

Social worker: Alison Mary Horner
Registration number: SW08476
Fitness to practise:
Final Order Review Meeting:

Meeting Venue: Remote meeting

Date of meeting: 12 January 2023

Final Order being reviewed:
Suspension Order – (expiring 24 February 2023)

Hearing Outcome: Impose a new order, namely removal order, with effect
from the expiry of the current order

Introduction and attendees

1. This is the first review of a final suspension order originally imposed for a period of 24 months by a panel of adjudicators on 28 January 2021.
2. Ms Alison Horner 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.

Adjudicators	Role
Catherine Boyd	Chair
Linda Norris	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Alicia Whitehouse	Hearings Officer
Jo Cooper	Hearings Support Officer
Rachel Birks	Legal Adviser

Service of Notice:

4. The panel of adjudicators (the panel) had careful regard to the documents contained in the substantive order review hearing service bundle as follows:
 - a. A copy of the notice of substantive order review hearing dated 6 December 2022 and addressed to Ms Horner at her email address as it appears on the Social Work England Register;
 - b. An extract from the Social Work England Register detailing Ms Horner's registered address and email address;
 - c. A copy of the email sent on 6 December 2022 to Ms Horner at her email address as it appears on the Social Work England Register, sending:
 - i. SOR bundle 12 Jan 23
 - ii. Hearing participation form
 - iii. Notice of representation form
 - iv. Written submission form
 - v. Notice of hearing 12 January 23

- d. A copy of a signed Statement of Service, on behalf of Social Work England, confirming that the writer:
 - i. on 6 December 2022 instructed Docucentre to send Ms Horner at the address referred to above by Royal Mail Special Delivery: Notice of Hearing and enclosures; and
 - ii. sent the same on 6 December 2022 to Ms Horner's registered email address.
 - e. A copy of the Royal Mail Special Delivery Track and Trace document showing the document was delivered to Ms Horner's registered address on 7 December 2022.
5. The panel accepted the advice of the legal adviser in relation Rules 16, 44 and 45 of Social Work England's Fitness to Practise Rules (the Rules) and service of the notice.
 6. Having had regard to all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been properly served on Ms Horner in accordance with Rules 16, 44 and 45.

Proceeding in the absence of the social worker:

7. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to:
 - a. Rule 43 which provides that where the registered social worker does not attend a hearing and is not represented, the panel may proceed to determine the matter, if they are satisfied that the registered social worker has been served or all reasonable efforts have been made to serve the registered social worker with notice of the hearing in accordance with these Rules.
 - b. The case of *Tait v The Royal College of Veterinary Surgeons [2003] UKPC 34*), which confirms that the decision to proceed with a hearing in the absence of a practitioner is a discretion which a Panel should exercise with the utmost care and caution. The factors which a Panel must bear in mind when deciding whether to exercise their discretion to proceed are those as set out in the case of *R v Jones [2003] AC 1, HL*. These include:
 - i. The nature and circumstances of the Registrant's behaviour in absenting themselves from the hearing;
 - ii. Whether the Registrant has voluntarily absented themselves from the proceedings;
 - iii. Whether an adjournment would resolve the Registrant's absence;
 - iv. If so, the likely length of any such adjournment; and
 - v. The disadvantage to the Registrant in not being able to present their case.
 - c. The case of *Adeogba v GMC [2016] EWCA Civ 162* which draws a distinction between criminal and disciplinary proceedings in terms of the procedure to be

followed when deciding on whether to proceed in the absence of the registrant. Key features of that judgement are:

