

Social Worker: Laurence Donald
Pilbeam

Registration Number: SW33605

Fitness to Practise

Final Order Review Meeting:

Meeting Venue: Remote hearing

Date of meeting: Thursday 24 November 2022

Final Order being reviewed:

Suspension Order – (expiring on 9 January 2023)

Hearing Outcome:

Removal Order (to take effect upon expiry of the current suspension order on 9 January 2023)

Introduction and attendees

1. This is the third review of a final order. Social Work England case examiners initially imposed a conditions of practice order for a period of 24 months on 15 September 2020. This was reviewed on 11 March 2021 and was replaced with a suspension order for a period of 18 months. A further review took place on 28 July 2022 when the suspension order was extended by 4 months and is due to expire on 9 January 2023.
2. Mr Pilbeam 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 9 November 2022.

Adjudicators	Role
Gill Mullen	Chair
Jill Wells	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Paige Swallow	Hearings Officer
Camilla Read	Hearings Support Officer
Judith Walker	Legal Adviser

Service of Notice:

4. The panel of adjudicators (“the panel”) had careful regard to the documents contained in the review hearing service bundle as follows:
 - A copy of a notice of review dated 20 September 2022 providing notice of the date of today’s hearing. A copy of a further notice of review dated 9 November 2022 containing Social Work England’s submissions and requesting Mr Pilbeam to confirm whether he is attending this review or making written submissions. Both notices were addressed to Mr Pilbeam at his postal address and his email address as they appear on the Social Work England Register;
 - An extract from the Social Work England Register detailing Mr Pilbeam’s registered postal and email addresses;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 20 September 2022 the writer instructed Docucentre to send the first notice of hearing to Mr Pilbeam by next day special delivery to his registered address and that the

writer also emailed the notice to Mr Pilbeam's registered email address. The writer also confirmed that on 9 November 2022 they instructed Docucentre to post the second Notice of Hearing containing submissions and the relevant enclosures to Mr Pilbeam's registered postal address and that the writer also emailed the same documents to Mr Pilbeam's registered email address.

- Copies of Royal Mail Track and Trace documents indicating "signed for" delivery to Mr Pilbeam's registered address on 21 September 2022 and 10 November 2022.

5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to Rules 16, 44 and 45 of the Fitness to Practise Rules 2019 (the Rules) 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 Mr Pilbeam in accordance with the Rules.

Proceeding in the absence of the social worker and as a meeting:

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 in the absence of Mr Pilbeam. This included reference to Rule 43 of the Rules and the cases of *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, including two emails from Mr Pilbeam, both dated 11 November 2022, to Social Work England sent in response to the second notice of today's review hearing. In the first of these emails Mr Pilbeam confirmed that *"...as previously stated I am now retired and will not be looking for any further Social Work positions."* In the second email he stated *"...I will not be attending the hearing and am happy for it to go ahead without me."* Mr Pilbeam had not applied for an adjournment and the panel concluded that he had chosen voluntarily to absent himself from these proceedings. The panel considered that there was no reason to believe that adjourning today's proceedings would secure his attendance. The panel weighed the interests of Mr Pilbeam in regard to his attendance at today's review with those of Social Work England and the public interest in an expeditious disposal of this review and decided that it was in the interests of justice for this review to proceed in Mr Pilbeam's absence.
9. The panel noted that the notice of review dated 9 November 2022 informed Mr Pilbeam 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 17 November 2022. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide."

10. The panel noted Mr Pilbeam's confirmation that he was happy for the case to proceed without him.
11. 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."

12. Having concluded that it was in the interests of justice to proceed with this review in Mr Pilbeam's absence, the panel was also satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Preliminary considerations

13. The panel considered whether it would have been appropriate to hear this review in private had the case proceeded as a hearing rather than a meeting in accordance with rule 38 of the rules. The panel noted that the concerns raised in this case relate to Mr Pilbeam's health and misconduct. However, the panel considered that the misconduct concerns are irrevocably linked to the concerns about his health. The panel considered it was not practicable to separate these issues and therefor determined that the review and the panel's written determination should be in private in its entirety.

Decision and reasons on sanction:

Removal Order

14. 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. Having considered all the lesser sanctions and concluded that they would be inappropriate and insufficient in the circumstances of this case the panel took the view that a removal order would be the only outcome that would be sufficient to protect the public interest.
15. Accordingly the panel determined that a removal order be made in respect of Mr Pilbeam's registration.

Right of Appeal:

16. 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.
17. 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.
18. 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.
19. This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practise Rules 2019.

Review of final orders

20. 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.
21. 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.