal grandmother (“MGM”) of Child A wished to be assessed as a carer for Child A. **FOUND PROVED***
2. *Between ~~January~~ 5 February 2020 and ~~5~~ 7 May 2020, you informed your Manager and/or your colleagues that the MGM declined a viability assessment as a carer for Child A, which was not true. **FOUND PROVED***
3. *The matters described at particular 2 were dishonest. **FOUND PROVED***
4. *On 9 April 2020 you were asked to prepare a single assessment for Child B and C, which required you to see the children within 5 days, however you failed to see the children within the 5-day timescale. **FOUND PROVED***
5. *Between March 2017 and May 2020, you failed to safeguard service user(s) on your caseload in that:*
 - a. *Having received a message to your personal phone, from the mother of Child D, informing you that the child had fallen and sustained bruises, you:*
 - i. *Did not escalate the situation in a timely manner or at all. **FOUND PROVED***
 - ii. *Did not look into how Child D sustained their injuries. **FOUND PROVED***
 - b. *You did not visit Child B and C when their cases were allocated to you. **FOUND PROVED***

*The matters described at particulars 1 and/or 2 and/or 3 and/or 4 and/or 5 amount to the statutory ground of misconduct. **TO BE DETERMINED***

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

Summary Submissions – Grounds and Impairment:

79. Ms Graham, on behalf of Social Work England, submitted that Ms Akinyombo had a duty, as a social worker, to protect Child A, Child B, Child C and Child D from harm and she failed to adequately undertake those duties. Her actions had breached standards of conduct imposed by the Health and Care Professionals Council (“HCPC”), in force during her allocation to Child D, and Social Work England, in force during her allocation to Child A, Child B and Child C. Her actions amounted to falling short of what would be proper in all of the circumstances and therefore amount to misconduct. Similarly, dishonesty is a breach of the fundamental tenet of social work and therefore Ms Akinyombo’s dishonesty also amounted to misconduct.
80. Ms Graham submitted that, at the material time, Ms Akinyombo was experienced and extensively trained and so should have known to refer to her managers any difficulties completing her professional duties.

81. Ms Graham argued that the facts found proved amounted to significant departures from professional standards and therefore amount to serious misconduct.
82. Ms Graham highlighted the written responses from Ms Akinyombo, but argued that there was a significant lack of remediation and insight demonstrated. Whilst she had made some admissions, and expressed some remorse, she had failed to recognise an understanding of the impact her misconduct had upon service users and the wider public. Having not participated in the hearing, she has not demonstrated any further development of her remediation and insight.
83. Ms Graham highlighted that misleading information about MGM's unwillingness to undertake a Viability Assessment was given to the Family Court as a consequence of Ms Akinyombo's dishonesty. She argued that this was contrary to the public interest.
84. Ms Graham concluded by submitting that Ms Akinyombo's fitness to practise was impaired as a result of her misconduct and that a finding of current impairment was necessary to protect the public and wider public interest.

Determination and Reasons - Grounds and Impairment:

85. The panel accepted the advice of the legal adviser that it must pursue the three overarching objectives when exercising its functions. It must consider whether Ms Akinyombo'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 Akinyombo. 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.
86. 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."
87. The panel considered that the failure to approach MGM about being assessed to care for Child A, and the subsequent dishonest assertions to others that she had approached MGM, amounted to breaches of the Social Work England Professional Standards (2019):

"2.1 Be open, honest, reliable and fair.

3.2 Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision

3.8 Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me."

88. The panel considered that the failure to adequately safeguard Child B and Child C was also in breach of paragraphs 3.2 and 3.8 of the Social Work England Professional Standards, in addition to paragraph 3.4:

“3.4 Recognise the risk indicators of different forms of abuse and neglect and their impact on people, their families and their support networks.”

89. The panel considered that the failure to adequately safeguard Child D was a breach of the HCPC Standard of Conduct, Performance and Ethics (2016), which were in force at the time:

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

...

7.1. You must report any concerns about the safety or well-being of service users promptly and appropriately.”

90. The panel also considered that all the proved facts amounted to breaches of the ‘Wiltshire Council Human Resources – Code of Conduct Policy and Procedure’:

“1. The public is entitled to expect the highest standards of behaviour from local government employees.

2. You represent the council and are trusted to act in a way which promotes the council’s interests and protects its reputation.