- i. The regulator should be guided by the context of its main statutory objective, and in that regard the fair, economical, expeditious and efficient disposal of the allegations made against a practitioner is of very real importance;
 - ii. Fairness involves fairness both to the registrant, which is the prime consideration, but also fairness to the regulator and to the public;
 - iii. The regulator was perfectly entitled and indeed bound to use the address provided on practitioner's registration;
 - iv. The Registrant knew that disciplinary proceedings were ongoing and made no attempt to contact the regulator so that he could be apprised of what was going on;
 - v. There was no reason for the Registrant not to participate in the hearing.
8. The panel considered all of the information before it. The panel noted that notice of this hearing had been duly served and that the copy sent to Ms Horner at her registered address has been signed for, indicating receipt. It concluded that Ms Horner should therefore be aware of this hearing. No application for an adjournment had been made by Ms Horner and, as such, there is no guarantee that adjourning today's proceedings would secure her attendance. It further noted that there has been no engagement by Ms Horner with Social Work England since the decision to impose a substantive suspension order was made on 28 January 2021. She has previously engaged with Social Work England, albeit she did not attend the previous hearing, and is therefore aware of how to engage, but has not engaged for a significant period of time.
9. The panel, therefore, concluded that Ms Horner has chosen voluntarily to absent herself from this review hearing. Having weighed the interests of Ms Horner in regard to her attendance at the hearing with those of Social Work England, and the public interest in an expeditious conclusion of this mandatory review hearing before the expiry of the current period of suspension, the panel concluded that it was appropriate to proceed in the absence of Ms Horner.

Proceeding with the final order review as a meeting:

10. The notice of final order review hearing clearly informed Ms Horner of the following:

"If you wish to attend the electronic hearing, please confirm your intention by no later than 4pm on 21 December 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."

11. The panel has received no information to suggest that Ms Horner had responded to the notice of final order review hearing.

12. 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.”

13. 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:

14. The review will be determined in accordance with Part 5 of the Regulations, Schedule 2 paragraph 15 of the Social Workers Regulations 2018 (the Regulations) and the Rules.
15. The current order is due to expire on 24 February 2023.

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

- 16.

Whilst registered with the Health and Care Professions Council as a Social Worker and during the course of your employment with Sheffield City Council, you:

1) On or around 12 April 2017 you:

- i. made an offer to Foster Carer A to care for a ‘looked after child’, Child A;*
- ii. said to Foster carer A, “If you ever need a break I can take her for you, what about Friday? I’m off Friday. I can have her then for you”, or words to that effect;*
- iii. said to Foster carer A, “I’m not doing anything for the rest of today I can take her now if you want”, or words to that effect;*
- iv. said to Foster carer A, that you had been told that “supervising social workers are allowed to look after children to give foster carers a break if they have time”, or words to that effect;*
- v. said to Foster carer A, “I might see if I can have her in May as I have some leave due”, or words to that effect;*
- vi. discussed the personal issues set out in Schedule A with Foster Carer A;*

2) Your conduct described in 1 above is inappropriate and / or a breach of professional boundaries;

3) Your conduct in charge 1(iv) above is dishonest in that you knowingly provided false information.

4) On or around 13 April 2017, during a telephone conversation with colleague B, you stated “I would be happy to have Child A, but I’m not sure if the Managers would agree, so could this be done without the Managers finding out”, or words to that effect, which was inappropriate.

5) Between 12 – 13 April 2017, you sent text messages to Foster Carer A, stating:

a) “can you text me [colleague B] phone number please? Not in office but want to ask her about me having baby Xx”;

b) “just spoke to [colleague B] about me having her and she said no just in case something happened. I am gutted. I have a carer who lives near me so will ask her then maybe I can have her for a few hours in the day. Will let you know when its sorted. Xx”.

6) Your actions at paragraphs 5(a) and (b) were a breach of professional boundaries.

The final hearing panel between 25-28 January 2021 determined the following with regard to misconduct and impairment:

17. In relation to misconduct:

81. ...The standards the panel judged were engaged, and breached, by Ms Horner in this matter were:

1. Promote and protect the interests of service users and carers

Maintain appropriate boundaries

1.7 You must keep your relationships with service users and carers professional.

6. Manage risk

Identify and minimise risk

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

6.2 You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk.

Manage your health

6.3 You must make changes to how you practise, or stop practising, if your physical or mental health may affect your performance or judgement, or put others at risk for any other reason.

9. Be honest and trustworthy;

Personal and professional behaviour

9.1 You must make sure that your conduct justifies the public's trust and confidence in you and your profession.

83. The panel found that Ms Horner's actions in relation to all of the allegations found proved could be considered as poor practice amounting to misconduct. Registered professionals must be honest and trustworthy and operate within the professional boundaries which exist for their safety and protection as much as for service users and carers. Failing to do so breaches a fundamental tenet of the profession. Social workers are trusted with the safety and welfare of members of the public, who are entitled to expect that when they receive support from a social worker, that individual will be honest and trustworthy and put their interests first to deliver a service that is safe and effective. By acting in a safe and professional manner, social workers maintain confidence in the services they provide and in the profession as a whole, which is undermined if they do not.

84. In this instance, given the experience of the Foster Carer and the appropriate response of SW, there was no adverse impact upon Child A, however there was clearly a real potential that there could have been a detrimental impact had the Foster Carer allowed Ms Horner to look after Child A for a short period, or had SW accepted the assertion that Ms Horner could look after Child A, and that managers did not need to be informed. Further, the panel was satisfied that Ms Horner proposed that she look after Child A for her own benefit.

85. The panel was satisfied that Ms Horner's conduct in respect of all the allegations found proved, individually and collectively, fell below that expected of a registered social worker and was serious. The HCPC standards had been breached and her conduct amounted to the statutory ground of misconduct.

18. In relation to impairment:

96. The panel considered Ms Horner's current fitness to practise firstly from the personal perspective and then from the wider public perspective. It had regard to the relevant factors of risk, repetition, history, insight, harm and remediation. The panel was not satisfied that she understood the gravity of her behaviour and it would have benefited from the ability to speak with her in relation to this matter. However, the panel recognised that Ms Horner made a conscious decision to voluntarily absent herself from the hearing, which she was entitled to do, and it was therefore incumbent upon it to carefully examine the information available to it to decide whether her practise was impaired.

97. Ms Horner engaged with her employer's disciplinary process, attending both the verification meeting in April 2017 and the investigation meeting in June 2017. She also exercised her right to challenge the imposition of a final written warning which resulted in a disciplinary hearing in November 2017, to which she submitted a statement of case setting out her position. Her position throughout that process was that when she said she wanted to 'care' for Child A, she meant 'transport' her to and from contact and ensure she was settled. She also consistently admitted saying that she would like to 'have' Child A but it was more than her job was worth. She was therefore clearly aware of the limits of her role as a supervising social worker. In determining the facts of this case, the panel had made findings which were not consistent with Ms Horner's accounts, as set out in the preceding section of this decision.

98. The panel also carefully considered the undated document attached to the email of 18 September 2020. Ms Horner addressed the 13 elements of the allegations individually in slightly more than one side of A4 and provided a list of training events that she attended in 2017 and 2018. She provided no information as to her current employment or training. Within her response she accepted her judgement and decision making "at the time" was impacted and that she had subsequently sought support and treatment, but she provided no evidence of this to the panel. She indicated to the Council that she consented to it seeking information [PRIVATE] but did not appear to have requested that either the HCPC or Social Work England obtain medical information, nor had she provided any. She provided no certificates of training and instead relied upon the information provided by her manager; it appeared the only training she had undertaken was that mandated by her manager.

99. The panel was unable to identify any remorse from Ms Horner in respect of her conduct, or any meaningful remediation. It was pleased that she did appear to recognise [PRIVATE] and personal circumstances had impacted on her conduct at the time, but had no information from her as to her current position, personally or professionally. There was also no recognition of the impact of her conduct upon the Foster Carer or the colleague she tried to draw in, SW.

100. The panel found all bar one of the allegations to be proved, and that Ms Horner had maintained her denial to her employer throughout the disciplinary processes, but considered that the conduct was capable of remediation, albeit harder to remediate than other failings given that it involved a finding of dishonesty. The panel considered that she had provided it with little evidence of developing insight and remediation and no information as to whether she was remorseful and recognised the seriousness of her conduct. Her conduct had fallen significantly short of the standard expected of a social worker and this was compounded by her maintenance of a denial throughout her employer's disciplinary process. It was satisfied that Ms Horner was impaired on the "personal" aspect.