....

51. Employees should conduct themselves in a professional manner at work.”

91. The Code outlines seven behavioural principles, aligned to the Nolan’s 7 Principles of Public Life. At paragraph 4, it says that they were how Ms Akinyombo was “*expected, as a minimum, to carry out your work...*”. Those principles were listed at paragraph 6 and include “*Honesty and integrity*” and “*Doing your best*”. The panel considered that the proved wrongdoing constituted failures to abide by those behavioural principles.

92. At the time of Ms Akinyombo’s allocation of Child A, Child B and Child C, she was a level 4 senior social worker. The panel noted her job description and concluded that her wrongdoing breached the following parts of the ‘Job Purpose’:

“To complete enquiries and assess, the needs of and risks to vulnerable children and young people in a timely manner giving due consideration to the wishes and views of the child and the child’s family. This will include the completion of S47 enquiries, single assessments and engaging service users and other relevant persons in the work base, homes or any other appropriate venue e.g. hospital, school etc.

To take appropriate action to assess and minimise any identified concern or risk to children/young people in accordance with the requirements and timescales of assessment frameworks, child protection procedures and looked after children legislation and procedures.”

93. The panel was therefore satisfied that the proved regulatory concerns each individually amounted to misconduct as they were significant failures to adhere to the standards expected of a social worker.
94. Further, the panel was satisfied that the misconduct was serious, as Ms Akinyombo had breached fundamental tenets of social work in relation to safeguarding vulnerable service users and acting with probity and integrity.
95. The consequence to Child A of Ms Akinyombo failing to approach MGM for assessment was considerable, as outlined by JP in her witness statement:

“Child A suffered a delay in the proceedings for the 12 week assessment to take place. Had the assessment been completed by 17 April 2020 which was the original timeframe and, had it been a positive assessment, then Child A could (if the Court so ordered) have been placed with his family rather than a foster carer.”

96. LH stated:

“As the above process did not occur, Child A had to be placed into foster care for a period of time. This can have a huge impact on a child so young with change of carers and attachment issues.”

“The significance of the Maternal Grandmother not having a viability assessment or being asked if she would like to be put forward meant that Child A had to go live somewhere else with someone else, which would not have occurred had the Maternal Grandmother been positively assessed. The Maternal Grandmother wanted to care for Child A and she had to watch him go into Foster Care whilst we completed the initial screening and the viability assessment.

I also gave the Family Court the wrong information. This is professionally mortifying and should not have happened. I believed what Ms Akinyombo had told me. There was the reputation of myself and Wiltshire council to uphold.

I am unsure how long Child A was in Foster Care for, it could have been up to 12 weeks. Child A had to experience separation from his Mother who had been with since birth and then also his Maternal Grandmother who he had had regular contact with. This impact on his attachment could have been lessened and the disruption to his care could have been avoided had the Maternal Grandmother being asked regarding the assessment. The impact this would have had on the Child A’s emotional needs would have been difficult.”

97. The panel noted that dishonesty will almost always be considered serious, as outlined at paragraph 40 of the Sanctions Guidance, because service users and the wider public place significant trust in social workers and therefore require them to act with integrity and probity. The dishonesty by Ms Akinyombo was particularly serious as it was repeated, as she made the dishonest assertions in both March and April 2020. Further, it was designed to cover up the fact that she had failed to undertake her responsibilities, namely to approach MGM to assess her willingness to care for Child A. That led to the Family Court being misled

with information by JP and LH, based upon the confirmations by Ms Akinyombo regarding the position of MGM in respect of the Viability Assessment.

98. The failure to adequately safeguard Child B and Child C was serious on account of the potential consequences of the misconduct, as outlined by LH in her witness statement:

“The impact that this could have had on the children is them being in an unsafe situation. These children were not seen or spoken to when some concerning information had been reported.

Ms Akinyombo should have visited the children within five days and if there was an issue as to why she could not have done this, a manager needed to be informed. Ms Akinyombo would have known this due to being an experienced Social Worker and the Practice Standards and Assessment plan.

Ms Akinyombo failed to safeguard Child B and Child C by not going and seeing their home environment within the five days.”