101. The panel then carefully considered the "public" element of the test for impairment, conscious that Social Work England guidance states that 'any admission of the facts does not necessarily make a concern less serious'. In considering the public component of impairment, the panel had regard to the important public policy issues which include the

need to maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It recognised that some concerns are so serious that action is required even if the social worker poses no current risk to the public, because not marking the conduct could undermine public confidence in social workers generally, or may fail to maintain the professional standards expected of social workers.

102. In this case, the panel identified concerns about potential harm to service users, as well as a real risk of this conduct being repeated given the lack of remorse, remediation and insight demonstrated by Ms Horner. The panel considered that Ms Horner may pose a risk to the public if allowed to return to practise without restriction. The public and her fellow professionals would be concerned at her attempts to secure the care of a child as she did and this would impact adversely on the public's view of the profession.

103. The panel concluded that a reasonable member of the public, having knowledge of all of the above factors, would be shocked if Ms Horner's ability to practise was not found to be impaired on the public component of impairment. Further, to uphold the standards of the profession and public confidence in the profession and the regulator, it was necessary to mark the disapproval of her conduct and highlight that registered social workers must always put the needs of the service users and carers before their own, and be trustworthy. Accordingly, the panel found Ms Horner's fitness to practise is currently impaired on the public aspect of the test for impairment.

The final hearing panel on 28 January 2021 determined the following with regard to sanction:

19. In relation to sanction :

110. The panel considered that there were the following aggravating features in this case:

- a) Child A was particularly vulnerable to harm due to her age (3 months) and health condition (drug withdrawal);*
- b) Ms Horner abused her position of authority and trust in relation to the Foster Carer;*
- c) Ms Horner involved a less experienced colleague in her attempt to have the care of Child A;*

and the following mitigating features:

- d) The conduct related to a short period; of two days;*
- e) Ms Horner was experiencing difficult [PRIVATE] and personal circumstances at the time of the misconduct.*

111. The panel noted that Ms Horner made some admissions within her response to the allegation in September 2020 but these were limited. The allegations that had been found proved were serious and although harm had not materialised for Child A, the potential for harm could not be ignored. The panel considered it imperative that the public have confidence and trust in social work professionals and the regulator. Accordingly, the panel did not consider it appropriate to address this matter by way of no further action, advice or a warning. The misconduct had the potential to have serious

consequences even if those consequences had thankfully not actually occurred on this occasion

112. The panel therefore moved on to consider whether a conditions of practice order would be appropriate. The purpose of a conditions of practice order is to restrict a social worker's practice to protect the public, require them to take remedial action or impose a combination of both. Imposition of a conditions of practice order means that the panel is satisfied that the social worker is capable of practising safely and effectively, beyond the conditions, the conditions being remedial or rehabilitative in nature. The sanctions guidance provided by Social Work England does however provide that:

Para 84 "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 sexual misconduct, violence, dishonesty, abuses of trust and discrimination involving a protected characteristic."

And

Para 109 "Evidence of professional competence cannot mitigate serious or persistent dishonesty. Such conduct is highly damaging to public trust in social workers and is therefore usually likely to warrant suspension or removal from the register."

113. There was no evidence before the panel as to Ms Horner's current personal or professional circumstances and the panel was therefore unable to determine the state of her competence at present. It noted however that there had been no indication from the Presenting Officer that the regulator was aware of any previous regulatory issues, and her employer had dealt with the conduct by way of a final written warning.

114. The panel considered whether any conditions could be drafted in this case to address the concerns it identified. It concluded that it would not be possible to draft workable conditions that were not tantamount to a suspension. Further, conditions were unlikely to be able to be drafted which would sufficiently mark the serious nature of the conduct. Finally, for conditions of practice to be successful, it would be necessary for Ms Horner to accept and engage with them, and there was no indication that she was prepared to do so at this stage. Accordingly, a conditions of practice order was not an appropriate sanction to impose in this case based on the information available to the panel at present.

115. The panel concluded that the nature and seriousness of the misconduct was such that the public and the wider profession would consider anything less than a Suspension Order to be insufficient. A period of suspension would enable Ms Horner to address the difficult personal circumstances she appeared to be facing, undertake appropriate

training and reflection and enable her to demonstrate to the regulator that the impairment of her practise had been remediated.