99. The failure to adequately safeguard Child D was serious on account of the potential consequences of the misconduct, as outlined by CS in her witness statement:

“Ms Akinyombo was a Level Four Social Worker, which is the highest level and she was a Social Worker with 20 years of experience..... It may be that I would expect a Newly Qualified Social Workers to behave in the way that Ms Akinyombo did but you would not anticipate this from a Level Four with the amount of experience and autonomy.....Ms Akinyombo should have known to escalate this. People who are less skilled than a Level Four Social Worker such like the Admin team would have known to escalate this straight away”

100. The failure to adequately safeguard Child D was particularly serious, as is evidenced by the fact that, upon the injury being discovered by managers, a section 47 Child Protection Investigation was initiated and an assessment made that Child D was at significant risk of harm. This resulted in Child D being removed to the care of his grandmother.

101. CS also outlined the wider impact of Ms Akinyombo’s failure to safeguard Child D:

“Not only does this have an impact on the child, it caused professional embarrassment to the local authority. With cases of injured babies you need to act fast and within the same hour, at least the same day which is not what Ms Akinyombo did.”

102. The panel was therefore satisfied that each of the proved allegations, both individually and cumulatively, amounted to serious misconduct.

103. Having determined that the proved facts amount to serious misconduct, the panel considered whether Ms Akinyombo’s fitness to practise is currently impaired.

104. The serious misconduct is difficult to remediate as the evidence before the panel was of an attitudinal deficit at the material time, particularly in relation to dishonesty. The panel was satisfied that there was some evidence of extremely limited remediation, specifically the

regret and remorse expressed by Ms Akinyombo during Council investigations and her written response to the Allegation. She admitted some of the regulatory concerns. She apologised for failing to adequately communicate with MGM and for her failure to adequately safeguard Child B, Child C and Child D. After the 2017 incident relating to Child D, she engaged with the Council investigation and the Improving Work Performance Plans. **[PRIVATE]**.

105. **[PRIVATE]**

106. The expressions of remorse and regret, together with Ms Akinyombo's assertion that there was "*no excuse*" for her failures, does demonstrate some extremely limited insight. However, the panel considered there was a significant lack of reflection of how her misconduct had, or could have, impacted service users, their families, her colleagues and the wider public perception of the social work profession. There was limited insight and reflection on how she could have acted differently and the actions she would take in the future. **[PRIVATE]**

107. **[PRIVATE]**

108. In relation to dishonesty, Ms Akinyombo demonstrated particularly limited insight. Whilst it was her right to deny the allegation, she failed to demonstrate any reflection or insight as to the importance of probity and integrity within social work.

109. The panel therefore considered that Ms Akinyombo had demonstrated extremely limited remediation and insight.

110. When assessing risk of repetition, the panel noted that Ms Akinyombo's failure to safeguard Child D had occurred in 2017 and, despite being subjected to a Council investigation and performance plans, she nevertheless then failed to safeguard Child B and Child C in 2020. Together with the lack of adequate remediation and insight, the panel considered that this indicated a significant risk of repetition of the misconduct proved at paragraphs 4 and 5 of the Allegation.

111. Similarly, given the lack of insight into the failure to adequately communicate with MGM, together with the lack of insight about the importance of probity and integrity, the panel was satisfied that there remained a significant risk of repetition of the misconduct found proved at paragraphs 1-3 of the Allegation.

112. For the reasons outlined above, the panel was satisfied that there remains a present and real risk of Ms Akinyombo repeating the proved misconduct. The panel was therefore satisfied that a finding of impaired fitness to practise was necessary to protect the public, particularly vulnerable child service users.

113. Further, the panel considered that reasonable, well informed, members of the public would be extremely concerned about Ms Akinyombo's misconduct; the consequences and potential consequences to vulnerable children; and the fact that her dishonesty led to colleagues inadvertently misleading the court. The panel therefore concluded that a finding

of impaired fitness to practise was necessary to maintain and promote public confidence in the social work profession.

114. Given that the serious misconduct related to breaches of fundamental tenets of social work, namely safeguarding vulnerable service users and probity and integrity, the panel was satisfied that professional standards would not be promoted and maintained by a finding that Ms Akinyombo's fitness to practise is not currently impaired, particularly in light of the assessment of remediation and insight.
115. The panel therefore concluded that, as a consequence of Ms Akinyombo's serious misconduct, a finding of impaired fitness to practise was necessary to protect the public and to promote and maintain public confidence in the social work profession and proper professional standards.

Summary of findings:

116. The Allegation was determined as follows:

"Whilst registered as a Social Worker:

1. *Between 5 February 2020 and ~~5~~ 7 May 2020 you failed to confirm whether the maternal grandmother ("MGM") of Child A wished to be assessed as a carer for Child A. **FOUND PROVED***
2. *Between ~~January~~ 5 February 2020 and ~~5~~ 7 May 2020, you informed your Manager and/or your colleagues that the MGM declined a viability assessment as a carer for Child A, which was not true. **FOUND PROVED***
3. *The matters described at particular 2 were dishonest. **FOUND PROVED***
4. *On 9 April 2020 you were asked to prepare a single assessment for Child B and C, which required you to see the children within 5 days, however you failed to see the children within the 5-day timescale. **FOUND PROVED***
5. *Between March 2017 and May 2020, you failed to safeguard service user(s) on your caseload in that:*
 - a. *Having received a message to your personal phone, from the mother of Child D, informing you that the child had fallen and sustained bruises, you:*
 - i. *Did not escalate the situation in a timely manner or at all. **FOUND PROVED***
 - ii. *Did not look into how Child D sustained their injuries. **FOUND PROVED***
 - b. *You did not visit Child B and C when their cases were allocated to you. **FOUND PROVED***

*The matters described at particulars 1 and/or 2 and/or 3 and/or 4 and/or 5 amount to the statutory ground of misconduct. **FOUND PROVED***

*Your fitness to practice is impaired by reason of misconduct. **FOUND PROVED***

Summary of Submissions – Sanction:

117. Ms Graham, on behalf of Social Work England, submitted that, in light of the nature of the misconduct, the appropriate sanction was one of removal from the social work register. She argued that no other sanction would adequately protect the public and wider public interest.
118. Ms Graham submitted that it was necessary to impose a sanction that restricted Ms Akinyombo's practice, as nothing else would protect the public. She argued that, in light of the assessed lack of insight, conditions would not protect the public and, given the nature of the misconduct, would not maintain public confidence in the social work profession. Workable and proportionate conditions could not be formulated to address the dishonesty that the panel has found proved.
119. Ms Graham argued that, in light of the extremely limited remediation and insight, any suspension would have to be lengthy to protect the public and wider public interest. Ms Akinyombo has not been practicing in social work since July 2020. A lengthy suspension order would therefore result in further deskilling.
120. Ms Graham therefore concluded that the only suitable sanction was one of removal from the social work register.
121. Ms Graham outlined that the aggravating features of the case include:
 - a. Ms Akinyombo was an experienced social worker who would have undertaken significant training;
 - b. There was a repeat of the failure to safeguard children, there being proved misconduct in both 2017 and 2020; and
 - c. The dishonesty took place over a prolonged period.
122. In relation to mitigating features, Ms Graham highlighted the admissions and the fact that there was no known adverse regulatory history.

Determination and reasons – Sanction:

123. 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 Mr Akinyombo'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, together with its determination of grounds and impairment.
124. The panel reminded itself that it had concluded that Ms Akinyombo's fitness to practise was found to be impaired, due to serious misconduct, in order to protect the public and

maintain and promote public confidence in social workers and proper professional standards.

125. In relation to mitigating features, the panel noted that Ms Akinyombo admitted parts of the Allegation and expressed some remorse and regret. She had engaged with the Council and regulatory investigations. There were no previous Social Work England regulatory findings against Ms Akinyombo. There was evidence of some, albeit extremely limited, remediation and insight. **[PRIVATE]**
126. In relation to aggravating features, the panel noted that Ms Akinyombo was a social worker with substantial experience, and had attained a senior role. The misconduct had been repeated and persistent. She failed to approach MGM during a three-month period, despite being asked to do so by her supervisor and the presence of the 5 February Family Court order. She had then been dishonest about this to LH on two occasions, which had the consequence of colleagues inadvertently misleading the Family Court. Her failures resulted in Child A being unnecessarily removed from the family environment and placed in foster care, rather than being taken directly into the care of her grandmother. She failed to adequately safeguard Child B, Child C and Child D. Whilst she had been subjected to a performance plan in 2017, after her failure to safeguard Child D, she nevertheless repeated the failings in relation to Child B and Child C in 2020. The panel considered the lack of insight and remediation, despite the length of time since the misconduct, to be an aggravating feature.
127. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Akinyombo's misconduct. They would not adequately protect the public as they would not restrict her practice. The panel had assessed there to be a risk of repetition, and so considered that the public could not currently be adequately protected unless Ms Akinyombo's practice is restricted. Further, taking no action, or issuing advice or a warning, would not maintain public confidence in the profession or promote proper professional standards in light of the serious nature of the misconduct.
128. 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 stated (emphasis added):