Social Work England submissions:

20. The panel received the following by way of written submissions from Capsticks on behalf of Social Work England:

"Subject to any indication of further engagement or a desire to undertake remediation prior to or at the review hearing, Social Work England invite the Panel to consider directing removal from the register.

The Social Worker did not attend the Fitness to Practise hearing that resulted in her current order of suspension. The Social Worker has not engaged with Social Work England since the Substantive Suspension Order was imposed at the conclusion of the final hearing between 25 and 28 January 2021.

The Social Worker has not followed the recommendations of the previous Panel and has failed to provide any information pertaining to her health, any reflection, or any evidence of training or CPD. She has not provided any testimonials from paid or unpaid work, social work or otherwise. Accordingly, absent any evidence of remediation or an attempt to maintain her social work skills and knowledge, Social Work England invite the Panel to find that the Social Worker's fitness to practise remains impaired and to consider a removal order."

Social Worker submissions:

21. There has been no engagement by Ms Horner with Social Work England since the suspension order was imposed at the conclusion of the final hearing on 28 January 2021 and she has not submitted any evidence in response to the recommendations made by the original panel which included writing a reflective piece, providing references or testimonials and up to date information about her health and wellbeing.

Panel decision and reasons on current impairment:

22. The panel first considered whether Ms Horner's fitness to practise remains impaired.
23. 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 original panel, however it has exercised its own judgement in relation to the question of current impairment.
24. The panel had regard to all of the documentation before it, and the written submissions made by Capsticks on behalf of Social Work England. It also took into account the Impairment and Sanctions Guidance published by Social Work England.

25. The panel heard and accepted the advice of the legal adviser which included that:
- a. In practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged and addressed the past impairment;
 - b. The panel must determine whether Ms Horner's fitness to practise is impaired today, taking into account her conduct at the time of the events and any relevant factors since then such as whether the matters are remediable, have been remedied and any likelihood of repetition.
26. 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.
27. The panel took into account the findings of the original panel that Ms Horner had not engaged with that hearing, recognised the seriousness of her actions, shown regret, insight, remorse or remediation, and that there was a very high risk of repetition.
28. The panel noted that none of the clear and helpful recommendations of the previous panel have been addressed by Ms Horner. She has not provided any information pertaining to her health, any reflection, or any evidence of training or CPD. She has not provided any testimonials from paid or unpaid work, social work or otherwise. Ms Horner's current circumstances are unknown and there is no evidence before the panel to confirm any changes since the substantive hearing findings.
29. Although Ms Horner has previously engaged with Social Work England to a limited extent, there has been no engagement by her with Social Work England since before the previous hearing, which is a significant period of time. She has not attended this hearing. There therefore remains no demonstration of regret, insight, remorse or remediation. The panel concluded that there is no evidence provided to suggest that the risk of repetition of the misconduct has reduced and there therefore remains a very real risk of repetition.
30. The panel found that Ms Horner's fitness to practise is currently impaired.

Decision and reasons on sanction:

31. Having found Ms Horner's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel accepted the advice of the legal adviser that under Schedule 2, paragraphs 15(1)(a) to (c) of the Regulations the panel can:
- a. extend or further extend the period for which the order has effect, provided that the extended period does not exceed three years from the date on which it is extended or further extended;
 - b. with effect from the expiry of the order, make any order which the original panel could have made provided that the period for which the orders have effect does not exceed three years in total;

- c. 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;
 - d. revoke the order with effect from the date of the review for the remainder of the period for which it would have had effect.
32. The panel considered the submissions made by Capsticks, on behalf of Social Work England, which invited the panel to consider imposition of a removal order. The panel also took into account the Impairment and Sanctions Guidance published by Social Work England.
33. The panel was mindful that the purpose of any sanction is not to punish Ms Horner, 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 Horner's interests with the public interest and by considering each available sanction in ascending order of severity.
34. The panel bore in mind Social Work England's overarching objective which is to protect the public which is achieved by:
- a. protecting, promoting and maintaining the health, safety and wellbeing of the public;
 - b. promoting and maintaining public confidence in social workers in England; and
 - c. promoting and maintaining proper professional standards for social workers in England.