*"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 Dishonesty [and] abuses of trust...**"*

129. The panel also considered, again, paragraph 110 of the Sanctions Guidance, in relation to serious or persistent dishonesty (emphasis added):

*"....Such conduct is highly damaging to public trust in social workers and is therefore **usually likely to warrant suspension or removal from the register.**"*

130. Given that many of the failures were attitudinal, and in light of the lack of adequate insight and remediation, the panel was satisfied that workable conditions could not be formulated to adequately protect the public. The panel also noted that Ms Akinyombo has not worked as a social worker since July 2020 and has indicated that she was “*uncertain*” whether she wanted to return to social work. Further, in light of the particularly serious nature of the misconduct, together with consideration of the above paragraphs of the Sanctions Guidance, the panel was satisfied that conditions would not be sufficient to maintain public confidence or to promote proper professional standards.
131. The panel then considered whether a suspension order would be appropriate in all of the circumstances. It concluded that, given the serious nature of the misconduct, which impacted four vulnerable child service users, together with the extremely limited remediation and insight, suspension was not appropriate.
132. The panel again considered paragraphs 85 and 110 of the Sanctions Guidance, above. It reminded itself that the proved dishonesty was serious as it was repeated and had the consequence of the Family Court being misled and Child A being removed from the family environment. It noted that Ms Akinyombo had also been found to have failed to safeguard three children over a prolonged period.
133. Given the extremely limited remediation and insight, the panel considered that a significant suspension would be necessary to protect the public. There had been a lack of adequate development of remediation and insight since the misconduct in 2017 and 2020 and no evidence of further development since the email from Ms Akinyombo in April 2021: over 18 months ago. The panel was therefore not satisfied that there was a reasonable prospect of further remediation and insight and, in any event, a significant time would need to be given in light of the lack of progress made since 2020.
134. The panel considered paragraph 97 of the Sanctions Guidance:
- “Given the risk of deskilling, decision makers should consider whether a case warranting a period of suspension longer than one year on the grounds of public confidence might be more appropriately disposed of by means of a removal order.”*
135. The panel concluded that any suspension would have to be for significantly longer than one year in light of the lack of current development of remediation and insight. Any shorter period would fail to protect the public and would also result in a deterioration of public confidence in the profession, in light of the seriousness of the misconduct and the lack of developed remediation and insight during the lengthy period that followed.
136. The panel noted that Ms Akinyombo had already been absent from registered social work for over two years. It therefore concluded that it was unlikely that she would further develop remediation and insight so as to reduce the risk of repetition and maintain public confidence in the social work profession. In any event, the length of time that would be necessary to do so would result in her becoming deskilled.
137. The panel noted that paragraph 98 of the Sanctions Guidance covered the present circumstances:

“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....”

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

Determination and Reasons - Interim Order:

139. Ms Graham invited the panel to impose an interim order of suspension for a period of 18 months to cover any appeal period. She reminded the panel of its assessment of risk of repetition and the finding of impaired fitness to practice.
140. 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.
141. Accordingly, the panel concluded that an interim suspension order was necessary to protect the public and wider public interest. It determined that it was appropriate that the interim suspension order be for a period of 18 months in case Ms Akinyombo 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.
142. The panel therefore revoked the previous interim suspension order. The panel was satisfied that it was in the public interest to revoke it today, rather than upon giving Ms Akinyombo 7 days' notice. That is because a review is listed for tomorrow and it is unlikely that Ms Akinyombo will attend, given her non-attendance at this substantive hearing. It is not in the public interest for funds to be spent on a hearing that is unlikely to be attended and within which the previous order would undoubtedly be revoked given the implementation of the new interim suspension order.
143. That concluded the case.

Right of Appeal

144. 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:
- 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.
145. 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.

146. 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.
147. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019.

Review of final orders

148. Under paragraph 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.
149. 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.