Decision on whether to revoke order/make no further order

35. The panel noted the following paragraphs of the Impairment and Sanctions Guidance:

215. If a social worker remains not fit to practise, the adjudicators will make a decision on what order should be imposed.

216. A social worker must not be allowed to resume unrestricted practice unless the decision makers are satisfied their fitness to practise is no longer impaired.

36. The panel concluded that, in view of the nature and seriousness of Ms Horner's impairment which has not been remedied, and in the absence of exceptional circumstances, it would be inappropriate to take no further action on her registration. Furthermore, it would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession, given the high risk of repetition.

Decision on whether to issue advice or warning on expiry of suspension order

37. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict Ms Horner's ability to practise and is therefore not appropriate where there is a current risk to public safety. Therefore, the panel concluded that issuing advice or a warning would be inappropriate and insufficient to meet the public interest.

Decision on whether to impose a conditions of practice order on expiry of suspension order

38. The panel went on to consider a conditions of practice order. The panel took the view that, given the misconduct findings in this case which are attitudinal in nature, and the lack of any recent engagement from Ms Horner, workable conditions could not be formulated.

Decision on whether to extend period of suspension order

39. The panel next considered whether to extend the current period of suspension. The panel noted that not only did Ms Horner fail to respond to the notice of substantive order review hearing, she also did not respond to the letter from Social Work England dated 2 November 2022 which was delivered to her registered address. This letter had reminded her:
- a. of what the determination had specified that a reviewing panel would be assisted by;
 - b. that if she wished to provide this evidence, she should send it via email, by 18 November 2022;
 - c. if she preferred correspondence via email, she could update her contact details via her Social Work England online account.
40. The panel also noted that Capstick's letter dated 6 December 2022, delivered on 7 December 2022, gave Ms Horner a further opportunity to respond by 21 December 2022. She did not respond to this letter either.
41. The panel concluded that given the prolonged period of time with no engagement from Ms Horner, despite communications from Social Work England and Capsticks, she is unlikely to engage with Social Work England in the future, or take the necessary steps in order to satisfy any reviewing panel that her fitness to practise is no longer impaired.
42. The panel, therefore, concluded that a continued suspension order in this case was not appropriate.

Decision on whether to impose removal order on expiry of suspension order

43. The panel was satisfied that a removal order was available to it as Ms Horner's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2), (e) or (h) and she will have been suspended from practice for a continuous period of two years immediately preceding the day when the removal order takes effect.
44. The panel noted that a removal order is a sanction of last. The panel noted the determination of the panel at the original hearing that:

"It considered that a Removal Order may have been appropriate had Ms Horner not engaged with the regulator on the conduct of the hearing. Given that she had in fact engaged with the regulator (though on a very limited basis), undertaken some training, recognised (belatedly) that her personal circumstances impacted her judgement in 2017 and instructed a representative to assist her, albeit not attend the hearing, the panel found that it would be disproportionate and excessive to impose a Removal Order at this stage. Further, a Removal Order would not be in the public interest – a Suspension Order would give her the opportunity to demonstrate insight, remorse and remediation, if she wished to remain in the profession."

45. Ms Horner has not taken the opportunity to demonstrate insight , remorse and remediation that was afforded to her at that hearing. The determination was clear how close she had come to being removed from the register.

46. The panel noted the following paragraph of the Impairment and Sanctions Guidance:

149. A removal order may be appropriate in cases involving (any of the following):

...

- social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)

47. Given the panel's conclusion that Ms Horner has not engaged since before the final hearing, and is unlikely to engage with Social Work England in the future or take the necessary steps in order to satisfy any reviewing panel that her fitness to practise is no longer impaired, the public interest is not served by keeping her on the register, with the associated requirement for future review hearings.

48. The panel determined to impose a removal order.

Right of Appeal:

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

50. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), 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.

51. Under Paragraph 16(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
52. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
53. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders

54. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 of The Social Workers Regulations 2018 (as amended):
- 15(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry.
 - 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).
55. Under Rule 16(aa) of the Fitness to Practise Rules 2019 (as amended), a 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.

The Professional Standards Authority

56. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a review decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the high court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at:

<https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>